

California Tahoe Conservancy
Agenda Item 2
July 21, 2011

BOARD MEETING MINUTES

MAY 19, 2011

The California Tahoe Conservancy (Conservancy) Board convened at the Lake Tahoe Community College in South Lake Tahoe. Chairman Larry Sevison called the meeting to order at 9:35 a.m.

Mr. Sevison asked Mr. Hooper to lead the pledge of allegiance.

1. Roll Call

Diane Niland of the Staff called the roll. Chairman Larry Sevison, Vice-Chairman John Hooper, and members Norma Santiago, and Angela Swanson were present. Todd Ferrara was present as designee for the Natural Resources Agency, and Karen Finn was present as designee for the Department of Finance. Nancy Gibson, Forest Supervisor for U.S. Forest Service, Lake Tahoe Basin Management Unit (LTBMU), was also present. Lynn Suter was absent from the meeting. Mr. Lacey indicated that Ms. Suter extended her apologies for being unable to attend. He further suggested that the two new Board members introduce themselves.

Ms. Finn introduced herself and stated that she represents the Director of Finance, Ana Matosantos. Ms. Finn indicated her appreciation for being on the Board and her familiarity with other conservancies due to positions on other Boards. She also expressed a personal interest in the Tahoe Conservancy based, in part, on a long standing family property within the Basin.

Ms. Gibson introduced herself as the new Forest Supervisor for the LTBMU, noting that she is new to the area. Ms. Gibson explained that she has been with the Forest Service for 33 years, with assignments throughout the west. She noted her appreciation for the Conservancy's work and for the partners throughout the Basin, and stated that she is looking forward to her participation on the Conservancy Board.

2. Approval of Minutes

The Board approved the minutes of the meeting of January 20, 2011 on a voice vote.

3. Chairman's Report

Mr. Sevison acknowledged the challenging times in the Basin and stated that he would like to work toward keeping the agency as vital as possible. He suggested that now would be a good time to reevaluate how the agency operates with regard to project funding and implementation, including the potential for public/private partnerships and sale of asset lands. Mr. Sevison acknowledged the talent of Conservancy Staff, noting that this could be instrumental in working with other private and public agencies and other granting authorities and securing non-traditional funding sources. He indicated that, at the Board's pleasure, he would like the Executive Director and staff to evaluate opportunities for expanding funding opportunities to continue the agency's work and be a little creative.

Ms. Santiago asked Mr. Sevison to clarify that he was suggesting the pooling of resources. Mr. Sevison answered in the affirmative.

Mr. Hooper clarified that the July Board meeting, which includes a Strategic Plan workshop, would be an occasion to go into some detail on such issues. Mr. Sevison indicated that would be a good idea.

Mr. Sevison invited comments. Seeing none he requested the Deputy Attorney General's Report.

4. Deputy Attorney General's Report

Ms. Moe announced that the Board would have a closed session under Government Code Section 11126e at the close of the meeting.

Mr. Sevison requested the Executive Director's report.

5. Executive Director's Report and Major Projects Update

Mr. Wright commented that the agenda was light and the Board could opt to further delve into any issues in which they might be interested. Mr. Wright indicated that, during a recent round of hearings, the Conservancy's budget was largely approved by the Legislature. He noted that the Conservancy did loose, as part of the Governor's May revise, remaining amounts of General Fund monies, explaining that it was a reduction we have been expecting for several years. He further explained the concern that very restrictive provisions are applied to all State agencies that have any general fund and the fact that the agency is now independent of general fund dollars means that the budget situation in California actually doesn't adversely affect the Conservancy as much as it might affect some other agencies. Mr. Wright noted that a key part of the Strategic Plan is dealing with the fact that bond money is running out and a new, long-

term funding strategy is necessary to keep the agency moving forward. Mr. Wright explained that, in the short term, with respect to funding for next year, the agency is in relatively good shape, particularly compared to other State agencies. He further noted that, as part of the turmoil that's surrounding the Basin, the California Legislative committees have indicated that they are going to require more accountability and oversight of what's happening in the Tahoe Basin, asking both TRPA and the Conservancy for additional information on what projects and initiatives are being implemented and what is being accomplished.

