I. PLEDGE OF ALLEGIANCE

Chairman John Upton called the regular April 26, 1995, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:40 a.m. and asked Vice Chairman Drake DeLany to lead in the Pledge of Allegiance.

Mr. Upton welcomed Peter Chase Neumann, President Clinton's appointee, to the Governing Board. Mr. Upton noted that Mike Harper was sitting in as Washoe County's representative and Wayne Chimarusti was present for Carson City.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. Delany, Mr. Waldie, Dr. Miner, Mr. Severson, Mr. Heller, Mr. Cole, Mr. Chimarusti, Mr. Cronk, Mr. Westergard, Ms. Neft, Mr. Harper, Ms. Hagedorn, Mr. Wynn, Mr. Neumann, Mr. Upton

Members Absent: None

III. PUBLIC INTEREST COMMENTS

Ms. Tricia Ronald, for the League to Save Lake Tahoe, asked that time be reserved later in the meeting for comments by League Executive Director Rochelle Mason, who was at the bond measure hearing in Carson City.

South Lake Tahoe Mayor Margo Osti asked the Board at its retreat on Thursday to consider TRPA's role in the housing issues as they related to the Tahoe Basin. She quoted from the report "Beyond Sprawl" and specifically commented on housing problems in the City, the need for rehabilitation, and development of a housing plan. She urged TRPA in looking at achievement of its environmental goals to look at ways to replace existing, old substandard housing with new quality housing. Ms. Osti responded to Board member questions on TRPA's planning role as it related to housing.

Mr. John Wans, with the U.S.D.A. Forest Service, Lake Tahoe Basin Management Unit, described the Forest Service's next phase of implementation for long-term health of the forest ecosystem in the Basin. He summarized the analysis and plans for the project known as the "North Shore Project." The area of analysis extended from the Truckee River corridor at Tahoe City to the watershed just south of Incline. The NAPA process was being initiated at this time. The four areas of emphasis for the project included enhancement of wildlife, management of fuels and urban/forest interface, protection and
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improvement of riparian and aquatic resources, and movement of the forest toward the desired condition. A draft EIS should be available by July or August.

IV. APPROVAL OF MINUTES

MOTION by Mr. DeLaney to approve the regular March 22, 1995, Governing Board minutes. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells noted the following: 1) agenda item X.A. (report on East Shore timber harvest project) to be taken up after project review items; 2) agenda item XII.B.2. (Schumacher settlement agreement) to be taken up early in the meeting, because of the presence of outside counsel; and 3) action on amendment of Personnel Policies (item IX.A.) and appointment of APC lay members (item XII.D.2.) to be taken up after the noon Rules Committee discussions.

MOTION by Mr. Sevison to approve the agenda as discussed. The motion carried unanimously.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

B. Legal Committee

3. TRPA v. Schumacher, Settlement Agreement

(Mr. Wynn noted that in Nevada there were loosely defined conflict of interest rules. In California, generally, there was a rule that if someone owned property within 200 feet of an issue there could be a conflict of interest. Since Mr. Schumacher was his next door neighbor, he would be abstaining from this matter.)

Outside Agency Counsel Tom Susich noted that the Legal Committee had recommended acceptance by the Board of the proposed settlement in the Schumacher litigation.

Legal Committee member Cronk concurred that the Committee did review the matter at length and found the agreement acceptable under the circumstances. There were a number of Committee members who were not pleased with the circumstances or processes that led to the situation in which the Agency found itself. This would cause future discussion as to aspects of the ordinances relating to contractors and subcontractors and to procedures TRPA had been following on such matters.

MOTION by Mr. Cronk to approve the settlement agreement in the Schumacher matter. The motion carried with Mr. Wynn abstaining.

VI. CONSENT CALENDAR

Mr. Wells advised the Board that staff had distributed a copy of an added condition of approval for the John Fellows commercial addition (item 4) to
address a grading violation which had occurred after preparation and mailing of the staff's summary. Item 5 (William Day, resolution of enforcement) was to be continued since the Legal Committee did not approve the settlement agreement. Item 9 (El Dorado County five-year project list) was to be amended to add a trolley project to the list; the trolley would cost $110,000 in mitigation funds. The Finance Committee considered this matter early in the day and recommended approval.

