

TAHOE REGIONAL PLANNING AGENCY
LEGAL COMMITTEE

TRPA Offices
Zoom

August 28, 2024

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Williamson called the meeting to order at 8:32 a.m. on August 28, 2024.

Members present: Ms. Aldean, Ms. Faustinos, Ms. Williamson, and Mr. Kieckhefer.

Members absent: Ms. Leumer.

I. APPROVAL OF AGENDA

Mr. Marshall stated that the Appeal agendized for item no. 4 was being continued at the request of the appellant and that there was no need for a closed session so agenda items 4, 6 and 7 could be removed from the agenda.

Chair Williamson deemed the agenda approved as amended.

II. APPROVAL OF MINUTES

Ms. Aldean made a motion to approve the July 24, 2024 Legal Committee meeting minutes as presented.

Motion carried by voice vote.

III. GENERAL COUNSEL TRANSITION DISCUSSION

Chair Williamson welcomed Julie Regan, TRPA Executive Director, and expressed enthusiasm about the transition discussion. She also shared her sadness about John Marshall's retirement, noting his departure as a significant loss. Hayley humorously mentioned her own experience with retirement and expressed hope that John might return to visit. She acknowledged that John typically wears a special Christmas jacket and wished him well. Additionally, Hayley mentioned that John is planning to retire in October.

Mr. Marshall indicated that his retirement is scheduled for October 25, which is the day after the October board meeting. However, he is willing to remain on staff if needed until then. He emphasized the importance of discussing succession plans and expressed flexibility regarding the timing of this transition. John highlighted the valuable contributions of new team members, Marsha and Graham, and framed the discussion as crucial. He mentioned that today's meeting is for discussion purposes only, with no voting, and that any outcomes will be presented to the board in the afternoon for a vote at the next meeting. John invited Julie Regan to provide additional details about the legal aspects of the transition.

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Ms. Regan began by acknowledging the importance of honoring John Marshall, including a possible "passing of the jackets" ceremony. She provided context for the discussion by reflecting on past efforts to enhance the legal team, including previous committee member Bud Hicks' advocacy for expanding the team. Ms. Regan highlighted Angela, the HR and Organizational Development Director, for her significant role in this process.

Ms. Regan explained that historically the agency had a general counsel and staff attorney, but faced challenges in recruiting due to competitiveness issues. She mentioned that recent strategic planning led to the recruitment of new legal team members, including Marsha Burch as a full-time employee, Graham St. Michel, and Jack Mensik, an entry-level attorney starting in September.

Ms. Regan emphasized the importance of succession planning and the considerable effort that went into it, given John's long tenure and institutional knowledge. She noted that the agency aimed for a smooth transition and thanked the committee for their consideration, inviting Angela to add any additional insights if needed.

Chair Williamson commented on the transition process, noting that she participated in the interviews for new legal team members, Marsha and Graham. During these interviews, candidates were asked if they would be interested in stepping into John Marshall's role if he were to leave. Ms. Williamson highlighted that this consideration was part of the planning to ensure a smooth transition. She expressed satisfaction with the quality of the candidates selected and emphasized their readiness to take on the role. Ms. Williamson then invited Mr. Marshall to make any additional comments before opening the discussion to others.

John Marshall mentioned that part of the recruitment effort was to identify someone who could take over as he phases out of his role. He noted that Graham is not present as he is trying to avoid participating in discussions like this. Mr. Marshall acknowledged that Marsha could discuss her plans, and emphasized that there is a qualified candidate, Graham, who is interested in the position. He stressed the importance of providing everyone with an opportunity to share their thoughts on a good process for succession planning and to consider Graham as a potential candidate.

Ms. Williamson expressed gratitude, acknowledging that the legal department couldn't operate effectively without key contributions, particularly highlighting Katherine Huston's [TRPA Paralegal] significant role on the interview panel. She opened the discussion to the Legal Committee, focusing on succession planning and the proposal to appoint Graham as the next candidate without engaging a wider search firm. Hayley emphasized that any issues raised had been vetted with the entire board, noting the foresight of the executive team in planning for John's eventual departure. She clarified that the position was not guaranteed and that the board would independently make the final decision. Hayley expressed confidence in the current process and appreciation for the thorough considerations made in advance.

