TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe City Council Chambers
South Lake Tahoe, California

May 25, 1994

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Wayne Chimarusti called the regular May 25, 1994, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:30 a.m. and asked Vice Chairman John Upton to lead in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanoy, Mr. Waldie, Mr. Kanoff, Mr. Uhler, Ms. Cavin (for Ms. Lau), Mr. Klein, Ms. Bennett, Mr. Westergard, Ms. Neft, Mr. Bradhurst, Mr. Upton, Mr. Chimarusti

Members Absent: Ms. Hagedorn, Mr. Cronk, Presidential Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS

Mr. Gregg Lien, on behalf of a number of interested parties, addressed the issue of transfer of development rights and the difficulty in obtaining transferable development rights for multi-residential projects. Although Washoe County set aside 12 allocations for multi-family housing, none of the units were used because there were no residential development rights available at an affordable price. None had really been available since 1992. The only source for these was Bitterbrush and at a cost of $29,000 each. This was a disincentive to moderate-priced housing in the Washoe County portion of the Basin. Because local government approval was required for such transfers to occur across county lines, this issue was perhaps an appropriate topic for the Tahoe Basin Association of Governments (TBAG) to discuss. This issue was also timely because Nevada State Lands was currently discussing with the Nevada Oversight Committee whether to set up a land bank for these types of uses. It would be a win-win situation if the Nevada Division of State Lands through its bank could make some of its residential rights available. Mr. Lien urged the Board to consider inter-county transfers of these units and, also, an expression of support from TRPA to the Nevada State Lands to consider loosening up some units on a trial basis.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, suggested the League would be willing to consider the transfer of development rights across county lines but would strongly oppose the revival of development rights retired by Nevada State Lands. Nevada citizens voted on a bond issue to purchase those lots for permanent retirement. The League would support allocations from the Nevada Legislature to purchase lots from which development rights could be made available, as occurred in California. On another matter, Ms. Nason reported to the Board that the League continued to pursue federal funding for TRPA capital improvement projects.
TRPA REGULAR MEETING MINUTES MAY 25, 1994

Ms. Mary Gilanfarr, from the Tahoe Sierra Preservation Council, encouraged the Board to look at transfer of development rights from California counties to Washoe County, since it would not create new development but would facilitate use of the already approved multi-family lots. There were no jurisdictional roadblocks to this occurring, and she encouraged TRPA to give its support to facilitate what already was possible under the ordinances.

Chairman Chimirusti suggested the issue was not clear cut, and a discussion on available options among the three commenters and TRPA staff may be appropriate. Staff could place the matter on a future agenda, if appropriate.

Chairman Chimirusti welcomed new Executive Director Jim Baetge to the staff.

IV. APPROVAL OF MINUTES

MOTION by Mr. Upton to approve the April 27, 1994, regular meeting minutes as presented. The motion carried unanimously.

IV. APPROVAL OF AGENDA

MOTION by Ms. Neft to approve the agenda as presented. The motion carried unanimously.

VIII. APPEALS

A. Grable Ronning, Appeal of Staff Determination to Stay Enforcement Action Against the Wilson Property Pending Resolution of Litigation

Legal Committee Chairman Drake DeLanoy advised that the Committee recommended a one-month continuance with staff directed, where appropriate, to give citations of cease and desist. Hopefully, the issue of encroachment with a neighboring property owner would be resolved in the next month.

Mr. Jim Bureau, attorney for Mrs. Ronning, suggested a cease and desist order was already issued for the violations on the Wilson property. He understood that the Legal Committee had directed staff, if appropriate, to issue a notice of violation. This would include timeframes for compliance and penalties for non-compliance. He was ready to proceed on this matter, and it apparently was Mr. Hasile, Mr. Wilson’s attorney, who had requested a continuance. He felt this was unfair, but he respected the Board’s desire to continue the matter. The continuance was conditioned on staff’s consideration of whether issuance of a notice of violation was appropriate. He felt the Board and staff already had more than ample evidence before it to determine that violations had existed sufficient for cause of action under the Compact. If a notice of violation was issued on the Wilson property, Mrs. Ronning may withdraw her appeal.

Mr. DeLanoy amended his earlier representation and agreed with Mr. Bureau’s comments on the question of issuance of a notice of violation.

