

STAFF REPORT

Date: December 9, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action: Dave Navarro; Unauthorized Watercraft Launching without an inspection, 746 Lincoln Highway, Douglas County, NV, Assessor's Parcel Number 1318-10-310-002.

Summary and Staff Recommendation:

Staff recommends that the Governing Board accept the proposed Settlement Agreement (Attachment A) in which Dave Navarro ("Navarro") agrees to pay a \$4,000 penalty to TRPA for the launching of personal motorized watercraft without an AIS inspection at the lakefront property located at 746 Lincoln Highway, Douglas County, NV ("Vacation Rental Property").

Required Motions:

In order to approve the proposed violation resolution, the Board must make the following motion, based on this staff summary:

A motion to approve the Settlement Agreement as shown in Attachment A.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Violation Description/Background:

In September 2020, TRPA staff inspected a complaint at the Vacation Rental Property occupied by Navarro for unauthorized launching of watercraft over the beach. During this inspection, TRPA staff discovered that Navarro had carried two jets skis over the beach and launched both in Lake Tahoe without any AIS inspection. The two Jet skis were removed immediately and inspected prior to launching later that week at an appropriate launch ramp.

After further investigation and discussion with Navarro, TRPA staff determined that both watercraft were launched without any authorization from TRPA in violation of TRPA Code Section 63.4.1.C (Prohibiting the launching, or attempting to launch, of any motorized watercraft into the waters of Lake Tahoe without an AIS inspection by TRPA or its Designee).

Navarro has explained that he did not understand the inspection rules clearly but is taking full responsibility for the unauthorized activities and has agreed to a settlement where he will pay a penalty of \$4,000 to TRPA.

Regional Plan Compliance:

The Tahoe Regional Planning Compact Article VI (k), Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations. The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

Contact Information:

For questions regarding this agenda item, please contact Steve Sweet, Code Compliance Program Manager, at (775) 589-5250 or ssweet@trpa.org.

Attachments:

- A. Settlement Agreement

Attachment A

Settlement Agreement

SETTLEMENT AGREEMENT

This Settlement Agreement is made by and between Dave Navarro (“Navarro”) and the Tahoe Regional Planning Agency (“TRPA”). This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

On July 19, 2020, The Tahoe Regional Planning Agency (TRPA) received information and identified that Navarro launched two jet skis from at an unauthorized location without the required boat inspection approval in violation of the following TRPA Code of Ordinances:

1. TRPA Code Section 63.4.1.C prohibits the launching, or attempting to launch, of any motorized watercraft into the waters of Lake Tahoe without an AIS inspection by TRPA or its Designee.

This Settlement Agreement is conditioned upon approval by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. Navarro shall pay TRPA \$4,000 within 30 days of Governing Board approval of this settlement agreement.
2. If Navarro fails to comply with any of the actions required by this Settlement Agreement, Navarro confesses to judgment against him and in favor of TRPA in the amount of \$8,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. Navarro also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$8,000. Notwithstanding the foregoing, the confession of judgment shall not be filed unless TRPA has provided Navarro with written notice of default and notice to cure such default within ten days of the date of written notice. If the default has not been cured by that time, TRPA may file the confession of judgment.
3. Once Navarro has fully complied with all of the terms herein, TRPA shall release Navarro of all claims arising out of his failure to follow TRPA procedures during the activities described in this Settlement Agreement.

Navarro has read this Settlement Agreement and understands all of its terms. Navarro has executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledges that the above-described activities constitute a violation of TRPA regulations. Navarro agrees to comply with all applicable TRPA requirements in the future.

Signed:

Dave Navarro

Date

Joanne S Marchetta, Executive Director
Tahoe Regional Planning Agency

Date