

**TRPA
GOVERNING BOARD
PACKETS**

**NOVEMBER
2000**

**TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS**

NOTICE IS HEREBY GIVEN that on Tuesday, November 14, 2000, commencing at 5:30 p.m., in the conference room of the Tahoe Regional Planning Agency, 308 Dorla Court, Zephyr Cove, Nevada, the Environmental Improvement Program Implementation Committee (EIPIC) will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** approval of minutes; **3)** discussion regarding TRPA role in implementation; **4)** discussion of EIP update; **5)** member comments. (Committee: Waldie, Cole, Perock, Miner, DeLanoy)

NOTICE IS HEREBY GIVEN that on Wednesday, November 15, 2000, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the North Tahoe Conference Center, 8318 No. Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

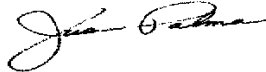
Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN that on Wednesday, November 15, 2000, commencing at 8:30 a.m., at the same location, the TRPA Finance Committee will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** October expense/revenue summary; **3)** amendment of TRPA filing fees; **4)** member comments. (Committee: Neft, Heller, Galloway, Solaro, Bennett)

NOTICE IS FURTHER GIVEN that on Wednesday, November 15, 2000, commencing at 8:30 a.m., at the same location, the TRPA Legal Committee will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** Scholz, show cause hearing, illegal deck addition, El Dorado APN 22-421-071; **3)** Agency Counsel performance evaluation (includes closed session without action); **4)** status of TRPA v. Menasha. (Committee: DeLanoy, Waldie, Medina, Miner, Sandoval)

NOTICE IS FURTHER GIVEN that on Wednesday, November 15, 2000, commencing at noon (12:00 p.m.) at the same location, the TRPA Retirement Committee will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** resolution to change Agency plan to authorize Executive Director to disburse funds; **3)** discussion on change in Agency plan to require disbursement of funds by October 1 or payment of interest must be made to former employees; and **4)** member comments. (Committee: Sandoval, DeLanoy, Neft, Chouinard, Palma)

November 6, 2000



Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and AI Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
8318 North Lake Boulevard
Kings, Beach, California

November 15, 2000
9:30 a.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

AGENDA

- I. PLEDGE OF ALLEGIANCE (5 minutes)
- II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)
- III. PUBLIC INTEREST COMMENTS - **All comments are to be limited to no more than five minutes per person.**
Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, TMPO, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal, and Planning Matter items will be taken at the time those agenda items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.
- IV. APPROVAL OF AGENDA (5 minutes)
- V. APPROVAL OF MINUTES (5 minutes)
- VI. CONSENT CALENDAR (see agenda pg. 2 for specific items) (5 minutes)
- VII. SHOW CAUSE HEARINGS
 - A. Scholz, Illegal Deck Addition, El Dorado APN 22-421-071 (60 minutes) Pg 37
- VIII. PLANNING MATTERS
 - A. Motorized Watercraft Studies Progress Report (20 minutes) Pg 41
 - B. Discussion on Potential Code Amendment to Section 13.7.D(3) Relative to Transit-Oriented Development (30 minutes) Pg 43
- IX. ADMINISTRATIVE MATTERS
 - A. Discussion of Potential TRPA Office Relocation Sites (30 minutes) Pg 49

- B. Election of Chairman and Vice-Chairman for 2001-2003 (15 minutes)
 - C. Appointment of Nevada Lay Member to the Advisory Planning Commission (5 minutes) Pg 51
 - D. Performance Evaluation of Agency Counsel (includes closed session without action), Salary Adjustment (20 minutes)
- X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION
- A. Legal Committee (5 minutes)
 - C. Finance Committee (5 minutes)
 - C. EIPIC (5 minutes)
 - D. Local Government Committee (5 minutes)
 - E. Retirement Committee (10 minutes)
 - 1. Resolution Authorizing Executive Director to Disburse Funds Pg 53
- XI. REPORTS
- A. Executive Director Monthly Status Report (5 minutes)
 - 1. Status Report on Project Applications Pg 57
 - B. Legal Division Monthly Status Report (5 minutes)
 - C. Governing Board Members (5 minutes)
- XII. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. Receipt of October Expense/Revenue Summary	Receipt	<u>Pg 1</u>
2. Resolution Amending Filing Fees	Approval	<u>Pg 3</u>
3. Palomba and Anderson, Land Capability Challenge, 101 Meadow Drive, Douglas County APN 07-492-18	Approval	<u>Pg 13</u>
4. Wagner, Land Capability Challenge, 380 Cynos Way, Placer County APN 093-280-15	Approval	<u>Pg 19</u>
5. Tamarack, Mutual Water Company, Forest Health Restoration, El Dorado County APN 017-001-03	Approval with Conditions	<u>Pg 23</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