Belinda Faustinos agreed with the discussion on Graham's suitability for the position, noting his calm and reasonable personality. She mentioned the importance of Graham passing the bar exam; otherwise, they would rely on John for continuity, particularly concerning state licensing. Belinda stressed the need for flexibility due to some uncertainties and outlined that John's last day as full-time counsel would be October 25th. Following this, John would continue as associate counsel until the end of the year, working 60% of his time, which allows additional time to address uncertainties. She also reminisced about her conversation with John during a previous leadership transition, expressing that he would be missed.

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John clarified that Graham had previously passed the Nevada Bar but did not maintain his license there because he was hired in California, where the Nevada Bar was not needed. He has been listed in California for almost 15 years.

Ben Kieckhefer expressed trust in the opinions of others who have faith in Graham's abilities, which he finds reassuring. He emphasized the importance of effective succession planning, including developing internal talent and providing opportunities for advancement within the organization. Although Ben has not worked directly with Graham, he noted that the process appears to be progressing in the right direction.

Marsha Burch reflected on her evolving role with the agency, noting that she initially started with individual projects which eventually expanded until she became a staff attorney. She expressed satisfaction with her current working arrangement and her attachment to the agency. Marsha emphasized her enjoyment in working with the staff, particularly Graham, and expressed disbelief over John's departure, praising him as one of her favorite attorneys and a great mentor. She mentioned her intent to continue learning from John's work and to support Graham in their future working relationship. Marsha highlighted her extensive experience in agency work and her commitment to contributing positively as they move forward.

Chair Williamson expressed appreciation for the discussion and humorously noted the possibility of seeing John return in the future, representing appellants or working against the agency due to his familiarity with the code. Chair Williamson thanked everyone for their thoughtful comments and assured the group that the discussion would be reported to the full board.

- IV. APPEAL OF DENIAL OF APPLICATION TO RE-EVALUATE IPES SCORE, 1341 TATA LANE, SOUTH LAKE TAHOE, CA, ASSESSOR'S PARCEL NUMBER 032-261-002, TRPA FILE NO. ERSP2023-0033, APPEAL FILE NO. ADMIN2024-0011

Item continued per appellant's request.

- V. [APPEAL OF DENIAL OF SINGLE-PARCEL PIER APPLICATION, 3180 EDGEWATER DRIVE, PLACER COUNTY, CA, ASSESSOR'S PARCEL NUMBER 093-072-041, TRPA FILE NO. ERSP2022-0021, APPEAL FILE NO. ADMIN2024-0006](#)

Marsha Burch, TRPA Associate Attorney, presented on the appeal of an executive director's denial of a single parcel pier application for a property within the Dollar Point subdivision. The staff recommendation is to deny the appeal and uphold the executive director's decision, based on the fact that the parcel in question already has access to a multiple-use pier through the Dollar Point Association.

Ms. Burch explained that although the pier application met development standards, the key issue was the parcel's eligibility for a single parcel pier. She highlighted that Dollar Point parcels have historically had access to the association's multiple-use pier, which serves all properties within the subdivision. This was reaffirmed in the 2018 Shoreline Plan, which prioritizes multiple-use piers and reduces overall development potential.

The executive director's denial was grounded in Code Section 84.2.A.5, which states that parcels with access to an existing homeowners association pier are not eligible for a single parcel pier.

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Ms. Burch reviewed the appellant's arguments, including their contention that the Dollar Point Association does not meet the legal definition of a homeowners association under state law. However, she clarified that the code uses a functional definition of homeowners association, relevant to the access provided by the pier, not the legalistic state definitions.

Ms. Burch also addressed the appellant's claim of inconsistency with a prior approval for a single parcel pier in a different case, explaining that the circumstances were different due to the voluntary nature of the club involved in that case.

In conclusion, Ms. Burch emphasized that the essential issue is whether the parcel has access to a multiple-use pier, which it does. The Dollar Point Association has been recognized as providing this access for decades. Ms. Burch recommended denial of the appeal to maintain the integrity of the shoreline allocation system, which is based on the environmental analysis that recognized the multiple-use facility available to all parcel owners in the Dollar Point subdivision.

Ethan Birnberg of Porter Simon presented on behalf of the appellant. He argued against the denial of the pier application by questioning the statutory interpretation of the relevant code section, particularly the term "Homeowners Association." He disagreed with staff's reliance on outdated assumptions and regulations from 1992, emphasizing that these do not accurately reflect current code requirements or legislative intent.