Agency Counsel R. J. Nicolle explained that once a notice of violation was

-2-
trpa regular meeting minutes may 25, 1994

issued trpa was required to file a complaint within 60 days. generally staff followed a procedure which attempted to resolve matters prior to issuance of the notice. the notice of violation was a last stage in the process.

mr. burau noted that it was trpa's policy and practice when issuing such a notice to extract a waiver of the statute of limitations from the property owner on the 60-day requirement. one of the reasons staff put forward for issuing a cease and desist order instead of a notice of violation was that it would take less time. staff had spent a considerable amount of time on this, and he was not convinced that the informal process was any speedier or efficient than issuance of a notice of violation. a notice of violation was likely the only thing that would bring the wilsons to the table.

motion by mr. delanoy to continue the ronning appeal one month and have the legal administrative staff issue a notice of violation, if appropriate. the motion carried unanimously.

vi. consent calendar

motion by mr. waldie to continue the schumacher matter (item 8) one month. the motion carried unanimously.

ms. naft advised that because of a potential conflict of interest she would not be voting on item 1 (foothill farmers market).

deputy director jerry wells explained that a project approval required five members from the state in which the project was located and nine total. the farmers market project was in california, and there were five board members present. one abstention would cause the motion to fall short of the needed votes. staff recommended a continuance of the farmers market project to the june meeting. under the code of ordinances the market could operate during june as a temporary activity.

motion by mr. upton to continue the farmers market item (1) to the june meeting. the motion carried unanimously.

mr. klein noted he would abstain from voting on item 10 (gene clothier, resolution of enforcement).

mr. wells asked that items 9 (choate dwelling addition) and 14 (lake tahoe christian fellowship church expansion) be acted on separately by the board in response to concerns expressed by affected property owners. also, item 11 (fallen leaf lake new water intake and treatment facility) was to be acted on after action on amendment of the 1994-1998 public service facilities list (item vii.a.)

referencing resolution of enforcement matters on the calendar (items 5, hyatt, and 6, country club estates), chairman chimarusti suggested that public education efforts may alleviate future problems in this area. it appeared that the violations were inadvertent, and the question was one of adequate information to the public.
MOTION by Ms. Bennett to approve the consent calendar as discussed. The motion carried with Mr. Klein abstaining on item 10.


Choate, Single Family Dwelling Addition, Special Use Determination, Placer County APN 97-140-11 (Consent Calendar item 9)

Associate Planner Paul Nielsen presented a brief summary, explaining that staff had received a May 23 letter of opposition to the proposal from Louis Reinkens and Constance Stevens. Their concerns related to scenic impacts and public safety. Staff found the project met scenic standards and a new condition (copy distributed) would require a minimum driveway width of 10 feet.

No one in the audience wished to speak on the matter.

MOTION by Mr. Uhler to approve the Choate project as recommended. The motion carried unanimously.

Lake Tahoe Christian Fellowship, Church Building Expansion, 2941 Lake Tahoe Boulevard, City of South Lake Tahoe, El Dorado County APN 26-261-07 (Consent Calendar item 14)

Associate Planner Kathy Canfield presented a brief summary of the expansion and noted that letters of objection had been distributed to Board members. Most of the concerns related to parking and impacts on neighboring properties. The proposed parking met the City’s requirements, and parking issues were primarily local issues. Staff recommended approval. Ms. Canfield presented more information on the Code requirements relating to parking and coverage.

Mr. Klein urged the Board to consider amendment of the rules to return the jurisdiction over such matters to local governments. This was a local, not a regional issue. Local governments had use permit requirements, and this project would be reviewed by the City of South Lake Tahoe.

Deputy Director Jerry Wells explained that in June the Board would be
TRPA REGULAR MEETING MINUTES MAY 25, 1994

considering an MOU with the City for its review and approval of signs, parking, and design guidelines. The MOU was an outgrowth of the Community Plan adopted several months ago and would see the City implementing and enforcing the ordinance throughout the entire City.

Mr. Upton asked staff to consider a similar MOU with El Dorado County and to include as well other matters that may be appropriate for local governments to handle. He asked staff to send a copy of the City MOU to El Dorado County.

Mr. Mike Shreve, board member of the church, advised the church invited all the neighbors to a meeting to discuss their concerns, and no one showed up. The project would not be generating an additional 70 vehicle trips per day as suggested by staff because the proposed modifications were not of a traffic-inducing nature.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, advised the League had no problem with the project itself but felt that the issue of parking in the Basin was a regional one. A church parking lot was the type of use amenable to an intelligent parking management program, shared parking, or other creative parking solutions.

Mr. Steve Denzler, an affected property owner, expressed concern with parking impacts on neighboring properties. He distributed photos and asked the Board to continue the matter so that the problem could be examined in more detail.