- (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.
- (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.
- (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III(g) Public Law 96-551

Tahoe Regional Planning Agency Governing Board Members:

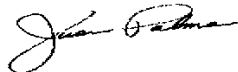
Chairman Larry Sevison, Placer County	Wayne Perock, Nev. Dept. of Conservation Appointee
Vice Chairman Don Miner, Douglas County	Drake DeLanoy, Nevada Gov. Appointee
Kay Bennett, Carson City	Jerry Waldie, Calif. Senate Rules Com. Appointee
Jim Galloway, Washoe County	Leslie Medina, Calif. Assembly Spkr. Appointee
Hal Cole, South Lake Tahoe	Joanne Neft, Calif. Gov. Appointee
Dave Solaro, El Dorado County	(Position Vacant), Calif. Gov. Appointee
Brian Sandoval, Nevada At-Large Member	Peter Chase Neumann, Presidential Appointee
Dean Heller, Nevada Secretary of State	

**NOTICE OF AMENDED AGENDA
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

NOTICE IS HEREBY GIVEN that the regular November 15, 2000, Governing Board meeting agenda for the Tahoe Regional Planning Agency is hereby amended by adding the following: Wednesday, November 15, 2000, commencing at 12:30 p.m., at the same location, the TRPA Rules Committee will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** adoption of an exemption from Rule 3.2 of the Personnel Policy Manual (Salary Schedules) for current Deputy Executive Director vacancy. (Committee: Solaro, Neft, Heller, Galloway, Medina).

The Rules Committee shall make a recommendation for possible Board action on this item under Section X of the regular agenda.

November 6, 2000



By: _____
Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and AI Tahoe, California.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Tahoe Seasons Resort
South Lake Tahoe, California

October 25, 2000

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Chairman Larry Sevison called the October 25, 2000, Tahoe Regional Planning Agency (TRPA) Governing Board meeting to order at 9:35 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Vice Chairman Don Miner led the Board in the Pledge of Allegiance to the Flag.

Members Present: Dr. Miner, Mr. Waldie, Mr. DeLanoy, Mr. Solaro, Mr. Heller, Mr. Cole, Ms. Bennett, Mr. Perock, Ms. Neft, Mr. Galloway, Ms. Medina, Mr. Sandoval, Mr. Sevison

Member Absent: Mr. Neumann, California Governor Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS

No one from the audience wished to comment.

IV. APPROVAL OF AGENDA

Acting Deputy Executive Director Gordon Barrett advised of the following changes: 1) continuance of consent calendar item 6 (Bridgetender LP, New Commercial Structure in Placer County) as indicated in the staff memo in the meeting packet; 2) continuance of consent calendar item 4 (Palomba and Anderson land capability challenge in Douglas County) because of technical issues and objections from neighboring property owners; the lot was located in Granite Springs, a TRPA-approved subdivision; 3) continuance of Project Review agenda item IX.C. (Sprock/Parker multiple use pier and pier expansion). The Army Corps of Engineers had withdrawn its support for the proposal because of navigational concerns; Nevada State Lands had concerns with wildlife impacts; and the neighbors had objected.

Mr. Galloway asked if all the applicants had consented to the continuances.

Agency Counsel John Marshall advised that the Board had the discretion to continue items on the agenda. The Sprock/Parker applicants were advised by staff of the recommendation for continuance.

Mr. Gary Midkiff, representing the Sprock/Parker application, accepted the continuance.

MOTION by Mr. Galloway to approve the agenda with the continuance of the Sprock/Parker matter (item IX.C.). The motion carried unanimously.