Mr. Birnberg highlighted that the Dollar Point Association (DPA) operates as a voluntary association rather than a mandatory homeowners association, meaning that not all parcel owners have automatic access to the pier, contrary to what staff suggested. He pointed out that access to the pier is limited by a lottery system and other restrictions, making it not readily available to all members, thereby challenging the assertion that the DPA pier fulfills the code's criteria.

He also addressed inconsistencies in TRPA's application of its rules, referencing a prior decision that allowed a single parcel pier for a different association under similar circumstances. Mr. Birnberg contended that the lack of a clear, consistent definition of "Homeowners Association" in TRPA's code creates ambiguity and could lead to absurd results, urging the board to formally define the term to avoid these issues.

Additionally, Mr. Birnberg argued that the current interpretation effectively denies the appellant reasonable use of their property, which could be considered a regulatory taking under the Fifth Amendment. He called on the board to reverse the executive director's denial of the pier application, asserting that the DPA does not meet the functional requirements of a homeowners association as intended by TRPA's code.

Marsha Burch addressed key points raised by the appellant, emphasizing that restrictions on single parcel piers for properties with access to multiple-use facilities were in place even before the 2018 Shoreline Plan. She clarified that the parcel in question is eligible to apply for a multiple-use pier, contradicting claims that denial of a single parcel pier would harm the parcel's economic viability.

Ms. Burch refuted the appellant's interpretation of the term "Homeowners Association" by stressing the context of the shore zone regulation and its focus on pier allocation. She highlighted that the Dollar Point Association has consistently been treated as a homeowners association for pier purposes, a status reflected in TRPA's environmental reviews and regulatory history.

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Regarding claims that the Dollar Point Association could arbitrarily deny membership, Ms. Burch pointed out that the association's rules specify conditions for membership eligibility, such as property ownership by an individual or group, and these rules do not suggest arbitrary denial. She argued that mandatory versus voluntary membership is a state law concept, irrelevant to TRPA's regulations, which are more concerned with functional access to the pier.

Ms. Burch concluded by asserting that the appellant's arguments conflated unrelated legal definitions with TRPA's specific regulatory framework, which historically recognized the Dollar Point Association pier as a multiple-use facility available to all parcel owners within the subdivision. She expressed confidence in the current interpretation and was open to further questions from the board.

Committee Discussion

Shelly Aldean noted that the term "homeowners association" in the materials appears to be used more as a descriptor for an association of homeowners who pay for the privilege of using shared amenities, like a pier, rather than as a formal, defined term. She presumed that this was also the staff's interpretation. Ms. Aldean then asked if the Dollar Point Association (DPA) Board had ever denied a membership application, aside from cases where the property was owned by a consortium of people, which could lead to denial due to limited capacity for the amenities.

Ms. Burch responded that she was not aware of any instances where the DPA Board had denied a membership application, other than the situations previously mentioned involving properties owned by a consortium of people. She also mentioned that she had not specifically inquired with the association about this matter.

Ms. Aldean questioned the appellant's claim of being misled, suggesting that applicants, or their representatives, have a responsibility to conduct thorough investigations. She asked if it would have been appropriate for the appellant to clarify any uncertainties, specifically regarding the definition of a homeowners association, with TRPA staff before marking the box on their application indicating that they did not have access to a common use facility.

Mr. Birnberg acknowledged that while further inquiry by the appellant could have been made, his main concern was the potential for future problems arising from the lack of a clear definition of "Homeowners Association" in the code. He argued that the interpretation of statutes should rely on the specific language used and noted that similar language was intentionally omitted from the current code. Mr. Birnberg emphasized the need for TRPA to define "Homeowners Association" explicitly to avoid confusion, suggesting that the current ambiguity should not be used as a basis to deny the appeal. He concluded by stating that the appellant has incurred costs to their detriment by moving forward with the application under unclear guidelines.

Ms. Aldean reiterated the importance of asking clarifying questions before making significant investments, emphasizing the need for due diligence to avoid misunderstandings. She acknowledged that the applicant might want to respond to this point as well.

Gary Furumoto, the project consultant with Sagan Design Group, explained that the issue of whether a single-family owner could apply for a pier through the association came up in 2019. After discussions with staff, it was determined that such applications could be made. Mr. Furumoto proceeded to submit applications on behalf of this owner and other single-family owners in 2019 and again in 2021. The eligibility issue arose in 2022 after allocations were

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made, yet they were still allowed to make applications in 2023 following further discussions with staff about the matter.