Mr. Klein asked Mr. Denzler to express his concerns at the local level when the matter came up for consideration by the City in June.

No one else wished to speak on the project.

MOTION by Mr. Klein to approve the project as recommended by staff. The motion carried unanimously.

VII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

A. Amendment of 1994-1998 List of Additional Public Service Facilities to Add Fallen Leaf Lake New Water Intake and Treatment Facility and McKinney Water District Water Tank Replacement

Planner Paul Nielsen presented a brief summary of the proposal to amend the list to add two public service projects to the list in order that they may be considered individually for project approval.

Deputy Director Jerry Wells advised that the Advisory Planning Commission (APC) had asked staff to look at ways to streamline this process. Staff would be doing this in the context of the work program update.

No one wished to speak during the public hearing.

MOTION by Mr. Upton to approve the amendment of the List of Additional Public Service Facilities as proposed (Resolution No. 94-9). The motion carried unanimously.
TRPA REGULAR MEETING MINUTES MAY 25, 1994

Fallen Leaf Lake Lodge Homeowners Association, New Water Intake and Treatment Facility, Special Use Determination, El Dorado County APN 21-420-4 (Consent Calendar item 11)

MOTION by Mr. Upton to approve consent calendar item 11 as recommended. The motion carried unanimously.

VII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS (continued)

B. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvement in Vicinity of Parcel

No one wished to comment during the public hearing.

MOTION by Mr. Klein to make the findings required to amend the ordinance as proposed. The motion carried unanimously.

Chairman Chimarusti read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Reference Map for the Individual Parcel Evaluation System Relating to the Need for Water Quality Improvements; and Providing for Other Matters Property Related Thereto.

MOTION by Mr. Upton to adopt Ordinance No. 94-11. The motion carried unanimously.

IX. ADMINISTRATIVE MATTERS

A. Filling Nevada Lay Member Vacancy on Advisory Planning Commission

Mr. Steve Bradhurst explained the procedure he had followed to arrive at his recommendation that Mr. Richard Mudgett be appointed to a two-year lay member term on the APC, replacing Neil Brooks, who had served since 1987. Mr. Bradhurst had asked other Nevada Board members for comments on his recommendation, and he had heard nothing to date. He recommended the Board’s appointment of Mr. Mudgett.

Mr. Richard Mudgett advised the Board that he still did expert witness work upon request in maritime matters or an occasional boat survey in the Basin. His work had nothing to do with public bodies, and he did not advertise his services.

Mr. Waldis commended Mr. Bradhurst for his work on the appointment.

MOTION by Mr. Bradhurst to appoint Mr. Richard Mudgett to the APC as a lay member taking Mr. Neil Brooks’ place. The motion carried unanimously.
TRPA REGULAR MEETING MINUTES MAY 25, 1994

B. Progress Report on the Three-Year Strategic Plan Objectives and the '93-94 Work Program Milestones for the Period of January 1-March 31

Referencing the May 17 packet memo, Deputy Director Jerry Wells reported on the status of the priority objectives developed by staff and by the Board as a result of its November retreat. These objectives were incorporated into the regular work program goals and addressed capital finance, transportation and air quality, community planning, service delivery, and program implementation. Mr. Wells responded to Board member questions.

Mr. Bradhurst asked staff to present a status report in June on the timing and scheduling of Community Plans.

Mr. Waldie commended Mr. Wells for following up so thoroughly on keeping track of the work program, particularly in view of the recent staff changes.

C. Quarterly Report on MOUs Regarding Exempt Activities

Referencing the packet memo, Mr. Solt presented a brief summary of the 23 exemption MOUs. Fifty-four qualified exempt activities were completed during the past nine months as a result of MOUs. Mr. Solt responded to questions.

D. Quarterly Report on MOUs Delegating Review and Approval to Local Jurisdictions

Referencing the packet memo, Mr. Paul Nielsen presented a brief summary of the MOUs.