Mr. Wright noted that, while TRPA will provide the majority of information requested - particularly regarding threshold attainment - the Legislature is also asking for additional information on Conservancy projects. He said that it is likely that the Conservancy will be required to report back to the Legislature by the end of the calendar year. Mr. Wright went on to say that he welcomes the Legislature's interest in Tahoe, as it will increase understanding of Basin issues.

Mr. Wright indicated that the first stage of the Conservancy's Strategic Plan is nearing completion. Staff, the Board, and a large number of stakeholders were interviewed in this phase, and preliminary assessment concludes that the Conservancy faces significant uncertainty in the near future. He indicated that, while the agency has a highly motivated and dedicated Staff that cares about the mission of the organization, morale is extremely low, as it is for most State employees. He cited furloughs, pay cuts, fiscal uncertainty, and a lack of agency focus as contributing factors. Mr. Wright explained that the agency and its Staff are also becoming involved in a number of new initiatives, such as climate change and sustainability, and noted that a Strategic Plan at this juncture will assist in defining the future role of the Conservancy in the Basin. He ended by stating that the Strategic Plan workshop in July would be critical to charting a course for the next several years.

Mr. Wright commented on the state of the Basin, explaining that the Nevada Legislature has introduced a bill to withdraw Nevada from the Tahoe Regional Planning Agency (TRPA) Compact, an action which has created a lot of uncertainty in the Basin, as well as attempts among various parties to pull things together. He stated that the California Legislature has also made clear that they are paying close attention, and that the Tahoe Regional Plan is about to be re-scoped, providing an opportunity for all of us in the Basin to shape the future. Mr. Wright further explained that the Total Maximum Daily Load (TMDL) has been through the Lahontan Regional State Water Board approval processes and will now be considered by the State of Nevada and U.S. EPA. Mr. Wright stated that, although viewed by some as an unfunded mandate, many see this as an important step forward. He suggested it is critical to constructively move forward with the TMDL in a positive and realistic manner, given current funding scenarios. He said

that, most recently, as Board Member Ferrara is aware, Secretary Laird and his counterpart in Nevada, Leo Drozdoff, have discussed how the two states can coordinate efforts in moving things forward.

Mr. Wright also reminded the Board of the annual August Summit, which will be sponsored this year by California's U.S. Senator Feinstein. Mr. Wright explained that Conservancy Staff has been working closely with Senator Feinstein's staff to plan the event, noting that the two Governors have been invited, and both have preliminary accepted. He indicated that the Summit is a great opportunity to come together as agencies, as stakeholders, to complete the Tahoe Regional Plan TMDL, and the new Sustainability Plan, and to implement the EIP. Mr. Wright further explained that the Summit provides an opportunity to reenergize the agencies and recommit ourselves to moving things forward.

Mr. Hooper asked Mr. Wright whether the dates for the Feinstein Summit in August had been set. Mr. Wright answered affirmatively, stating it is Tuesday, August 16th.

Mr. Hooper requested that the agency consider reinstating its occasional two day Board meetings which provided project tours for members of the Legislature, suggesting that he also found it a useful exercise for Board members to see how projects are implemented on the ground. Mr. Wright answered that agency staff would work on a strategy for tours for the Board and for other members of the legislature and the public, noting that we need to do a better job showcasing projects that are well underway. He identified the Lakeview Commons project as an excellent example of projects moving forward.

Mr. Sevison invited any other comments or questions.

Ms. Santiago acknowledged the challenging times Basin agencies are facing, but pointed out that they are also times of great opportunity. She noted that there are a number of exciting projects and initiatives moving forward, notably increasing the bike trail network, hosting Amgen, the Lakeview Commons project, the Highway 50 project, the City's Strategic Plan, and discussions about sustainable communities. Ms. Santiago commended the committed and hard-working spirit of agency staff and called for all to pool our resources to pull through these hard economic times to achieve a bright future.

Ms. Swanson stated that, on behalf of the City of South Lake Tahoe (City), she wanted to thank the Conservancy Board, for their foresight and support in moving Lakeview Commons forward. She also noted that the City recently adopted its General Plan which has been called one of the most advanced and far reaching general plans in the State, in terms of sustainability. Ms. Swanson further commented that the City is acknowledging and embracing the need for public/private partnerships and the need to

be more creative to advance projects, citing Harrison Avenue as an example which she hoped to bring before the Board in the near future.