Ms. Aldean acknowledged Gary Furumoto's earlier clarification and noted his agreement on the importance of limiting single-use piers in accordance with shoreline regulations. She asked why, if the appeal is denied, applying for a multi-use pier would not be a viable option for the applicant, considering that this aligns with the concept of limiting single-use piers. She mentioned that Mr. Furumoto was representing the applicant in their absence and was seeking his perspective on pursuing this alternative course of action.

Mr. Furumoto explained that pursuing a multiple-use pier typically involves partnering with neighboring properties. He noted that they had discussions with several neighboring property owners, but none were interested in pursuing a pier at this time, making the multiple-use option not feasible for the applicant.

John Marshall explained that the pier application process involves a limited number of pier allocations issued every two years, with applicants submitting a preliminary application to enter a lottery. This initial application is kept at a high level to avoid unnecessary expenses for applicants who may not receive an allocation. If an applicant wins the lottery, they then submit a detailed application that undergoes thorough review to ensure it meets all code requirements.

Mr. Marshall noted that the preliminary application process is intentionally broad, accepting a wide range of entries because it is uncertain whether applicants will be selected in the lottery. He acknowledged that there might be room to refine the application question regarding access to multiple-use facilities, typically addressed by asking if the applicant is part of a homeowners association (HOA), which staff uses to check eligibility. He emphasized that the distinction between the preliminary and full application processes is important, as the latter involves a comprehensive review of eligibility and other requirements, which led to the current appeal case.

Chair Williamson asked for clarification from John or Marsha regarding whether there is a separate GIS system that TRPA staff is using, distinct from what is publicly accessible. This question aimed to understand if there is any difference between the GIS information available to the public and what TRPA staff uses in their evaluations.

Brandy McMahon explained that there is a GIS layer available to the public, the same tool that TRPA staff uses, which shows whether a parcel is part of a homeowners association (HOA). This GIS layer was developed during the 2017 shoreline planning process and was used in the Shoreline EIS. Ms. McMahon acknowledged that the process for accessing this information could be clearer and suggested reaching out to the GIS team to improve transparency and guidance on how to find and use this layer effectively.

Mr. Birnberg responded that although the GIS layer indicating HOA status is apparently available, he and his team were unable to locate it after multiple attempts. He mentioned that he had various staff members, potentially more technically skilled, try to access the layer using different methods, but they were still unable to find it, highlighting the difficulty in accessing this information despite knowing what they were looking for.

Mr. Birnberg reiterated that despite trying every possible option in the GIS system, he was unable to locate the HOA layer, emphasizing that this was not due to a lack of effort. He clarified that his comments were not meant as criticism of any individuals, noting his personal

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connection to the planning community. His main concern was accurately interpreting the current statute, specifically regarding access to piers and the interpretation of homeowners associations. Mr. Furumoto emphasized the importance of understanding and correctly checking the application box related to HOA access, mentioning that similar issues were encountered when assisting other single-family applicants at Dollar Point.

Mr. Kieckhefer asked Mr. Furumoto if he was suggesting that TRPA had advised that the applicant was eligible because their property was not part of a HOA.

Mr. Furumoto explained that he argued the property was not part of a HOA but rather a voluntary recreation club. Based on this, he was advised that it was acceptable to mark the application box indicating "no" for HOA membership. He emphasized that this decision was not made discreetly, but rather with guidance, confirming their eligibility to proceed with the application.

John Marshall again explained the initial pier application process, which involves submitting a preliminary application to enter a lottery for limited pier allocations, not a direct pier application. This preliminary stage is kept broad to allow as many applicants as possible into the lottery without needing detailed scrutiny, as many might not be selected. If an application wins the lottery, a more thorough review is conducted to determine eligibility, including compliance with specific code requirements.

Mr. Marshall noted that during this more detailed review, issues such as HOA status are closely examined, as seen in the Johannessen case, where the eligibility of the Agate Bay Swim Tennis Club was assessed. He mentioned that in the current case, once the property was identified as being part of Dollar Point, a multiple-use facility, further review led to a determination based on eligibility criteria.

Mr. Marshall highlighted that the approach is designed to minimize unnecessary work at the preliminary stage since many applicants may not proceed past the lottery. He also explained that the limited number of single-use pier allocations has decreased over time, with more focus now on allocating to multiple-use facilities, reflecting the evolving policy towards fewer single-use piers.

