

TAHOE REGIONAL PLANNING AGENCY  
OPERATIONS AND GOVERNANCE COMMITTEE

GoToWebinar

December 15, 2021

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Aldean called the meeting to order at 8:30 a.m.

Members present: Ms. Aldean, Ms. Gustafson, Ms. Hill, Mr. Hicks, Mr. Wlaschin

II. APPROVAL OF AGENDA & MINUTES

III. Recommend Approval of November Financials

Mr. Chris Keillor, TRPA Finance Director, provided the presentation. He showed a chart and explained that it shows “no news is good news”. At the bottom line net level, we are well ahead on the State and Local column because we receive the State funding at the beginning of the year and spend it down over the course of the year. We’re in a strong position on fees because (1) Current Planning remains at a very high level of operations with applications and permit processing and (2) the fall season is when we settle up with the AIS program and the boat ramps. We have all the final reconciliation sticker sales. Grants show at a negative but that’s normal; there’s always a lag there. The next chart shows our performance against budget and we’re right where we want to be at this point. State revenue is at 100% because we got the money up front. Fees are going strong at 44%. On the expenditures side compensation is where we expect it to be. Contracts is always a lag because of normal lags between when they complete the work and when they bill us. The financing line shows our annual debt has two long-term payments: one at the end of November, and the December payment includes both principal and interest, so that’s why we’ve spent two thirds of the financing budget, and then we’ll have an interest-only payment in the spring. The next chart shows monthly/cumulative cash flow. The up front cash flow is up at the beginning of the year and is spent down through the year. This is a very typical cash flow for us. I will only show the next chart a couple of times a year to show you where we stand on mitigation funds. The next chart shows mitigation fund balances by type and beneficiary. It’s broken down by the jurisdiction and by the type. Mobility mitigation is new so right now that’s a small number. We’re still holding some money from CTRPA. It’s not a significant amount of money. The next chart shows where our monies come from. We receive State funds of \$7.1 million (\$5 million from California and \$2.1 million from Nevada). The State funds cover most of our General Fund. This is money that we have degrees of freedom in spending. We get some money from the California Harbors and Watercraft Fund which is restricted to TRPA boating regulations, and some from the Nevada DMV Air Quality Fund, which can only be used on air quality activities. Grants are \$7.9 million. Traditionally, transportation grants have been our biggest source of revenue on the grants side, but the hard work that Julie [Regan] and others have put in have boosted the amount of money we have to spend, and AIS is now our leading source of grant revenues. Fees are at \$3.6 million.

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Current Planning, AIS, and the Shoreline Program are providing the revenue there. Mr. Keillor concluded the presentation and asked for questions.

### Committee Comments & Questions

Ms. Aldean asked about the reference to “reimbursed planning fees” in the packet and asked if those are refunded securities. Mr. Keillor said that what’s driving that number is the indemnification clause in our planning permits so if we’re being sued on a project the applicant has to reimburse us for legal expenses; and similarly, if we have a large project like Boulder Bay with substantial EIS that is done. We track those separately so it doesn’t pollute the Current Planning fund.

### Public Comments & Questions

None.

Ms. Gustafson made a motion to recommend approval of the November Financials.