In response to Mr. DeLany's question regarding protection for TRPA in its approval of residences in an avalanche hazard area, Mr. Wells explained that a condition in those permits required TRPA approval of a hold-harmless clause in property recordation documents.

Mr. Cole commented that the site description for item 4 should be modified to show the property at the Northeast corner, not the northwest corner.

Mr. Wells explained that the Assessor Parcel Number would pin down the parcel.

No one in the audience wished to speak on any consent calendar items.

MOTION by Mr. DeLanoy to approve the consent calendar as discussed (adding a condition on item 4, continuing item 5, amending item 9). The motion carried unanimously.


VII. PROJECT REVIEW

A. Altwater Trust/Schumacher, Modification of Permit Conditions for a Multiple-Use Pier Expansion Permit, Washoe County APNs 130-230-16 and -17 (continued to the May meeting as noted on agenda)
B. Old Forge Trust, Pier Modification/Expansion, 1041 Lakeshore Boulevard, Incline Village, Washoe County APN 130-230-09

(Mr. Wynn advised he would not participate in the discussion or action on this matter.)

Associate Planner Jim Lawrence presented the staff summary and recommendation for approval of the proposal to extend by 10 feet a legally existing 92-foot pier and to remove a boathouse and replace it with a floating adjustable deck. The future pier would extend just short of the pierhead line. Staff felt that there would be an improvement to scenic quality because of the boathouse removal. Mr. Lawrence distributed a photo simulation of the proposed project and explained the property was not in a prime fish habitat. The Nevada Division of Wildlife had verified the project would not have an impact on the fishery. Mr. Lawrence responded to questions regarding the pierhead line and a structure's impact on scenic quality in general.

Attorney Ron Alling, on behalf of the applicant, advised he was in accord with the conditions set forth in the staff summary.

MOTION by Mr. Cole to make the findings to approve the Old Forge proposal. The motion carried unanimously. (Mr. Wynn was absent.)

MOTION by Mr. Cole to approve the project with conditions as proposed. The motion carried unanimously. (Mr. Wynn was absent.)

(Mr. Wynn returned to the dais.)

C. Garwoods Grill, New Buoy, 5000 North Lake Boulevard, Carnelian Bay, Placer County APN 115-050-28 and 29

(Mr. Waldie advised that applicant Tom Turner had called him on April 25 to see if he had any questions on the proposal. He discussed the project with him. Mr. Severson indicated the same, and Mr. Upton noted he had talked with Mr. Turner a month previously.)

Agency Legal Counsel R. J. Nicolle asked those Board members who had talked with the applicant previously to disclose any information which they had learned in the earlier discussions which were not now a part of the record. This would assure that the decision would be based on the public record.

Associate Planner Jim Lawrence explained the project's history and staff's recommendation for denial of the proposal to place 14 buoys permanently off Garwoods Grill. In July 1993, the Board approved a temporary permit for 14 buoys. In May 1994, the Board approved a six-month extension on the temporary buoy permit. There was public access to the buoys and the pier. Staff recommended denial because the Code prohibited placement of permanent structures in areas mapped as fish habitat. This area was mapped as spawning habitat. Staff responded to Board member questions regarding the position of California Fish and Game and apparent conflicts between fish habitat regulations and recreation goals.
Executive Director Jim Baetge explained that the shorezone cumulative study was delayed until the fall so that the draft EIR could be completed and circulated. As noted, it was possible there was a conflict here between the recreation and the habitat thresholds. The data was not really available on impacts of structures on fish spawning habitats. While the Code would not permit a permanent buoy field at this time, there may be some middle ground for a demonstration project to show how the existing buoys would affect fish spawning. Research to get some answers could be accomplished this summer.

Mr. Waldie suggested this application was quite unique from previous shoreline proposals because it provided total public access to the pier, to the buoys, and to the private restrooms. If the buoys could not be permitted on a permanent basis at this time because of lack of fish spawning information, he believed TRPA should attempt to accommodate the applicant by seeking at least an extension of the temporary permit either to accomplish a demonstration project or to accomplish the waiting period between now and the presentation of the shorezone report by the Shoresone Committee.

The Board members discussed the number of buoys over the years at the site, the impacts of buoy removal, buoy construction, removal of buoy chains during the winter months, visual issues and the scenic analysis, and the accuracy of the fish habitat maps.