E. Recommendations Concerning Areas of Emphasis for the Nevada Legislative Committee to Continue Review of the Tahoe Regional Planning Agency (S.J.R. 7)

Deputy Director Jerry Wells summarized the meeting schedule for the Oversight Committee, explaining the final meeting was scheduled for June 6 and 7. The focus of the Committee was to reach agreement by all parties on common areas of emphasis. These included the partnership approach, factors influencing environmental quality, factors affecting development and planning, and economic infrastructure. In March, Chairman Lynn Hettrick directed his staff to assist TRPA, the League to Save Lake Tahoe, the Tahoe Sierra Preservation Council, the Lake Tahoe Gaming Alliance, and others to work together on the four areas of emphasis to develop a common set of recommendations for the Committee's consideration in June. These participants prepared in March a set of recommendations, similar to the ones in the Board packet, which were introduced to the Committee in April as initial, preliminary recommendations. It was made clear to the Committee that these recommendations were not the official position of the Governing Board. Mr. Wells asked the Board members for input on the recommendations for presentation to the Committee on June 6. Mr. Wells went through each of the recommendations and worked with the Governing Board to formulate recommendations to present to the Committee.
TRPA REGULAR MEETING MINUTES MAY 25, 1994

Comments from Board members included the following:

In the recommendation on the partnership approach, the term "mediator" was a better choice of words than "facilitator," because it involved more specific rules for proceeding effectively. The term "mediator" referred to those trained in mediation and provided guidelines on the process. (DeLanyo)

While the partnership approach had a lot of potential, TRPA should not lose sight of the potential for advocacy groups to put forth specific tasks in furtherance of their own agendas. Although the partnership approach was one in which TRPA participated as a regular course of business, the TRPA Governing Board was charged with setting priorities based on a great deal of input in the public forum and in consideration of both states' wishes. (Bennett)

TRPA had used a partnership approach in the past on those issues where it was appropriate, but TRPA needed to be able to kick out of the program if it was not getting anywhere, if there was no agreement. TRPA must not be hesitant to make a decision if a consensus approach was not working. (Chimarusti)

The resolution should not reference the partnership approach as being of particular value only in the Nevada portion of the Basin. Nevada should be treated no differently than California (paragraph 3, page 3 of report). (Waldie)

The resolution stated (page 3) that the initial implementation of the partnership program should be funded by Nevada as a special project. This implied that the next time around the program would get pulled into the regular work program with funding coming out of the 2/3-1/3 California/Nevada general fund allocation. This was of concern. Also of concern was the suggestion (page 1) that the "compilation...of plans for environmental protection and development...have often been accompanied by controversy and conflict among the parties...". The term "at times" was more appropriate than "often." It was important to recognize that for the last number of years everyone had been working together more cooperatively and the controversy had diminished. (Chimarusti)

There may be a proposal in the Nevada Legislature this coming year to address the effect on the local assessed tax valuation resulting from TRPA land use regulations. There may be some effort by local governments to get the Legislature to give them more money to make up for the decreased tax base. This had all come about because of the tax shift and the fair share issues between the Nevada counties. (Kanoff)

The Gaming Alliance supported the partnership approach, and the resolution in the packet was a way to access some of the monies originally earmarked for TRPA but which, because of California budget problems, were not received. This was a very legitimate approach to get the money. Additionally, the Transportation Management Associations (TMAs) had had a difficult time finding monies in TRPA's budget for the partnership efforts. By means of this resolution, the TMAs were asking TRPA to contribute on an annual basis to supporting the TMAs' efforts to implement activities set forth in TRPA's own work program. One example was the trip reduction ordinance. TRPA retained in
TRPA REGULAR MEETING MINUTES MAY 25, 1994

this process, as it should, the full range of its legislative authority to
decide which programs it would support or not support. (Teshara)

The Tahoe Sierra Preservation Council supported the proposal because it
represented an important philosophical shift for TRPA from being the Tahoe
Basin policeman to being a partner in finding reasonable solutions. The old
perception of ten years ago where groups opposed each other and TRPA served as
referee was outdated. TRPA should support the partnership concept,
particularly because it would lead to funding of staff participation and
implementation. There may be some in the private sector who would be willing
to assist with the funding of the partnership approach. (Gilanfarr)

Ms. Nason, for the League, expressed agreement with Mr. Teshara's and
Ms. Gilanfarr's comments.