Mr. Furumoto pointed out that if the Dollar Point Association's HOA status had been as prominently indicated on the GIS system as suggested, the application would not have progressed as far as it did. He explained that the project had advanced significantly, reaching the stage where a draft permit was written, and a public hearing notice was issued. The issue of the HOA status only arose during the public comment period before the scheduled hearings officer meeting. Mr. Furumoto argued that this delay indicated that the HOA information was not immediately evident or prominent on the GIS system, leading staff to initially overlook it. The issue surfaced approximately 8 to 9 months after the full application was submitted to TRPA.

Shelly Aldean acknowledged that Mr. Furumoto's explanation clarified how far the application process went before discovering the applicant's potential access to a multiple-use pier. She expressed concern about the detrimental reliance issue, noting the complexity of the system and acknowledging areas in the code that need addressing. Ms. Aldean then asked if Ms. Burch could address the appellant's claim regarding the 2018 Shoreline Plan, specifically the suggestion that a staff report considered the term "or similar pier," which was ultimately rejected. She highlighted that if something was considered and rejected, it should be interpreted accordingly, seeking clarity on this point.

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Ms. Burch responded that the definition of "Homeowners Association" in the context of the shoreline regulations is functional and related specifically to pier access rather than to common interest developments. She emphasized that the eligibility to access the multiple-use pier at Dollar Point is tied to property ownership, with some procedural steps for initiation and dues. Ms. Burch argued that the intent of the shoreline regulations was not to narrowly define "Homeowners Association" as entities governing common interest developments but to focus on pier access related to shore zone management.

Mr. Marshall noted that the Dollar Point pier has long been considered a homeowners association pier through multiple regulatory iterations, reinforcing that this interpretation has been consistent. He also acknowledged the difficulties in accessing the relevant GIS information but did not believe this was intended to limit the code's application concerning multiple-use piers recognized as serving the subdivision's parcel owners. Mr. Marshall concluded that the historical application of the term has been consistent and was not meant to be restricted further within the code.

Mr. Kieckhefer asked if the code specifically addresses the functional relationship between access to a buoy and access to a pier, questioning whether access to a multiple-use facility truly constitutes "access" if there is no practical way to use it, such as lacking access to a buoy to keep a boat in the water. He sought clarification on whether having access to a multiple-use facility implies guaranteed or generally available access, particularly when practical limitations exist.

Mr. Marshall explained that before 2018, the code referred to access to a "multiple-use facility," which could include buoys or piers. The 2018 update clarified this by specifying "multiple-use pier" to better define what type of access was required. He acknowledged ongoing concerns that accessing these facilities can be limited by factors like the availability of buoys or the absence of boat lifts, which some argue is unfair.

However, he emphasized that access to a pier serves broader purposes beyond boating, such as providing general recreational opportunities and enhancing lake access for homeowners. Thus, the TRPA has not restricted the term "access to a pier" solely to boat-related uses but considers it in the broader context of enhancing lake access for recreational use.

Mr. Birnberg clarified that he did not initially raise the issue regarding objections to access limitations but was informed that there were specific objections related to the pier access document, indicating potential problems. He noted that these concerns were highlighted by others, and he was told that individuals who raised these objections might be present to provide further clarification. Birnberg emphasized that he was not personally making this argument but wanted to ensure that the board was aware of the context.

Chair Williamson inquired as to the record of that objection.

Mr. Birnberg indicated his belief that there is a written record of objections related to pier access, although these objections were not explicitly cited in the staff report. He mentioned that while these writings exist, their exact relevance to the 2018 Shoreline Plan process is unclear and may require further investigation. Mr. Birnberg also expressed concern over Mr. Marshall's comments, suggesting that decisions should not be based on interpretations of what is thought or intended but should strictly adhere to the specific wording of the code or ordinance to avoid inconsistencies.

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Ms. Aldean suggested deferring the decision to gain more clarity on several issues related to the Dollar Point Association and its status. She expressed a desire to understand whether DPA has ever denied a membership application, drawing a parallel to the Agate Bay situation where pier availability was a key factor. She also sought clarity on how Dollar Point has historically presented itself as a homeowners association, including its representation in environmental review documents.

Ms. Aldean highlighted the importance of understanding the interactions between the applicant and TRPA staff regarding eligibility, particularly because the applicant is a professional planner who has been making similar applications for other homeowners within the association. She noted that these applications had progressed significantly, indicating a belief in eligibility. Finally, she asked for guidance from Marsha and John on the best way to defer the decision, acknowledging that construction would not begin this year as the building season was already missed.