Mr. Baetge explained that the Board previously granted a temporary permit for the buoys for various reasons including provision of public access. At that time the Board was also looking at modifying the shorezone ordinance, and research studies were also proceeding on fish spawning and habitat. The shorezone ordinance was delayed, partially because the fish spawning issue could not be addressed due to low lake level. While it may be awkward to issue another temporary permit in this case, there was a fairness issue here because of the public access nature of the facility and because the ordinance had been delayed for lack of information on the fish spawning habitat. The questions were whether the Board felt comfortable rejecting the proposal, whether it could approve it permanently, or whether the Board could send the matter back to staff for further analysis.

Mr. Upton commented there may also be an issue whether the 1984 maps on prime fish habitat were accurate.

Mr. Westergard suggested it may be appropriate to grant a temporary permit until completion of the shorezone study, using the demonstration aspects of the project as rationale, and, at the same time, to ask the applicant to participate in the demonstration project in some way.

Mr. Wynn suggested that if there were ambiguities in the 1984 Prime Fish Habitat map, as information presented to the Board would indicate, the prohibition on which the staff's denial was based may not be applicable. This would appear to give the Board the ability to extend the temporary permit pending clarification of the data. There was rationale to approve the proposal until more definitive information was available.

Mr. Sevison suggested that a demonstration project may not be accomplished in one year, knowing how long things took. He would prefer to see the timeframe
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for use of the buoys being tied to when the study would be completed and the evidence provided. It could take one to two years to accomplish this.

Mr. Waldie asked that it be clear the Board was discussing an extension of a permit for existing buoys; new buoys were not the issue, and no precedent was being set.

MOTION by Ms. Hagedorn to approve the Garwood buoys temporarily based on provision of public access, to waive any additional fees for the applicant due to the delays, and to wait for a report from the Shorezone Committee before making a final and permanent determination.

Agency Special Projects Attorney Susan Scholley noted that the Code did allow for a temporary permit; a second temporary permit was the right mechanism, rather than an extension of the temporary permit. This was an unusual situation, and the Board was considering approval because of the extenuating and special circumstances as discussed. A second temporary permit could be issued for this season and another extension considered, if necessary, for the 1996 summer season. It was not appropriate for the Board to approve the temporary permit at this meeting but rather to refer the matter back to the staff to complete some of the few remaining outstanding issues. Temporary permits were typically approved at the staff level. She asked that the motion be amended to direct staff to complete review of the project in the hope that another temporary permit could be issued.

Ms. Hagedorn noted that Ms. Scholley's remarks summarized the intent of her motion. The intent was to have the buoys operational this summer.

Ms. Scholley explained that staff was well aware of the applicant's wish to be in operation this summer. While the buoys were not in place at this time, the weights and chains were.

Mr. Wynn questioned whether the Board had the ability to grant a temporary permit for 24 months without having the matter be referred back to the staff.

Ms. Scholley responded that the scenic analysis needed to be completed prior to issuance of the permit. This could be accomplished in a very short timeframe.

Mr. Lawrence noted that the area was accurately recognized as a fish spawning habitat. The question was to what extent lakeward it was fish spawning.

Mr. Tom Turner, from Garwoods, distributed a handout on the fish habitat and suggested that all scenic work was done previously for the pier and the buoys. In his opinion, the single remaining issue was location of the fish spawning habitat. To respond to this concern, he had placed the buoys in a 50-foot grid, 418 feet out from low lake level and out of the fish spawning area. Mr. Turner presented more information on the fish habitat and requested the Board consider a permanent buoy field. He had spent approximately $90,000 for the consultants, attorney, and permit process for the previous pier approval - in addition to building the pier. He agreed there was fish spawning in shallower waters off Garwoods, but the buoys were in 25 feet of water, well outside the fish spawning habitat. If he had the ability to rent the buoys
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yearly, he would be more inclined to participate in a demonstration project financially. At this point, it would be hard to justify the expense when there was no income from the buoys. He had no objection to the site being used for a demonstration project.

Ms. Hagedorn expressed appreciation to Mr. Turner for opening the facility to public access. She did not feel the Board could at this time grant a permanent permit for the buoys. She was trying to find a way for Garwoods to continue its business without further fees. Her motion was to allow Mr. Turner to proceed with his business with a temporary permit (for the buoys), with no demonstration requested of him. There would be a waiver of future fees if he had to come back because of the shorezone study. The permit status should be kept in the context of the shorezone study.

