

TAHOE REGIONAL PLANNING AGENCY
LEGAL COMMITTEE

TRPA
Zoom

December 13, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Williamson called the meeting to order at 8:32 a.m. on December 13, 2023.

Members present: Mayor Bagwell, Ms. Williamson, Ms. Faustinos, Ms. Leumer, and Mr. Rice.

Members absent: None.

I. APPROVAL OF AGENDA

Mr. Marshall stated there were no changes proposed to the agenda.

Chair Williamson deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Faustinos made a motion to approve the October 25, 2023 Legal Committee meeting minutes as presented.

Motion carried by unanimous voice vote.

III. RESOLUTION OF ENFORCEMENT ACTION: GREENLEAF VENTURES CA LLC; UNAUTHORIZED DISTURBANCE TO SEZ, FAILURE TO INSTALL AND MAINTAIN CONSTRUCTION BMPs, AND MATERIAL DAMAGE TO TREES, 1650 IROQUOIS CIRCLE, EL DORADO COUNTY, CA, ASSESSOR'S PARCEL NUMBERS 034-171-003 AND 1654 IROQUOIS CIRCLE, EL DORADO COUNTY, CA, ASSESSOR'S PARCEL NUMBERS 034-171-002

Steve Sweet, TRPA Code Compliance Program manager, presented a violation case concerning Greenleaf Ventures California LLC, involving unauthorized disturbance, failure to install and maintain construction measures, and tree damage. The violation occurred across two properties in Eldorado County, marked by unauthorized construction access, significant disturbance to the stream environment zone, and damage to trees. The violations, not exempt under TRPA codes, included disturbance to the environment, improper tree protection fencing, unauthorized disturbance outside the construction zone, improper temporary measures, and material damage to trees. Greenleaf agreed to a \$25,000 penalty, restoration of disturbed areas, and future compliance with construction measures. They've already completed the restoration, which will be monitored to ensure vegetation establishment. Staff recommended the Governing Board approve the proposed settlement agreement.

Committee Questions & Comments

None.

Public Comment

None.

Ms. Faustinos made a motion to recommend the Governing Board approve the settlement agreement.

Ayes: Mayor Bagwell, Ms. Williamson, Ms. Faustinos, Ms. Leumer, and Mr. Rice.

Nays: None.

Motion carried unanimously.

IV. DISCUSSION AND RECOMMENDATION ON GENERAL COUNSEL PERFORMANCE REVIEW AND FY2023-24 SALARY INCREASE

Angela Atchley presented the performance review of Mr. Marshall covering July 2022 to June 2023. The review involved a self-assessment by Mr. Marshall, circulated among select TRPA employees and governing board members, alongside an anonymous survey. Twenty-nine respondents evaluated Mr. Marshall's overall accomplishments and TRPA's core competencies.

47% of respondents rated Mr. Marshall as "exceptional" for overall accomplishments, and 37% marked him as "fully effective/achieved." The review highlighted positive aspects such as Mr. Marshall's specific hours for staff meetings, direct communication, handling legal issues, providing exceptional service as general counsel, and a strong understanding of TRPA laws.

Comments from the survey commended Mr. Marshall's availability, guidance, support, and ability to steer board conversations in the right direction. Suggestions included maintaining good work, hiring additional staff, imparting knowledge, and focusing more on enforcement.

Overall, the review was positive, and the presentation requested consideration for a proposed base pay adjustment for Mr. Marshall's performance during the mentioned period.

Public Comment

None.

Committee Comments/Questions

Chair Williamson expressed gratitude to John for his hard work and echoed the positive comments received. She commended his availability, calm demeanor, excellent leadership, direction, and legal advice. Chair Williamson thanked him for his contributions and offered him the opportunity to share any thoughts or comments if he wished.

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John Marshall reflected on the agency's recent increase in litigation, highlighting the success in resolving some cases while others remain pending. He acknowledged challenges in coordination and mentioned that staff and board advice and consultation had seen some difficulties, mainly due to a sense of disjointedness and challenges with external partnerships. Mr. Marshall emphasized the need to improve communication and reassess approaches to partnerships for future success. He expressed a commitment to focusing on improving agency performance and personal capabilities in the coming year. He also addressed concerns raised about the type and quality of information provided to the governing board, seeking feedback to strike the right balance between providing comprehensive information without overwhelming the recipients. Mr. Marshall invited feedback for improvement either privately or in other settings.

Mayor Bagwell inquired about the salary increase percentages and whether they were standard or flexible for staff at TRPA. Ms. Atchley responded, explaining that there isn't a fixed salary schedule but rather a range, and the increase percentages can vary annually. She also discussed issues related to salary ranges and mentioned defined contribution but expressed a wish to improve certain aspects of compensation.

Mr. Rice expressed his gratitude for working together over the past five years and praised Mr. Marshall's reliable counsel, stating that he's never been led astray by it. He expressed anticipation for continuing their collaboration over the next three years.

Ms. Faustinos made the motion to recommend the Governing Board approve the suggested pay increase for Mr. Marshall.

Ayes: Mayor Bagwell, Ms. Williamson, Ms. Faustinos, Ms. Leumer, and Mr. Rice.
Nays: None.

Motion carried unanimously.

V. CLOSED SESSION WITH COUNSEL TO DISCUSS EXISTING AND POTENTIAL LITIGATION

Ms. Faustinos made the motion to move into closed session.

Motion carried by unanimous voice vote.

Mayor Bagwell made the motion to move out of closed session.

Motion carried by unanimous voice vote.

VI. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 5

No direction.

VII. COMMITTEE MEMBER COMMENTS

None.

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VIII. PUBLIC INTEREST COMMENTS

Ellie Waller, a Douglas County resident, expressed concern about the Barton hole in the ground and its protection during the Douglas County area plan process. She highlighted worries about potential height increases and zoning changes for Barton before the area plan review is completed. Ellie sought guidance on how to ensure adequate protections for the property and address potential environmental issues.

VIII. ADJOURNMENT

Mr. Rice moved to adjourn.

Meeting adjourned at 9:14 a.m.

Respectfully Submitted,



Katherine Huston
Paralegal

The above meeting was recorded in its entirety. Anyone wishing to listen to the recording 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.