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Staff advised the Board of the following new staff members/assignments:

- Carol Watkins, Management Support Executive Assistant, training to temporarily take on the duties of the Clerk to the Board until the position was filled permanently
- Julie Thompson, new Assistant Planner in Project Review, with degree from Sonoma State in Environmental Studies
- Tim Hagan, promoted to Senior Planner/Soils Program Manager in Long Range Planning
- Andrea Vyenielo, AmeriCorps employee, with degree in Wildlife and Fisheries Biology from U.C. Davis, previous experience in Alaska, Monterey, and Hawaii
- Jerry Dion, new Vegetation Program Manager, with a degree from U.C. Davis in Environmental Biology and Management and Masters from University of Wisconsin in Design and Management of Native Plant Communities
- Tori Christiansen, new Finance Assistant
- Zen Mocarski, formerly with University of Nevada in Reno, web page designer working in the Public Affairs Department

Chairman Larry Sevison presented Agency Counsel John Marshall with a Certificate of Appreciation from the Board for his service from May 24 through October 8, 2000, as TRPA's Acting Executive Director.

V. APPROVAL OF MINUTES

Mr. Cole asked that the third paragraph on page 3 of the September 26, 2000, meeting minutes be corrected to show that his statements regarding a backlog referred to a TRPA backlog and moratorium, not a City backlog or moratorium.

MOTION by Dr. Miner to approve the September 26, 2000, meeting minutes with the correction as noted. The motion carried unanimously.

VI. CONSENT CALENDAR

MOTION by Dr. Miner to approve the consent calendar with items 4 and 6 continued, as previously discussed.

Mr. Paul Kaleta, on behalf of the Palomba/Anderson land capability challenge (item 4), concurred with the continuance.

The motion carried unanimously.

(Following are items approved on the consent calendar:

1. Receipt of September Expense/Revenue Summary (received)
2. Scott, Land Capability Challenge, 215 Wheeler Road, Incline Village, Washoe County APN 130-204-07
3. Vernosky, Land Capability Challenge, Highway 50, Zephyr Cove, Douglas County APN 05-132-01
5. Catron, Appeal of Land Capability Challenge, 7238 Plaza Court, Tahoe Vista, Placer County APN 117-110-38

The following items were continued:

4. Palomba and Anderson, Land Capability Challenge, 297 Kingsbury Grade, Douglas County APN 07-492-18

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6. Bridgetender LP, New Commercial Structure, 65 West Lake Boulevard, Placer County APN 94-540-18, TRPA File No. 200396)

VII. PLANNING MATTERS

- A. Review and Adoption of 2000 Regional Transportation Improvement Program (RTIP), Amendment #2, Approval of Resolution

Transportation Division Chief Richard Wiggins presented the summary of the proposed amendment. The amendment called for an additional \$223,000 to complete the project report and environmental document for Phase I of the U.S. 50 Highway Improvements project in South Lake Tahoe, a reduction of \$119,000 for the design of Phase I, an increase of \$613,000 for the right-of-way engineering, and \$165,000 for the right-of-way, for a total of \$882,000 additional for the Phase I project. Additional amendments to the RTIP would be coming back to the Board as this and other projects moved forward. Mr. Wiggins responded to Board member questions.

No one in the audience wished to comment.

MOTION by Ms. Bennett to approve TRPA Resolution No. 2000-15 adopting Amendment #2 of the 2000 RTIP. The motion carried unanimously.

Agency Counsel John Marshall asked that the next two matters be taken up together, since staff was recommending continuance of both items.

VIII. PUBLIC HEARINGS

- A. Amendment of Plan Area Statement 058, Glenbrook, to Add Special Area #1 Where the Construction of New Piers Will be Prohibited

IX. PROJECT REVIEW

- A. Ruvo/Whittemore/Carano, New Pier, 1960 Glenbrook Inn Road, Douglas County APN 01-190-13 et al., TRPA File No. 990108

Mr. Marshall reminded the Board that when these two items came before the Board in August they were continued to the October meeting in an effort to foster discussion among the parties to settle their differences over the pier application and the extent of piers in Glenbrook Bay. This continuance was to provide time for former member Terry Giles to help facilitate discussions with the Homeowners Association and the Ruvo/Whittemore/Carano group. Board members Heller and Sandoval had been involved in some of the discussions, and it was staff's opinion that additional time would be beneficial to get the parties together. It appeared that Mr. Giles may have more time to assist in crafting a resolution; also new Executive Director Juan Palma would like more time to be brought up to speed so he could assist in the discussions.