Mr. Turner accepted Ms. Hagedorn’s explanation of the motion.

Mr. Sevison explained that the California Tahoe Conservancy was in the process of planning for future public use on the adjacent parcel. It may be possible as part of the development of that park for the Conservancy to help in a fish habitat study. He urged staff to contact the Conservancy to discuss this further.

Mr. DeLanoy suggested that the permanent buoys be approved automatically if it was found in the shorezone study that they would not interfere with fish habitat. This would eliminate the need for Garwoods to come back in two to four years for a permanent permit.

Mr. Harper questioned the wisdom of this if the study found there was an adverse impact. Would Garwoods be required to remove the buoys? He did not favor contracting a future Board’s powers. The Board had an obligation to the applicant and to the Agency to make supportable findings and approvals.

Ms. Hagedorn concurred with this approach. Her motion was to issue a temporary permit based on the fact the Agency had an intent to relook at the fish habitat. Evidence now showed there was no apparent, substantial effect on fish spawning or fish habitat. The study would bring new evidence to confirm that one way or the other.

Ms. Scholley suggested it was not appropriate to make any promises or take any action at this time with respect to a future application for permanent buoys at Garwoods. It may be appropriate to waive application fees in the future, based on what had taken place to date. It would not be appropriate to take a forward action for automatic approval or waiver of future fees.

Ms. Hagedorn asked that her motion be acted on in two parts.

MOTION rephrased by Ms. Hagedorn to authorize staff to complete review of the temporary buoy application and to issue a permit if appropriate. The motion carried unanimously.
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MOTION OF INTENT by Ms. Hagedorn on this particular application, because of the special conditions, that, if the shorezone study results clearly say TRPA has the right and should make this a permanent permit, TRPA would do so and waive those fees for this particular applicant - not put this applicant through additional expense if the Board decided to take this action in concert with the shorezone study. The motion carried with Mr. Chimarusti voting in opposition.

Mr. Chimarusti explained that he did not oppose waiving the fee but felt it should be addressed in the future.

X. PLANNING MATTERS

A. Status Report on Condition of Approval for the East Shore Timber Harvest Project

Associate Planner Paul Nielsen, with Project Review, explained this report was a requirement of the Board's approval in June 1994 of the east shore timber harvest project. The topic of the report was the amphibian portion of the riparian study funded by the California Tahoe Conservancy.

Mr. Chris Knopp, Watershed Staff Officer with the Lake Tahoe Basin Management Unit of the Forest Service, explained the riparian grant funded by CTC with cooperation from the Forest Service, U.C. Berkeley, and University of Nevada at Reno. The three components of the study included videography and low level flights of all the riparian areas within the Basin for the purpose of defining riparian vegetation and channel stability and type, a geomorphological assessment, and the biodiversity investigation. This overall investigation, of which the amphibian study was a small component, would look at all species within the Basin with the exception of macroinvertibrates and fish. The product from the riparian assessment of amphibians was going to be information on distribution and abundance of the forest species of amphibians in the Basin. This year's work would have eight people in the field collecting data, with the bulk of the work occurring next year and possibly the following year. The final report would likely be available in three years.

VIII. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. Amendment to TRPA's Regional Transportation Improvement Program (RTIP)

Transportation Planner Bridget Mahern presented the summary for amendment of the RTIP to provide for purchase of rolling stock with a Federal Transit Administration Section 3 grant. The amendment to the grant would be for purchase of two new used trolleys, one each for North Shore and South Shore. The resolution would amend the current RTIP to include purchase of rolling stock in accordance with a Section 3 grant. While alternative fuels for the lake tapper buses were considered, there was a question whether the source was available at the Lake. The trolleys were used vehicles, and alternative fuels could not be used.

Ms. Hagedorn expressed concern with use of old diesel-polluting vehicles in the Lake Tahoe Basin. She asked that consideration be given to vehicles that
used alternative fuels. Great progress had been made in affordability, source of fuel, and reliability.

Mr. Sevison commented on problems faced by public entities whose project approvals expired prior to availability of project funding. This was something for the Board to address in its long range planning discussions.

No one in the audience wished to comment on the resolution.

MOTION by Mr. DeLaney to adopt RTPA Resolution No. 95-1 amending the 1991 RTIP as proposed. The motion carried unanimously.