The following comments addressed the section of the resolution relating to
Factors Influencing Environmental Quality:

In terms of achieving TRPA’s goals, advertising the availability of home mail
delivery was an important means of controlling vehicle emissions. (Waldie)

Include State Highway 28 from Spooner Summit to Stateline (page 4 of the
resolution) as an area of the highway system to receive an allocation of NDOT
funds for erosion control projects - not just U.S. Highway 50 from Spooner
Summit to Stateline. (Bennett)

On the resolution’s discussion of Factors Affecting Development and Planning,
TRPA needed to distinguish between winter and summer use of water and sewer in
the analysis of resources within the Basin which were potentially finite in
character. (Uhler)

It would be helpful in the presentation of TRPA’s recommendation to the
Oversight Committee to attach examples for the record, such as the five-year
strategy, so that the legislators could see the physical evidence of what had
been prepared to accomplish TRPA’s goals. For resolution item II.C., TRPA
could help augment the $20 million bond issue by staff participation in some
kind of slide show that could ultimately be used as PR when the bond issue
came up (page 4 of the resolution). (DeLany)

The future $20 million obligation bonds in Nevada should look at supporting
not only erosion control and restoration of SEZs but also bike trails and
hiking paths. (Bennett)

In response to Ms. Bennett’s suggestion, Mr. Wells noted that this portion of
the resolution was drafted specifically for water quality improvements. If
the Board wished to add other pieces, it should do so consciously.

In the longer term it would be helpful to have the Agency’s environmental
education coordinator prepare a program with pictures to explain why the $20
million was needed and where it would be needed (improving cut slopes, etc.)
(Chimarusti)
Mr. Chimarusti asked that Mr. Teshara provide the Board with copies of the T-TREC vision and mission statements which were to be included in the preamble of the resolution.

To focus on the goals of the partnership concept, the top paragraph on page 2 of the resolution should be amended to read, "Whereas, the purposes of a "partnership approach" are to alleviate many of the controversial and conflicts..." (Upton)

Ms. Nason, for the League, asked TRPA to support as a symbolic step the designation by Nevada of Lake Tahoe as an "outstanding natural resource water" under EPA’s Clean Water Act regulations. The League also urged TRPA to encourage the Oversight Committee to adopt a recommendation to the Legislature that Nevada’s policy was to place under permit all of the private and public entities in the Stateline area, whether by individual permits or through an areawide system. Noncompliance with the Clean Water Act raised serious implications for TRPA, including compliance by the State and, following that, by TRPA through legal remedies. This was really the State’s responsibility and should not be abandoned to TRPA. The onus would fall to TRPA, however, to develop a remedial action plan to assure all public and private entities in the Stateline area complied with the Clean Water Act.

Mr. Wells responded he did not have a comment on these recommendations at this time. The recommendations in the packet material were the ones that staff was asked to formally discuss with the Board today. Other issues and recommendations would be reviewed as they came up.

The Board discussed Ms. Nason’s recommendations in more detail, and Chairman Chimarusti directed staff in its discussion with the Oversight Committee to feel its way along if Ms. Nason’s two recommendations came up at the June 6 meeting. If they were symbolic, fine; if substantive implications were involved, the staff should keep the Board apprised.

The meeting recessed for a lunch break from 12:10 to 1:35 p.m. The following members were present for the afternoon session: Upton, Kanoff, Klein, Cavin, Uhler, Bradhurst, Delaney, Waldie, Bennett, Westergard, Chimarusti. Mr. Cronk, Ms. Hagedorn, and Ms. Neft were absent.

X. PLANNING MATTERS

A. Workshop on Interagency Planning Efforts for the East Shore (Nevada 28 and Adjacent Areas)

Board Member Kay Bennett distributed a summary with maps of the TEAM Tahoe (Tahoe Eastern Area Management) program and explained her work along with other individuals and entities to plan for the increasing public demands along Highway 28. Those participating in the program included the Forest Service, Nevada State Parks, Carson City Tourism, Soil Conservation Service, Douglas and Washoe Counties, the Carson City Sheriff’s Office, the Carson City Parks and Recreation Commission, and Carson City Community Development.

After a brief video of the affected area, brief statements on the effort were
made by Don Lane, U.S. Forest Service; Linda Eisman, Nevada State Parks; Larry Friedman, Nevada State Commission on Tourism; Marchon Miller and Susan Martinovich, Nevada Department of Transportation; and Don Quillici, Carson City Convention and Visitors Bureau Board.

Chairman Chimarusti thanked the commenters and expressed pleasure that the goal of TEAM Tahoe was to preserve this particular stretch of lakefront. He was especially pleased about the erosion control proposals and the potential for more funding. Hopefully, there would be some money to assist in erosion control improvements from Spooner Summer down towards the Cave Rock area.

Mr. Klein suggested that any highway projects in this stretch of shoreline address the negative scenic impacts of the guardrails. These guardrails impeded the view towards the Lake from the highway.

IX. ADMINISTRATIVE MATTERS (continued)

F. Approval of Executive Director Salary

MOTION by Mr. Klein to approve the setting of the Executive Director annual salary at $70,000 commencing May 9, 1994, as recommended by the Finance Committee. The motion carried unanimously.