Executive Director Juan Palma advised that he would like an opportunity to visit with all the players, since he had not been able to do this as yet. The Board members had received a letter from Mr. Giles indicating he may have more time now to work on the issues and suggesting a Friday or Saturday may be an appropriate time to meet. He favored this approach in an effort to talk through the issues and come up with a solution. Mr. Palma asked that these items be continued for another 30 to 45 days and preferably to the December meeting.

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Mr. Waldie advised that he had had second thoughts about the process. When the matter came up previously, he favored the approach that was taken. Now, he was not sure that a regulatory body should abandon its responsibilities and continue these matters. Mr. Giles in August had suggested that there were votes on the Board to act in a particular way and that there should be the acceptance of a compromise. Although he did not know where Mr. Giles had come up with that conclusion, he was sure it was arrived at in good faith. It was not his view of the issue at the time. To suggest that the parties should accept this extra-curricular, extra-legal procedure because of a threat that the results may go a different way on the Board made him increasingly uncomfortable. He apologized that his sensitivities were belated. His concerns were raised by watching the matter develop and partly by an increasing unhappy feeling that, if a resolution were reached, he would be expected to vote for it. It should be clear that as a member of the Board he had not relegated his responsibility to vote on the issue of the pier to the parties coming to an agreement. While that agreement may be of interest to him, it would not be compelling. It should be made clear to the Board today that the parties were in agreement with the procedure. In the future he would not agree to such a procedure. The process was underway now, and for the Board to continue it over the objections of one of the parties would not be a wise thing to do. He wished to have the parties represent that there was full agreement on their parts that the matters be continued. He also was not aware at the August meeting that there was a world of issues between the parties that the parties, or at least the Homeowners Association, were seeking to have resolved as a part of this process. These issues were not before the Board, and the resolution of these issues should not be a matter of the Board's concern, until they were before the Board.

Mr. DeLanoy explained that a subsequent letter from an attorney suggested there was another homeowners group within Glenbrook that was raising objections because it was not involved in the overall process. If the matter were going to be continued, everyone involved should give consent.

Dr. Miner agreed with Mr. Waldie, noting that in August the Board got caught up in the emotion of settling an issue. It was not agendized and was subject to criticism as far as violating the Open Meeting Law. There was no delegation of authority; there was an attempt to resolve the issues but it was not publicly noticed. No public input was taken at the time; representations were made that potentially there was a cumulative quorum of the Board which was never the case. If the Board continued the matter, the Board should be prepared to discuss and vote up or down on the matter in December. There were concerns in the staff report that needed to be addressed, and TRPA should get back to its regulatory business. If this was a neighborhood dispute, the parties needed to work it out. No matter how the Board acted, the decision would likely be appealed, and TRPA was too vulnerable as a regulatory body to persist in this manner.

Mr. Cole agreed with having second thoughts on how this was handled previously. If the applicants and the Homeowners Association wished voluntarily to continue this and the process that was started, he would have no problem. He questioned whether the Board could proceed with the Plan Area Statement amendment but with a caveat that any applications in the process would be exempt. Did both items need to be heard together, or was the amendment separate from the project?

Mr. Marshall explained these were distinct actions of the Board. The items were essentially related, and there was primary concern whether there would be piers generally and this specific pier in this particular location. It was a wise use of the Board's time to hear those matters consecutively. They did not have to be heard at the same time, since they were distinct actions.

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In suggesting that the Board may wish to proceed with the Plan Area Statement amendment, Mr. Galloway asked if staff was prepared to comment on the location rules for piers contemplated in the Shorezone EIS. He would want to ensure that the decision made for this Plan Area Statement with regard to piers was compatible with what was being contemplated for other shoreline properties around the Lake. This should be addressed in the future on the Plan Area amendment - if not at this meeting.