B. Programming of FY 1994-95 Federal Transit Administration (FTA) Section 18 Funds ($36,060) for Trolley Service in South Lake Tahoe and Tahoe City

Ms. Mahern presented a summary of the resolution which would provide for programming of funds for the Tahoe Transportation District operating expenses for both the trolley services in North Shore and South Shore.

No one in the audience wished to comment on the resolution.

MOTION by Mr. Sevison to adopt RTPA Resolution No. 95-2 as proposed. The motion carried unanimously.

XIII. REPORTS

A. Executive Director

2. Status of California and Nevada Legislative and Funding Issues

Executive Director Jim Baetge updated the Board on legislation in California and Nevada regarding a change in Governing Board membership. Nevada Assemblyman Ernaut's bill would be heard this Friday in a revised form. Of the two California bills proposed by Assemblyman Knowles, one did not get out of committee, and Mr. Knowles had pulled AB 131. Although there was an effort to go after TRPA's funding in the Assembly, the Assembly committee on April 25 voted to give TRPA its budget as proposed. The Senate, however, cut ten percent of the general fund and 25 percent of TRPA's travel budget, for a total loss of $84,000. The resulting cut in Nevada because of the 2/3-1/3 funding split would have a serious effect on TRPA. Board member help on the budget would be needed.

Mr. Baetge advised that the $20 million bond act (AB 13) was being heard today in Nevada. Getting the bond issue on the ballot appeared likely at this time, due to the hard work by many people.

Mr. Chimarusti suggested there was some concern on the part of committee members about California's action on TRPA's budget. One argument to consider in California hearings was the effect the cuts would have on Nevada's contribution to TRPA. There could also be an adverse impact on getting the $20 million bond on the ballot.
Mr. Baetge advised that TRPA staff would be making a presentation to the California State Water Board on the capital improvements portion of the 1996 threshold evaluation next week. Senator Leslie liked the discussion on threshold evaluation and suggested it would be good to have TRPA make a presentation to the Senate Natural Resources Committee as well. TRPA needed to be heard on these positive programs, since there was not a lot of understanding and information on TRPA's efforts down in Sacramento.

Mr. Severson suggested TRPA participate in the two-day fall field trips conducted by the Conservancy. This would be particularly helpful in the next funding cycle.

Mr. Chimarusti suggested the Nevada Oversight Committee was a very useful way to get information out about TRPA's programs and needs. He encouraged a continuation of this program. Mr. Baetge noted that Nevada recently adopted a resolution continuing the oversight function.

3. Notice of Preparation, EIR/EIS Supplement for the Ski Run Component of the South Lake Tahoe Redevelopment Project No. 1


5. Notice of Circulation, Draft EIR/EIS for the Heavenly Master Plan

Mr. Baetge commented on the status of these three environmental documents (agenda items 3., 4., and 5.). These documents addressed impacts of major future projects and outlined and described substantial changes in the Highway 50 corridor. The Heavenly project would lead to major transportation improvements in the South Shore. What was proposed in this area was unique because a single mitigation package was being proposed for several projects. The Board would see a proposed agreement among all parties soon.

Mr. Bob Baer, General Manager for the South Tahoe Public Utility District, noted that the South Tahoe PUD future connections plan and proposal were a part of the larger package. He anticipated Board consideration of the plan in May. The export line replacement project was critical in light of recent spill occurrences and was the first phase of several. This particular phase would replace the line near the airport. The 15-year replacement schedule would need to be accelerated. Lahontan last week approved STPUD's pursuit of low interest loans in California.

Mr. Cole concurred with the urgency of the project and asked if staff could anticipate the STPUD facilities plan in May. He was anxious about being able to move forward with it and to settle building season issues.

Mr. Wells responded that staff had received the Response to Comments on the environmental document this week and was working on its review to make sure the document was ready for APC and Board consideration. This was difficult to complete adequately because of the Board meeting and retreat this week. Staff was doing the best it could to complete the review. If staff found that further refinement or modifications were needed, then it would likely be June.
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The companion action to certification of the document was release of the allocations. The goal was to bring that with the document to the Board at the same time. The action could be taken as late as June and still provide for a building season.

Mr. Cole expressed serious concern with postponement to June because of the building season impact and the effect in the community. His numbers showed a $1 million loss in revenue to STFUD, $1/2 million to the local school district, $232,000 to TRPA, approximately $150,000 to El Dorado County, and $80,000 to South Lake Tahoe. This was substantial because of the trickle down effect. He urged the matter be heard in May if possible.