Ayes: Ms. Aldean, Ms. Gustafson, Ms. Hill, Mr. Wlaschin

**Motion carried.**

#### IV. Recommend approval of Adoption of the TMPO Title VI Program Plan and Limited English Proficiency Plan

Kira Smith, TRPA Senior Transportation Planner, provided the presentation. Ms. Smith gave an overview of the 2021 Title VI Plan and LEP Plan Requirements. Under Title VI of the Civil Rights Act of 1964, no persons shall be excluded from participation in any program or activity receiving federal funds on the grounds of race, color, or national origin. As a recipient of federal funds, TRPA must adhere to these requirements and update these plans every three years. The plans are about accessibility and ensuring our most vulnerable populations have access to information the Agency puts out. The Title VI Program Plan includes information about the program and procedures for filing a complaint. It includes strategies from the Public Participation Plan, methodology to consider minority populations in planning, a demographic profile of the region, and an analysis of transportation impacts to minority and low-income populations. Ms. Smith said that TRPA did not receive any Title VI complaints in the last three years. The Limited English Proficiency Plan is TRPA’s process for providing language assistance to those who have language barriers. It includes a four-factor analysis: the proportion of LEP person in the TRPA jurisdiction; the frequency of interaction with LEP persons; the nature/importance of services provided; and resources to provide access to services. 8% of Tahoe Basin residents have language barriers. We’ve been making sure our promotional materials are available in both English and Spanish and we offer live translations on some of our public webinars. Ms. Smith then touched on the 2021 Title VI Plan and LEP Plan Updates. She pointed out TRPA’s Public Participation Plan and outreach activities; the Agency’s updates to demographic maps; and the Agency’s Title VI Equity Analysis including Community Priority Zones and the 2020 RTP Environmental Justice Analysis. Ms. Smith wrapped up her overview and asked for questions.

### Committee Comments & Questions

None.

Public Comments & Questions

None.

Ms. Hill made a motion to recommend approval.

Ayes: Ms. Aldean, Mr. Wlaschin, Ms. Gustafson, Ms. Hill

**Motion carried.**

V. Discussion and Possible Recommendation on Amendments to Chapter 65 of the Code of Ordinances and Section 10.8.5 of the Rules of Procedure for the Mobility Mitigation Fee Update

Melanie Sloan, Senior Transportation Planner, provided the presentation. Ms. Sloan gave an overview of the fee update. In April of 2021 the Governing Board adopted a new threshold standard based on Vehicle Miles Traveled (VMT) and it was established for the entire region. The Governing Board also adopted a Regional Transportation Plan. The fees are assessed on projects that produce the new VMT. It ensures that development contributes to the regional vision. It also promotes sustainable communities and supports the implementation of the Regional Transportation Plan. What remained after these new standards were adopted was to update the Mobility Mitigation Fee. The need is based on aligning fees with impact (trips to VMT). The fees provide matching funds for state and federal grants to implement needed transportation infrastructure. The fee revenue has been about 50,000 to 100,000 per jurisdiction per year. When the fee changed, we kept the purpose of its predecessor, the Air Quality Mitigation Fee, whose purpose was to mitigate the transportation impacts of a project. The new fee created the following changes: there were changes to the name of the fee, eligible projects, and fee calculation. It is not to generate revenue. It is about funding projects that reduce vehicle miles traveled. Ms. Sloan then explained that the rate is changing. It is now based on the 2021 Regional Transportation Project List. The fee is now based on the net increase in VMT that a project generates. We are no longer using Average Daily Trips. Ms. Sloan then talked about the fee rate calculation. It is calculated based on a three-step process. We calculate the cost of VMT reducing projects. We also calculate a new development's contribution to future VMT, which comes out to about 6.8%. We calculate the new development's share of project costs. And we align the fees with the project impact assessment. That comes out to a proposed fee rate of \$218/VMT.

Ms. Sloan then said that within the recommendation to Governing Board is also a recommendation to waive the fee for deed restricted, affordable, moderate, and achievable housing. This is within areas eligible for Residential Bonus Units. This includes a recommendation that the waiver also be assessed as part of that new threshold standard review process, monitored on a two- and four-year timeframe. Ms. Sloan summarized by saying that the fee is simple and predictable. The online Project Impact Assessment tool can be used by developers or staff at any time. It incentivizes development in low-VMT areas. Those are often town and regional centers, which have lower average daily VMT, which results in lower Mobility Mitigation fees. It further incentivizes development in town and regional centers. And it is charged on a net increase in VMT. It is the change in VMT from previous use to proposed use. Ms. Sloan then pointed out that within the packet is also an update to the mitigation fund release policy guidelines. Mobility mitigation funds are only used for VMT reducing projects. A jurisdiction's balance of Air Quality Mitigation funds can be used for air quality projects. Projects may qualify for other funds, such as Water Quality Mitigation.