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

Committee Chairman Bennett reported on the Committee’s recommendations.

2. Receipt of April Financial Statement and Check Register

MOTION by Mr. Kanoff to approve the financial statement and check register as recommended. The motion carried unanimously.

3. Revised Operating Budget FY 1993-94

MOTION by Ms. Bennett to approve the revised budget as recommended. The motion carried unanimously.

B. Legal Committee

2. Settlement Offers Concerning League to Save Lake Tahoe v. TRPA and Committee for Lake Planning v. TRPA Cases (Douglas County Community Plan Litigation)

Committee Chairman DeLanoy reported on the Committee’s meeting and explained that the discussions now included a representative for Lawyer’s Title, a group which was previously omitted. Those participating now included TRPA legal staff, Park Cattle Company, the League, and Mr. Lien, on behalf of Lawyer’s Title.

Agency Legal Counsel R.J. Nicolle commented that this group would be meeting
to discuss settlement possibilities. The Board needed to be aware that the issues in the two complaints were very divergent.

Chairman Chimarusti suggested he had no problem with counsel meeting with Mr. Lien to see if his issues could be resolved, but he did not want to see the settlement efforts in the League case fall apart because of additional issues.

Ms. Nason, for the League, suggested the Lawyer’s Title case involved a takings, and settlement would involve how much TRPA wanted to pay Lawyer’s Title for an alleged taking of property. The League could not be involved in this for obvious reasons, and she hoped this would remain separate from the League’s lawsuit.

Mr. DeLanoy reported that the Committee also discussed the reallocation of the Bitterbrush mitigation fund and handling of fraudulent project applications. The Committee referred the latter matter to the Rules Committee.

On the settlement of the League and Committee for Lake Planning cases, Mr. Klein suggested that the list of potential settlement points included tasks for TRPA that were totally unrelated to the Douglas County Community Plan. These included mapping of Trout Creek, Upper Truckee River, Third Creek, and Griff Creek. His concern was not that these tasks should not be done but that they were being required in the context of settlement. He did not like the appearance that the League was being given power over the Agency’s work program when that power did not exist. Agreeing to these points would encourage more lawsuits on the same level. A special interest group should not be determining TRPA’s work priorities.

Ms. Nicolle explained the complaint addressed issues that were broader than just the Community Plan, the concern being that TRPA was not making sufficient progress on its thresholds. The League was attacking the Agency for its progress in achieving overall goals, and the tasks set forth in the settlement memo (May 24, 1994) would push TRPA towards achieving these overall goals. The League’s concern was that in TRPA’s current budget-cutting mode the tasks designed to achieve thresholds would be given second priority over other programs.

Chairman Chimarusti spoke on the consequences in staff time and financially of not resolving the litigation. Many of the tasks set forth in the proposed settlement were on the "anyway" list for TRPA to accomplish and would, if undertaken, be a positive step in keeping TRPA from spending its time, energy, and resources in litigation. The intent of the list was to get TRPA to focus on some of the tasks that were not now being done.

The Board, Ms. Nicolle, and Agency Special Projects Attorney Susan Scholley discussed the litigation, the settlement proposal, the consequences of settlement, Board members’ concerns with settlement, and the Chairman’s direction to staff to commence settlement discussions with the affected parties.
Chairman Chimaruisti directed that this matter be deferred for more discussion to June.

C. Capital Financing Committee

1. Report on Committee Meeting

Committee Chairman John Upton noted that the Committee would be meeting Thursday to go over the current status of the Committee’s work.

Ms. Nason, for the League, advised there was still an exchange of memos going on among those who had an active interest in the capital financing efforts (Mr. Teshara, Mr. Hansen, the STPUD, and Mr. Crabb for TRAG). All participants were optimistic that STPUD’s concerns would not be a roadblock to getting capital financing in place. The other Basin utility districts had interests besides just sewage and therefore an interest in helping the financing efforts. STPUD was solely a sewage and drinking water agency and had opposed financing for environmental improvements if it did not include sewer improvements. The League was opposed to subsidizing growth with federal funds. Efforts were continuing to resolve the funding questions. She did not believe ultimately that STPUD’s opposition would be a substantial barrier to getting funding for some of the projects that were at the top of TRPA’s list.