Mr. Wells noted that it was important that the document withstand any legal challenges, and staff did not want to present a document that had less than a complete and thorough review. This was the bind staff was in because it had received the document so late.

Mr. Upton concurred with Mr. Cole’s comments and explained the telescoping effect on the community and impact of any delays from a practical and industry standpoint.

Mr. Sevison suggested that the City and County process plan checks and applications to the extent they could so that projects would be ready to go once the allocation decision was made.

Mr. Cronk questioned why these decisions were coming so close to the building season, since it seemed more appropriate that these decisions about building, allocations, and plan approval be made in the winter or earlier in the year. It seemed that May was too late to be making these kinds of decisions.

Ms. Hagedorn suggested that it was not appropriate for staff to take the brunt of the concern regarding rushing something through the system, since it was not staff’s fault that there was a scheduling problem.

Mr. Westergard concurred, suggesting the community should recognize that this was not a legitimate TRPA-bashing issue.

Ms. Rochelle Mason, for the League to Save Lake Tahoe, commented on the timing issue and pointed out that the League and the California Attorney General’s Office entered into an agreement in 1988 concerning STFUD’s effort to raise funds to replace the sewer lines. The situation here was not a surprise to anybody. This plan was part of a process that had been in the works for seven years. It was STFUD’s own decision to delay taking care of the pipeline issue while it was debating getting Federal funding to build a corridor underneath the Heavenly Valley mountains into Nevada. The fault here was with STFUD and not with anyone else. In spite of the half dozen recent extremely serious spills in the last few months, STFUD was asking to handle even more sewage. This was a serious issue, and TRPA should not over-rush the process.

Executive Director Jim Baetge noted that he had received sufficient Board direction based on the discussion.
The meeting recessed for a lunch break from 12:00 to 1:35 p.m. The Rules Committee met during the lunch recess.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

D. Rules Committee

1. Report on Committee Meeting

Acting Committee Chairman Mike Harper explained that the Committee considered the Personnel Policy Manual amendments and recommended approval with several changes, as follows: 1) change to Policy 1.17 (Agency Counsel, Special Projects Attorney and Other Legal Counsel), that Agency counsel shall direct supervise the work of any outside counsel hired by the Agency; 2) defer action on Policy 2.6 (Vacation) to broaden vacation benefits for returning employees; and 3) change Policy 2.7 (Leave of Absence Without Pay) to delete sentences regarding availability of position for returning employees. If an employee took advantage of the leave without pay provision, TRPA would assure an opening but could not guarantee the same position. With these changes, the Committee recommended approval.

MOTION by Mr. Harper to approve the recommendations of the Rules Committee regarding amendment of the Procedures Manual as proposed. The motion carried unanimously.

XI. ADMINISTRATIVE MATTERS

A. Quarterly Status Report on Work Program Priority Milestones

Deputy Director Jerry Wells summarized the priority milestones, the third quarterly report for the fiscal year. There were 13 milestones this quarter; of these six were completed, and seven were deferred. Mr. Wells highlighted the status of goals relative to focus group efforts, forest health recommendations, redevelopment in the North and South Shores, the Community Plan program, and formation of assessment districts for BMPs. He responded to Board member questions. The Board took no action.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Report on Committee Meeting

Acting Committee Chairman Neft reported on the early morning Committee meeting.

2. Receipt of March Financial Statement and Check Register

MOTION by Ms. Neft to receive the financial statement and check register as recommended by the Committee. The motion carried unanimously.
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3. Revisions to the FY 94-95 Operating Budget

Ms. Neft reported that the Committee recommended approval of the revised budget figures. TRPA was within budget, and there would be a surplus of $5,000 at the end of the year. Expenses were projected to be $3,202,719; revenues were projected to be $3,208,541. (The Board took action on this item after the next agenda item.)