Mr. Furumoto questioned the assumption that construction could not begin this year, stating that they have all necessary approvals in place and could start as soon as possible. He challenged the notion of deferring the decision solely based on the assumption that building couldn't proceed this year, emphasizing that their ability to begin work is not contingent upon the season but rather on having the permit issued.

Mr. Furumoto explained that the area is identified as feeding cover, considered habitat, then construction would typically not occur during the summer months but would be preferable in the winter. He noted that building a pier in the summer is challenging due to high winds that often develop by mid-morning, making it dangerous for workers. Conversely, winter days, while cold, are generally calmer and safer for construction. Furumoto expressed hope that the outstanding issues could be resolved within the next month so that the project could proceed and construction could begin during the winter season.

Ms. Aldean apologized for her initial misunderstanding, assuming that construction materials would not be available during the Tahoe winter. Given the clarification, she suggested continuing the discussion until the next meeting, noting that there might be further public comments or considerations to address.

Mr. Furumoto made a final comment that if Dollar Point's status as a multiple-use pier was so well known, TRPA staff should have identified this earlier in the process, rather than allowing the application to progress to the draft permit stage. He contended that the fact that staff did not catch this issue sooner indicates that Dollar Point's status as a multiple-use pier was not as well known or clear as suggested.

Ms. Faustinos emphasized the importance of distinguishing between a "capital HA" (Homeowners Association) and a "Homeowners Association pier," indicating that this distinction is central to her understanding of the staff's recommendation. She highlighted the need to review the history of the site's identification as a Homeowners Association pier and multi-use facility. Additionally, she expressed interest in confirming whether any applications have ever been denied, as this would be a critical factor in her consideration.

Ms. Burch outlined three key areas she would investigate if the discussion were continued:

1. Whether the Dollar Point Association has ever denied an application from a parcel owner.

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2. The current status of Dollar Point Association as a homeowners association, noting that in recent years, it has stopped publicly identifying itself as such.
3. References in environmental review documents that assume Dollar Point's status as a homeowners association pier and how these assumptions influenced the environmental analysis.

Additionally, she would look into the details of the interactions between the applicant and TRPA staff as the application progressed. She invited any further questions to add to her list for investigation.

Mr. Kieckhefer requested that if there is any information in the record from the development of the 2018 Shoreline Plan concerning the issue of the definition of a Homeowners Association or related terms, that this information should also be included in the review, as it would be helpful.

Public Comment

Jan Brisco, representing the Tahoe Lake Front Owners Association, emphasized the importance of thoroughly addressing the current discussion, particularly regarding the Agate Bay situation. She clarified that Agate Bay has never imposed restrictions on members, nor have they reached their 200 membership limit. Ms. Brisco pointed out that TRPA staff approved a single-use pier at Agate Bay without directly consulting the association, despite arguing against Agate Bay's status as an HOA in another context. She highlighted the inconsistency in TRPA's approach and expressed concern about the broader implications, such as potential restrictions on Agate Bay's ability to expand their buoy field. Brisco urged the committee to carefully clarify these issues to avoid unintended consequences and expressed a willingness to engage in further discussions.

Final Committee Discussion

Ms. Aldean expressed that Jan Brisco's remarks contradicted her understanding of the availability of the multi-use facility in the Agate Bay situation. She suggested that a deeper investigation should be conducted to compare and contrast the circumstances of Agate Bay with other similar cases, to better understand the differences in how these facilities and their accessibilities are being treated.

Mr. Birnberg emphasized the importance of open dialogue and collaboration between himself and TRPA to ensure mutual understanding and to address factual issues rather than arguments. He expressed a desire to work together towards a better resolution before reconvening, rather than returning in September with conflicting positions. Acknowledging that his goal is the denial of the appeal, he noted that the most constructive path forward is to continue working collaboratively, as this approach seems the best way to address the committee's concerns and gather the necessary information.

Ms. Aldean made a motion to recommend continuation of the Appeal to the September board meeting.

Motion carried by unanimous voice vote.

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

None.

VII. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 5

None.

VI. COMMITTEE MEMBER COMMENTS

None.

VIII. PUBLIC INTEREST COMMENTS

None.

IX. ADJOURNMENT

Ms. Aldean moved to adjourn.

Meeting adjourned at 10:02 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.