Mr. Sevison concurred with the comments made by Board members Hooper, Santiago and Swanson, and asked if there were any more comments.

Mr. Lacey noted that staff hoped to present updated Forestry Guidelines for discussion at the July meeting.

6. Public Comment on Items Not on the Agenda

Mr. Sevison invited Public Comment, indicating that this forum is intended for the public to comment on items not agendized and asking that comments be kept to a couple of minutes.

Jeff Miner commented on the use of Class 2 versus Class 1 bicycle paths, as implemented by the Conservancy. Mr. Miner indicated that he is a 40-year resident of Tahoe, participating on various bicycle committees. He stated his observation that, while the Conservancy has historically opted for Class 1 bicycle paths, that Class 2 bicycle paths are to be preferred to Class 1 as a means to encourage alternative modes of commuting. Mr. Sevison thanked Mr. Miner for his comments.

Joseph Ward was next to speak, stating that he is the owner's representative for the Kings Beach Housing Authority, proponent of the Kings Beach Housing Now project. He explained that they had encountered groundwater and they were asking permission to discharge the excess water onto Conservancy lands, in order to allow installation of the project's BMP system. He asked for an expedited review of the proposal.

Mr. Sevison noted that a great deal of effort has already gone into this project, and asked Mr. Ward if funding or other factors would be jeopardized by a delay.

Mr. Ward responded that some State funding required project completion by August 2012. He went on to say that monitoring wells are showing a lowering of groundwater, but that it could still take up to three months to sufficiently dewater the site.

Mr. Sevison asked for clarification that Mr. Ward was asking permission for the project to dispose of water on a Conservancy parcel?

Mr. Ward answered affirmatively.

Mr. Sevison inquired of Mr. Wright and Mr., Lacey as to how the Conservancy might accommodate this request.

Mr. Lacey noted that CEQA compliance might be an issue. Ms. Moe concurred.

Mr. Sevison encouraged staff to be expeditious in their evaluation.

Mr. Wright stated that Staff would evaluate the matter and determine an appropriate course of action.

Mr. Sevison thanked Mr. Ward and encouraged Staff to look into the matter promptly.

Anthony Cupiello spoke next, indicating that he is a homeowner in the Al Tahoe neighborhood. He voiced his concerns regarding the seasonal dog closure in the Upper Truckee Marsh (UTM). Mr. Cupiello prefaced his comments by saying that he understands the Conservancy's objective of protecting wildlife in the marsh, concurring that the marsh is a very special area in the Basin, deserving of special attention. Mr. Cupiello suggested that the closure does little to protect wildlife and punishes responsible dog owners, arguing that lack of leash compliance is an enforcement issue and there are other ways in which non-compliance might be remedied. He asked that the Board consider alternative options for managing behavior issues. In closing, he stated that this is an access and fairness issue, and keeping responsible dog owners out of the meadow unfairly denies access. He asked that the Board consider lifting the ban.

Mr. Sevison thanked Mr. Cupiello.

Gene Rasmussen spoke next, indicating that he lives at 676 San Francisco Avenue. He stated that he had been resident at this location for 38-1/2 years, but that their ideal location came to an end when the Conservancy acquired the Barton Meadow. Mr. Rasmussen recounted numerous confrontations with people in attempting to protect his property from trespassers, with respect to cigarettes, and fires on the meadow. He stated that he came to commend Staff for the seasonal ban of dogs in the meadow and the tremendous step forward in contracting with the Sheriff's Office to provide coverage.

Mr. Rasmussen acknowledged that funding is an issue, but noted that Ms. Swanson has demonstrated a wonderful ability to get grants.

Mr. Sevison thanked Mr. Rasmussen for his comments.

Ann Rasmussen spoke next, indicating that she too resides at 676 San Francisco Avenue, at the end of San Francisco Avenue, which is one of the entrance areas to the Conservancy land. Mrs. Rasmussen stated that she supports the seasonal ban and appreciates the Conservancy's effort to conserve the land and its resources. She suggested that the property should not be a dog park, or a dog beach park, noting that the ban has been a wonderful step forward in letting the public know the Conservancy's conservation objectives. Mrs. Rasmussen closed by noting that she wished the duration of the closure could have been longer.