Chairman Chimaruisti suggested TRPA pick up the ball more with regard to pursuing funding support and not relying on the League, TRAG, and others. TRPA had some opportunities in this election year which he hoped the Capital Financing Committee would spearhead. He wanted to see TRPA establish communication with the four senators through their appointed staff members to assist and guide TRPA in raising money. He also would like to see the four state senators come to Tahoe to see firsthand what the Agency was doing.

Mr. Waldie suggested that the coalition seeking funding for improvements at Tahoe should not be spearheaded by TRPA. Politically, TRPA did not nor should it have much clout. Senators and those making decisions would not pay a lot of attention to a regulatory agency. TRPA should leave it to those with political accountability to make the presentations in Washington. The Capital Financing Committee was designed to get consensus among the players in the Basin for their efforts in Washington. It would be a real political mistake for TRPA to be the leader in this. Steve Teshara, Mary Gilanfarr, Rochelle Nason, and others were a pretty potent political group representative of various interests in the Basin.

Mr. Upton suggested a mid-level approach combining a little of both points of view, with TRPA convening a coalition and putting together the hub around which all participants could work. Having a tour of the Basin or making contact with the political people in Washington and their staffs should be a cooperative effort. There perhaps was a more active role for TRPA in the convening of the parties. As for STPUD, the District was looking primarily for some money in the request that would address the unique costs of being located in the Tahoe Basin. Specific language could address the unusual costs being borne by the District. The District was not looking for money this year but for the opportunity to present some defensible rationale. With this, he
felt that the District would be satisfied.

Chairman Chimarusti noted he would defer to Mr. Waldie’s suggestion in this matter. His concern was not who was spearheading the funding effort but that it be effective and that it be continued. In terms of meeting environmental thresholds and reporting in 1996 on progress being made, funding to get projects on the ground was critical; it was incumbent on TRPA to make whatever effort was necessary and appropriate to get the monies in the Basin.

XII. RESOLUTION

A. In Support of California Parks and Wildlife (CalPAW) Initiative (Proposition 180)

Deputy Director Jerry Wells explained that this initiative would provide $2 billion in public funding for acquisition and restoration of park lands, open space, and wildlife habitat throughout California, with $40 million earmarked specifically for the Tahoe Conservancy. If adopted, the resolution in the packet would be forwarded on to the Planning and Conservation League. This was strictly a California funding issue.

Mr. Upton explained the bond issue would be paid out of existing state revenues. The El Dorado County Board of Supervisors had not supported the initiative, and the decision to support the resolution was a difficult one. The financing for the proposition would come from existing state funding, in a state that was already several billion dollars short. He was concerned that the state would be stealing property taxes from local governments in order to balance the state’s budget. While significantly more than a fair share would flow towards El Dorado and Placer Counties, he was concerned with the risks involved. He would support the resolution, even though it was not an easy decision for him to make.

Mr. John Falk, representing the Tahoe Sierra Board of Realtors, explained that while the Board of Realtors had not taken a position in support of or in opposition to the proposition, the Board recognized there were some real assets as well as some real concerns with the proposition. The concerns related to the timing of the $2 billion bond issue and the fact that the State was suffering real financial hardship. Factoring in interest, the payback would be approximately $3.5 billion; he questioned whether California residents could bear the burden at this time. Second, a significant portion of the money would be used to purchase land, and while just compensation was to be supported, it appeared that only a portion of the available funds were designated to acquire properties from willing sellers. There was more money in the pot than there were identified willing sellers. He questioned whether the power of eminent domain would be used to take large tracts of land from less-than-willing sellers. Third, what was the potential effect on counties and cities which would stand to lose property tax revenues through these land acquisitions? Last, the proposition offered little money for ongoing maintenance and operation of acquired properties.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, noted that the North Lake Tahoe Chamber of Commerce, the South Lake Tahoe Chamber of Commerce, and
TRPA REGULAR MEETING MINUTES MAY 25, 1994

the Tahoe-Truckee Regional Economic Coalition had all endorsed CalPAW. To the concern that the funds would be used to take property from unwilling sellers, history showed that the Tahoe Conservancy had done a good job in the past working with property owners and was a problem solver in the Basin. Because of the escalating population pressures and the need for additional recreational resources, now was the time to invest in protecting the environment of the entire state. Fifty cents per person in California per month was what CalPAW would cost.