4. Authorization for TRPA to Provide Legal Services to the Tahoe Transportation District (TTD)

Agency Special Projects Attorney Susan Scholley explained the request from the TTD to have TRPA Legal Counsel provide legal representation. Because TRPA and TTD were separate legal entities, she did not feel it appropriate for TRPA counsel to represent the TTD. While there had never been a conflict of interest in the past, there was the potential for it in the future since TRPA was a regulatory and planning agency, and the TTD was an implementing authority. There potentially could be a difference of opinion in the future on funding issues. Because the TTD was in a bind in the short term with respect to signing some federal grant applications and receipt documents, she felt it was appropriate on this limited basis to authorize legal counsel to provide legal service, as well as to authorize the Executive Director to sign a conflict of interest waiver on behalf of TRPA to ensure there was informed consent. Ms. Scholley presented more information on past legal representation of the TTD.

MOTION by Mr. Sevion to approve the recommendation for legal service to the TTD as outlined by Agency Special Projects Attorney. The motion carried unanimously.

MOTION by Ms. Neft to approve the FY 94-95 operating budget revisions. The motion carried unanimously.

B. Legal Committee

1. Report on Committee Meeting

Agency Special Projects Attorney Susan Scholley reported that the Legal Committee discussed the Harle Lawrence resolution of enforcement and would be bringing the matter back in May.

C. Capital Financing Committee

1. Report on Committee Meeting

Mr. Baetge explained that the Committee would be meeting after the regular Board meeting to discuss recent developments. The legislative effort of the Washington trip in February resulted in the Army Corps of Engineers coming to Tahoe to look at both the Cove East and Spooner Summit projects and what role the Corps could play. TRPA staff attended a meeting with the California Tahoe Conservancy and representatives from Mr. Doolittle's staff, and it appeared the Corps would take a role on Cove East. It may take a language change in terms of the Corps' authority, but it was a minor matter that could be
resolved. Although the Corps did not feel that the Spooner project fit the Corps’ role in terms of what it normally did, it may be able to participate in the design of several other watershed projects, like Third Creek restoration. Staff would pursue this further.

D. Rules Committee

2. Determination Regarding Appointment of Alternates by APC Lay Members

MOTION by Mr. Harper to approve the staff recommendation as approved by the Rules Committee that the lay members to the Advisory Planning Commission not be permitted to appoint alternates. The motion carried unanimously.

E. Shoreszone Policy Committee

1. Report on Committee Meeting

Executive Director Jim Baetge noted that as soon as the draft environmental document on the shoreszone study was out for circulation the committee would be meeting. This was scheduled for the first part of June.

XIII. REPORTS

B. Agency Counsel

Ms. Nicolle and Ms. Scholley updated the Board on the TSPC, Hallman, Chase, Anderson, and Stack cases.

Mr. Westergard asked if the contract was in place for outside legal counsel representation of TRPA. Several months ago, the Legal Committee discussed assignment of legal cases on a case-by-case basis.

Ms. Nicolle responded that, under the Agency’s current fiscal procedures, staff was required to select the lowest bidder pursuant to an RFP. It was more important for TRPA to get the most qualified representation, and she was going to be amending the fiscal procedures manual to provide more options.

Mr. Upton suggested the Legal Committee consider these issues at a future meeting, since the matter was not on the April agenda.

C. Governing Board Members

Mr. Westergard noted that the morning’s paper indicated that Nevada Governor Miller had signed most of the resolutions and bills recommended by the Interim Oversight Committee regarding Tahoe.

Mr. Baetge explained that there had been very good response in Nevada on these matters. There were approximately 22 recommendations from the Oversight Committee, and basically all with the exception of one supported everything TRPA was doing. The one exception was the recommendation for TRPA to establish a variance procedure.
Mr. Severson commented on the problem he was facing relating to public benefit of projects v. funding and approval issues. On a recent bike trail project, as an example, the utility district had spent $1/2 million for acquisition and planning. Because of concerns with endangered wildlife in the area of the project, the whole process had been delayed and the permit had lapsed, necessitating a new environmental document. These were the kinds of things he would like the Board to consider in its retreat on Thursday. It was important that TRPA have the ability to weigh the benefit of a project against other considerations. This could occur more often in the future. In addition to the bike trail, the Conservancy would be looking hard at water-borne transportation on the lake and construction of community piers for commute boats. He would not want to face this problem again in this context. He was concerned about large, costly and beneficial projects running into similar problems, and he encouraged the Board to tackle this issue.