Acting Deputy Executive Director Gordon Barrett responded this was awkward because a draft set of rules for the shorezone had not been seen by the Board. It would be presumptuous to say what the new rules would be. The current summary was based on the rules and environmental documentation in existence today. Some of the knowledge gained in the EIS about scenic impacts had been incorporated into the recommendation, but the proposal for the new rules for pier height and width was not brought into the review. If the Board wished to see this, staff could bring this back in December.

Mr. Galloway indicated that the physical constraints for piers was not as much of a concern to him as pier location, where piers would be permitted, where they would not, and whether there would be a distancing requirement.

Chairman Severson apologized if there were Board members who were concerned that the process in August was inappropriately handled. The only rationale behind it was to try and encourage the two parties to get together to talk in a more meaningful way. He did not apologize for trying to bring common sense to the situation. It was not his intention to enter the discussions with any preconceived ideas on what would come out of the discussions. He asked the parties to comment on the staff recommendation for the extension.

Mr. Larry Hoffman, on behalf of the applicants, Mr. Whittemore, Mr. Ruvo, and Mr. Carano, welcomed new Executive Director Juan Palma to the Agency and asked that he be given the opportunity and time to learn about the issues at Glenbrook. Former Board member Giles also had made a major reach-out and he appreciated that effort. Mr. Giles had volunteered to make a Friday or Saturday available quite soon to bring the parties to the table. He was supportive of this action, although he could not predict the outcome. His concern was timing, and he did not want to lose the momentum but wanted to keep the pressure on. The first and most meaningful session to be attended by Mr. Palma and Mr. Giles would tell whether this was resolvable. If it was not, he would like the matters brought to the Board for a vote up or down on the merits. He encouraged the matter be continued to November, because a meeting could have been held by that time and a judgment made by Mr. Palma and Mr. Giles whether a further continuance was needed. If the matter was moved now to December, he feared that not much would be done in November. On the issue of the Plan Area Statement, he felt the two topics were interconnected. Part of the settlement discussions had to do with whether or not he would oppose it and on what grounds. It all had to be taken up at the same time.

Mr. Mark Gunderson, on behalf of the Glenbrook Homeowners Association, noted that everyone had tried to do their best in moving the process forward. The pier development issues and other issues in Glenbrook were difficult issues to resolve. Mr. Heller attended the Association's September 21 board meeting, and that meeting was held solely and exclusively for the purpose of exploring settlement options. He understood and appreciated Mr. Hoffman's wish to keep the pressure on. While he agreed with it, reality had to take precedent, because the Glenbrook Association as a board had to follow Nevada law and its own bylaws and operating documents. If it did not, it could not come to an agreement. This was not just one party and another party, because there were other issues that had to be dealt with. It would take at least 40 to 45 days

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to explore whether or not a resolution was reasonable. He was scheduled to be in trial for the November meeting of the Board. If the Board wished to have the hearing in November, it would cause more trouble with regard to the presentation. Practically speaking it now was October 25; getting Mr. Palma and Mr. Giles up to speed by November 15 was just not going to happen. The Homeowners Association, as Mr. Heller could attest, was very receptive to settlement. It voted unanimously to explore settlement and to work in good faith toward settlement; it would have to be the December meeting, however. If not, the process would not work. It would fail. The Homeowners Association would like to have the matter continued to give it a good-shot effort, but it would have to be the December meeting or it would not happen at all. From the Homeowners perspective, the Plan Area Statement amendment was not attached to the Ruvo pier application. They could be heard separately, and it would be prudent to move forward on that application at the most appropriate time. The two issues were not nor should they be related. The last issue raised by the Homeowners Association that was raised at the earlier meeting was that in the process or during the period of negotiation there was to be a stand-down of the development activities in Glenbrook by Mr. Ruvo. This had not happened. If this was going to go forward with a continuance to the December meeting, the Board had already authorized its representatives to move forward and negotiate. He asked that the Board consider divorcing the PAS amendment from the pier application, and he wanted it specifically represented and a part of the agreement that the development activities of Mr. Ruvo, as he represented at the last meeting, would cease until the hearing settled. He was not aware of a regularly scheduled Association board meeting.

Mr. DeLanoy advised that he had a letter from an attorney representing another group of homeowners in the Glenbrook area; he had learned that this attorney was not given an opportunity to participate in the discussions. He understood that all parties were going to be involved.