Mr. Uhler spoke in opposition to the resolution, suggesting that a billion dollars equated to approximately $31 out of the pocket of every California resident, or $250 for a family of four. Currently, over 5% of the general fund went to pay debt service, based on a debt load of $17 billion in bonds. It was important to keep in mind that the California ballot also contained not only this $2 billion bond issue but two others totaling $3.9 billion, for an overall total of $6 billion. This would shove the state well over 5% in terms of the funding for the interest payments on the bonding and would destroy California's bond credit. The bonded indebtedness of the state was now way past what the majority of the other states found to be prudent. While he was not disputing the benefits of the program, Mr. Uhler suggested California simply could not afford CalPAW at this time.

MOTION by Mr. Waldie to adopt Resolution No. 94-10 in support of CalPAW. The motion carried on the following vote:

Ayes: Ms. Cavin, Mr. Bradhurst, Mr. DeLamo, Mr. Waldie, Ms. Bennett, Mr. Wastegard, Mr. Upton, Mr. Klein, Mr. Chimarusti
Nays: Mr. Uhler, Mr. Kanoff
Abstain: None
Absent: Ms. Neft, Ms. Hagedorn, Mr. Cronk

Rules Committee Report

Mr. Waldie reported on the Committee's discussion on submittal of fraudulent project applications and the recommendation of Agency Counsel to tighten the rules. The Rules Committee had come up with a recommendation for consideration in June. The other topic discussed by the Committee related to the abolishment of the tentative agenda mailing as a cost- and time-saving measure.

Agency Legal Counsel R. J. Nicolle noted that this matter was not on the agenda for formal Board discussion and recommended the matter be placed on next month's agenda.

XIII. REPORTS

A. Executive Director

1. Status Report on Processed Projects

Mr. Klein asked that staff comment in June on the project backlog and the time needed for staff to process project applications.
Mr. Wells responded that 80 applications were processed last month, 102 were received, and the backlog was 106. The processing time was close to four weeks; staff would present more information next month.

Mr. Klein suggested that the memo on the status of processed projects was included each month in the board packets. A quarterly report on this and on the status of IPES and land capability determinations would save a lot of staff time.


3. Monthly Status Report

Mr. Baetge thanked the Board for approving his salary. Staff would be bringing the 1994-95 budget to the Board in June; it did not look good at the moment. He would be finishing his individual meetings with Board members in the upcoming few weeks, and his emphasis would be to focus on capital financing efforts. Application forms were now available for California residents interested in buying the Lake Tahoe license plates. For all Basin residents, there was also a license plate holder that could be purchased.

B. Agency Counsel

Agency Counsel R. J. Nicolle reported to the Board on the status of the May 10 argument in the TSPC case in San Francisco; the League to Save Lake Tahoe/Committee for Lake Planning case; the Chase code enforcement matter; the Suitum case; Code, personnel, and in-house matters; and on the upcoming Nevada Bar exam in July.

C. Governing Board Members - no reports

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

A. Resolution Allocating State Transit Assistance (STA) Funds to Placer County for TART

B. Resolution Approving the Programming of Section 18(i) Funds ($194,650) to the Tahoe Transportation District (TTD) for Operation of the Lake Lapper

C. Resolution Approving the Programming of FY 1992-93 Section 18 Funds ($24,461) for STAGE Operations

D. Resolution Approving the Programming of Section 18 Funds ($60,480) to the TTD for Six Bus Shelters and the Purchase of a Computer

E. First Resolution Approving the Programming of Section 18 Funds ($35,571) to the TTD for Operation of the Lake Lapper

F. Second Resolution Approving the Programming of Section 18 Funds ($35,571) to the TTD for Operation of the Lake Lapper

-16-
TRPA REGULAR MEETING MINUTES MAY 25, 1994

Chairman Chimaruisti called the RTPA to order.

Transportation Planner Bridget Mahern explained that TRPA staff would be working with NDOT and Caltrans on transportation issues in the near future. With regard to items B-F on the agenda, these were approvals of Section 18 funds for transit systems throughout the state. The computer requested in item D was for the Tahoe Transportation District (TTD) and would assist the recently hired contract employee charged with administering all the funding applications. The hope was that the TTD would eventually become an operating district with its own equipment. None of these requests had been approved by the state; these resolutions would approve the programming of the funds in the Tahoe Region. If the state found the use of the funds as requested was not appropriate, the applications would not be approved.

**MOTION** by Mr. Klein to adopt Resolution Nos. 94-3, 94-4, 94-5, 94-6, 94-7, and 94-8, respectively. The motion carried unanimously.

XIV. ADJOURNMENT – The meeting adjourned at 4:00 p.m.

Respectfully submitted,

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) 588-4547. In addition, written documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as presented 6/22/94.