XIV. RESOLUTION

A. Commending California Senator Tim Leslie for His Contributions to Transportation Policy

Senior Transportation Planner Richard Wiggins briefly summarized the resolution and Mr. Leslie's hard work on transportation issues in California. In particular Senate Bill 902 was currently going through the legislative process, and from TRPA's standpoint, it would codify a source of revenue for transportation planning. He encouraged the Board's support.

Ms. Rochelle Mason, for the League to Save Lake Tahoe, expressed support for the resolution and suggested there also be a resolution commending Nevada Assemblyman Lynn Metrick for his efforts on the $20 million bond issue and other issues of extraordinary importance to the Tahoe Basin. One of the things the Capital Financing Committee would be discussing later this afternoon would be the tremendous support received from Mr. Metrick, Ms. Ernaut, and Senator Leslie on the collaborative effort of the economic and environmental interests in the Basin.

Mr. Waldie suggested that, while it was nice to recognize individual legislators, there could be hazards here too. Recommending passage of a particular bill was one thing, but commending an individual legislator was not necessarily free of problems. It would be wise for TRPA to think about this further, particularly if such resolutions were not a regular TRPA practice.

Mr. Severson suggested that a good approach to this was for the Chairman to sign a letter thanking Mr. Leslie on behalf of the Whole Board.

Mr. Waldie suggested this was a much better way to proceed. A letter commanding Senator Leslie for a particular action was a good approach.

Ms. Hagedorn agreed, and suggested that singling out some legislators and not others could create problems. There was a whole list of people who could be thanked. Letters were much simpler.

Chairman Upton directed staff to prepare a letter for his signature in line with the sentiments expressed in the resolution.
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Mr. Wynn inquired of Ms. Nason what her thoughts were on recommendations for the Board at its Thursday retreat regarding simplification of TRPA procedures. TRPA was an environmental protection agency; had TRPA gone too far or not far enough in extending its sense of self-awareness into such areas affordable housing?

Ms. Nason suggested that a frequent problem facing TRPA involved TRPA action prior to local action. This was particularly evident with Plan Area Statement amendments, where TRPA's position sometimes differed from the local point of view. The League supported the delegation process in spite of some concern that the local jurisdictions may not have the commitment to apply the Code correctly. The League agreed with the notion that TRPA staff time was better devoted to the bigger issues and the more proactive projects, such as stream zone restoration. With regard to TRPA's involvement in a range of issues, TRPA's role was to work for substantial consensus among the mainstream of opinion - businesses, residents, second homeowners, and public interest entities - to bring them together to see if there was a solution all could live with. This was an efficient way for TRPA to operate. In general there were areas where the League would like to see TRPA go further in terms of environmental protection. There were also some areas where the League would like to see more flexibility. It depended on the issue.

Mr. Wynn asked if Ms. Nason could submit a letter outlining her thoughts on flexibility and where the Agency could be more restrictive.

Ms. Nason explained that time was very limited due to her efforts on behalf of capital financing, bond measures, funding efforts, and educational programs. Her views on these issues would be expressed over time in the context of the threshold evaluation process as it developed.

Mr. Chimirusti suggested that Mr. Wynn's questions of the League assumed that affordable housing, for instance, was not an environmental issue. On the surface, maybe it was not. He had always understood that the reason TRPA got involved in the affordable housing issue was because of transportation impacts and implications. What TRPA was trying to do under the compact was to address transportation thresholds. If the lower end of the economy was living out of the Basin and commuting over the mountain, the problem was being exacerbated.

Mr. Wynn suggested that he recognized this, but the problems created with involvement in affordable housing outweighed the benefits of solving the problem. The time and aggravation that would follow from addressing affordable housing would dwarf previous problems. There were other ways to deal with miles traveled over the roads than reevaluating people's property values and increasing population density in the Basin. He really wanted Ms. Nason's opinion on this, since she did have a long-term perspective on and involvement in Tahoe Basin issues.

XV. PLANNING RETREAT - Thursday, April 27, 1995

At its planning retreat, the Board discussed the three-year strategy, workload priorities, financial strategy and legislative strategy. The Board took no formal action on these items.
XVI. ADJOURNMENT - The April 26 meeting recessed at 2:50 p.m. The April 27 meeting lasted from 9:00 a.m. until approximately 3:00 p.m.

Respectfully submitted,

[Signature]
Julie D. Frame
Clerk to the Governing Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 589-4547. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Doris Court, Zephyr Cove, Nevada.

These minutes were approved as submitted on May 24, 1995.