Mr. Gunderson responded that the Glenbrook Preservation Association was represented by Mr. Zumbrun. To this point in time, Mr. Zumbrun had not been involved. If there were other parties or persons that wanted to be a part of the process, he had no objection.

Mr. Ronald Zumbrun, representing the Glenbrook Preservation Association, a group of homeowners committed to preserving and enhancing the environment at Tahoe, explained he was present at the August 23 meeting when mediation started. He could not find where the discussions were going on during the first hour. He was able to listen to one of the groups at the end of negotiations. He had never met with the other group, never been introduced to them. Subsequently, there had been meetings with the TRPA Acting Executive Director present, all of the first two parties that testified. He had learned about this weeks after the meeting. He felt totally excluded from the process. In response to a question regarding the official position of the Preservation Association in the Glenbrook community, Mr. Zumbrun suggested that the TRPA Board did not appear to have the August 10, 2000, explanatory letter when a petition was submitted with over 200 property owners at Glenbrook indicating they were forming the Glenbrook Preservation Association. The group had provided signed petitions supporting the PAS amendment today and supporting the various petitions he had written to the Board about. The group was a non-profit corporation and was independent of the Glenbrook Homeowners Association. Its interests were broader and were aimed at all of the Lake Tahoe Basin.

Mr. Severson asked if the group considered itself like the League to Save Lake Tahoe.

Mr. Zumbrun responded that it did. He referred the Board to the August 10 letter.

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Mr. Waldie asked Mr. Zumbrun to clarify whether he considered his group to be in the same arena of thought as the League to Save Lake Tahoe.

Mr. Zumbrun responded that he considered the group as having the same scope of interest. He would agree with the League on some issues and disagree on some others. He would assume on issues that were before the Board today, the group would agree. He did not know that for a fact.

Mr. DeLanoy explained that he had received a pretty strong letter from Mr. Zumbrun indicating that the TRPA Board had tried to deprive him of due process. That was certainly not the intention. If he was counsel and was present, he was surprised he was not involved.

Mr. Zumbrun suggested that the proceedings had become tainted in the mixing of the Board's mediation with the normal Board regulatory process. He did not think the Board could get out of that taint. The Board had to put aside mediation to let it do what it wanted to do and had to deal with its responsibility to act on these proposals. They should be acted on as presented. The mediation would have to come back with new proposals. He did not think the Board could mix them together. It was very intimidating to the Glenbrook Homeowners Association the way the last meeting went. This was the second time the public had been here on this issue. The first time, a full hearing was expected. This time he did not know what to expect. The Board could not have the public stretched out like this on these important issues

Ms. Medina asked Mr. Marshall if it was a proper procedure for Board members to be participating in mediation and if there was precedent for the Board in mediation.

Mr. Marshall responded that there had been a long history of Board member participation in trying to resolve both large-scale and small-scale issues. The best example was probably Board member participation in some of the consensus-building process that came up with the 1987 Regional Plan. Obviously if there was a quorum of a committee or the Board, the meeting had to be publicly noticed, but there was no problem if Board members were acting individually. As noted by Mr. Waldie, there could not be an expectation through that negotiation that the Board would adopt whatever the resolution was. He had tried to make this clear two months ago, when he advised the Board that staff had not seen the proposed resolution; there had been no staff recommendation. It was up to the Board's independent judgment at whatever came forward to determine whether it was acceptable within the Board's discretion and whether it met the various Code and threshold requirements.

Mr. Zumbrun agreed with Chairman Severson's description of his position as wishing the Board to take action now to move forward regardless of what was taking place in the negotiation arena.

Mr. Gary Midkiff, representing the Glenbrook Homeowners Association for purposes of the Plan Area Statement, suggested that a meeting with Mr. Palma and former Board member Giles made perfect sense. The difficulty he had was with scheduling and planning for presentations. He had been prepared in the past and could be prepared for a November hearing on the Plan Area Statement. He agreed that the PAS and its planning issues should be treated separately from the permit issues. He would be out of the country in December.

Dr. Miner agreed that the issues were separate; the Plan Area Statement should be separated.

MOTION by Dr. Miner to move continuance of the Plan Area Statement discussion to November.