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Finally, Ms. Sloan wanted to talk about engagement. It took several months and lots of conversations to develop the Mobility Mitigation Fee. It involved the development community, transportation consultants, affordable housing developers, the League to Save Lake Tahoe, and the various jurisdictions. First, there was a draft recommendation. Then, there was a final recommendation. Lastly, there was implementation. RPIC and APC were both involved. RPIC provided unanimous support. APC also was in approval. Ms. Sloan said the concerns expressed were about redevelopment, but said she hopes the Board heard her address those concerns here today. We heard about implementation concerns from jurisdictions that have fee programs themselves like Placer County. We commit to working through those remaining concerns as we move through the implementation phase. Ms. Sloan concluded her presentation and asked for questions.

### Committee Comments & Questions

Ms. Aldean commented about jurisdictions and explained that the concern is developers not be double-charged.

Ms. Gustafson, as a representative of Placer County, added that these types of fees need to be integrated within the basin so we're not duplicating those fees. Ms. Gustafson also added that staff have made an incredible effort. We want to see this reinvestment in our town centers. We've taken a number of steps to reduce or credit fees. She said she wants to make sure the County continues to reinvest in town centers and reduce or credit fees. She said she's assured that she's been heard, and that staff have responded adequately so we have great flexibility in that regional approach to addressing VMT.

Ms. Aldean commented on letters received. Did Ms. Sloan want to address those concerns?

Ms. Sloan said we did receive comments from two members of the North Shore community who were concerned about the impact of the fee on redevelopment in town centers as well as developments' proportional share. Ms. Sloan said that we hear those concerns and feel confident that we're making efforts to incentivize and encourage that development that Cindy [Gustafson] was just referencing. The way the fee is apportioned to new development is based on the underlying land use type. When it comes to developing community in our town and regional centers we feel that the fee waiver for affordable and workforce housing addresses that community impact. What it would mean depends on the location, what it's replacing, and what type of land use it is. Ms. Sloan said she believes we have the combined elements in both the impact assessment and the fee to address the concerns expressed.

Ms. Aldean then added that the mobility threshold will undergo a review periodically so we can figure out what's working, and there will be an opportunity to adjust our course if necessary in the future.

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Public Comments & Questions

Gavin Feiger made a comment on behalf of the League to Save Lake Tahoe. Mr. Feiger explained that they sent a comment letter this morning. They support and appreciate Melanie and the staff's work and are happy with where [the mobility mitigation fee update] is and hope it is adopted. Mr. Feiger said that Placer County staff and affordable housing developers have come up with a reasonable fee that they all agree on.

Ms. Hill made a motion to recommend approval.

Ayes: Ms. Aldean, Mr. Wlaschin, Ms. Gustafson, Ms. Hill

**Motion carried.**

VI. Upcoming Topics

Chris Keillor, TRPA Finance Director, gave the presentation. Mr. Keillor said that for the January meeting, we will have the FY 2021 Independent Auditor's Report and the Transportation OWP Budget Adjustment. The following topics are to be determined: new Director of Human Resources and Organizational Development; building repairs and modifications; and the planning software replacement project.

Committee Comments & Questions

None.

Public Comments & Questions

None.

VII. Committee Member Comments

None.

Public Comments & Questions

None.

VIII. Public Interest Comments

None.

IX. ADJOURNMENT

Ms. Gustafson made a motion to adjourn.

Chair Ms. Aldean adjourned the meeting at 9:09 a.m.

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Respectfully Submitted,

Georgina Balkwell  
Senior Management Assistant  
Current Planning Division

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above mentioned meeting may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*