

TAHOE REGIONAL PLANNING AGENCY  
LEGAL COMMITTEE

TRPA  
Zoom

March 22, 2023

**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Williamson called the meeting to order at 10:09 a.m. on March 22, 2023.

Members present: Ms. Aldean, Ms. Williamson, Mr. Hicks, Ms. Faustinos, Ms. Gustafson, and Mr. Rice.

Members absent: None.

I. APPROVAL OF AGENDA

Mr. Marshall stated there would not be any need for a closed session this month so agenda items 4 and 5 could be skipped.

Ms. Williamson deemed the agenda approved as amended.

II. APPROVAL OF MINUTES

Ms. Aldean indicated that she submitted one clerical correction to Marja Ambler, TRPA Governing Board clerk. Ms. Aldean made a motion to approve the February 22, 2023 Legal Committee meeting minutes as amended.

**Motion carried** by unanimous voice vote.

III. RECOMMENDATION REGARDING RESOLUTION OF TRPA V. PARKER, U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA NO. 2:21-CV-02243-TLN-CKD; UNAUTHORIZED MOORING OF A WATERCRAFT IN THE WATERS OF LAKE TAHOE; REGAN BEACH, CITY OF SOUTH LAKE TAHOE, CALIFORNIA; APN: 026-050-006

TRPA General Counsel John Marshall presented this item to the Legal Committee. [Slide 5] Mr. Marshall oriented the committee to the South Shore of Lake Tahoe where Mr. Parker moored his boat. He reminded the committee that there were a number of enforcement cases that have arisen out of illegal mooring of boats in this area. The Wooldridge case which was settled and the Reziapkine that is ongoing. There was a hearing on the Reziapkine case yesterday that struck Reziapkine's answer and affirmed TRPA's entry of default. This item today is on the third case against Mr. Parker in which the Agency had to file litigation. After negotiating with Mr. Parker's representative both parties have come to a stipulated judgement.

Slide 6 shows Mr. Parker's moored vessel at a distance. Mr. Marshall draws the committee's attention to the fact that the boat is not anchored to any buoy, it's anchored to the [lake] bottom. [Slide 7] The three elements of the Stipulated Judgment are 1) a \$5,000 penalty to be paid in two installments; \$2,000 up front and \$3,000 within 90 days. Mr. Marshall reminds the

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committee of the settlement amount in the Wooldridge case which penalty was significantly higher. Mr. Marshall explains that this settlement is substantially less because Mr. Parker's boat was moored for personal purposes, not commercial use. The other terms are that the court retains jurisdiction for enforcement purposes and a failure to pay the penalty increases the penalty to \$20,000.

Mr. Parker and his representative signed the stipulated judgment so pending Governing Board approval, if the Legal Committee makes a recommendation to do so and through the Consent Calendar, TRPA would execute and file the stipulated judgment.

Chair Williamson asked if Mr. Parker and/or his representative were available and would like to make a statement. Neither party was present in person or online.

Committee Member Questions & Comments

None.

Public Comment

None.

Ms. Gustafson made a motion to recommend approval of the Stipulated Judgment.

Mr. Hicks asked Mr. Marshall for an estimate of incurred legal fees before agreeing to recommend the settlement.

Mr. Marshall responded that the agency has not incurred any actual fees other than staff time. Generally in enforcement cases the agency is not able to recovery attorneys fees unless the agency enters into a stipulation or settlement agreement that allows recovery for enforcement after settlement.

Ayes: Ms. Aldean, Ms. Williamson, Mr. Hicks, Ms. Faustinos, Ms. Gustafson, and Mr. Rice.

Nays: None.

**Motion carried** unanimously.

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

No closed session.

V. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 5

No direction.

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VI. COMMITTEE MEMBER COMMENTS

None.

VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Meeting adjourned at 10:23 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](mailto:virtualmeetinghelp@trpa.gov).*