Mr. Sevison thanked Mrs. Rasmussen for her comments.

Ty Baldwin spoke next, stating that he resides on Argonaut Avenue, which borders the Barton Meadow. He explained that, when he moved to his residence, the meadow was cow pasture and access was controlled by the property owners. He indicated that, while dogs were permitted on the property on trails, provided they were on leash; dogs off leash were subject to being shot. Mr. Baldwin further noted that, during private ownership of the property, wildlife seemed more prevalent. He stated that his life has changed from one of living along a very rural cow pasture to one that now has a high nuisance level. Mr. Baldwin indicated his full support of the new Conservancy regulations that take dogs out of the meadow.

Mr. Sevison thanked Mr. Baldwin for his comments.

Claire Fortier spoke next, stating that she feels that the ban on dogs in the Barton Meadow is out of line, for a number of reasons. She suggested that the issue isn't just a question of domestic dogs ruining the meadow, but also an overpopulation of coyotes. She stated that coyotes are in fact canines and there has been nothing to address or look at whether it is the coyote population or the domestic dog population that is really having an impact on the meadow. She suggested that there are a lot of issues on the meadow besides dogs, and that well behaved dogs and their well behaved owners can in fact live side-by-side with the wildlife on the meadow. Ms. Fortier concluded by stating that she felt the Conservancy was placing enormous constraint on people who live in Tahoe and asked the Board to reconsider the dog ban.

Mr. Sevison thanked Ms. Fortier for her comments.

Bob Blaney spoke next, stating that he also lives on the meadow on Argonaut Street. Mr. Blaney indicated that he has been a Tahoe resident for over 40 years and on the meadow for over 20. He suggested that the Conservancy is doing a great job with managing the UTM and that he appreciates Staff's willingness to listen to the neighbors and enforce management policies. He stressed his opinion that seasonal ban should not be a hardship on the public. He suggested that the ban is proving more effective than leash laws have in previous years, and closed by thanking the Board for their work.

Mr. Sevison thanked Mr. Blaney for his comments. He invited any further comment and, seeing none, thanked all who commented and closed the public comment period.

7. Consent Items

Mr. Sevison stated that Consent Items were next on the agenda. The item passed on a voice vote.

8. Erosion Control

As a preface to the Al Tahoe Erosion Control Project II, Penny Stewart of the Staff greeted the Board and presented an overview of the Erosion Control Program to benefit the newer Board members.

Item 8a – Al Tahoe Erosion Control Project II

Following Ms. Stewart's overview presentation, Mark Sedlock of the Staff greeted the Board and presented the Al Tahoe Erosion Control Project II, including the recommendation to approve Resolution 11-05-02.

Mr. Ferrara commented that he appreciated the images presented detailing the Phase I infrastructure. He inquired whether Staff was monitoring the environmental benefit we are seeing from that type of investment on the project.

Mr. Sedlock answered that monitoring was included, but that results were not yet finalized. He noted that Phase 1 included installation of a number of different infiltrating services, including porous concrete, infiltrating paver blocks, and infiltrating porous asphalt. Monitoring of these improvements will include which treatment proves to be the most maintainable surface. Mr. Ferrara asked whether monitoring efforts would be able to gauge how much sediment the project is capturing or preventing from running off.

Mr. Sedlock answered that results should show that the improvements provide a reduction in the water runoff so that is actually the reduction, and protection of a previously compacted dirt surface.

Ms. Gibson asked how improvements are maintained over time and whether the maintenance was rolled into a regular budget.

Mr. Sedlock replied that all Conservancy grants include a 20-year maintenance requirement, the burden of which falls on the grantee.

Ms. Swanson commented on the City's behalf, stating that, when the project came before the City for approval, there were no complaints or problems from the neighborhood residents to report back from Phase I and that it, in fact, served as a model erosion control project. Ms. Swanson emphasized partnership between the City and Conservancy in developing this project and bringing Phase II forward for consideration.

Noting that the project had not yet been bid, Ms. Finn inquired whether the \$175,000 contingency would cover costs in the event that bids come in higher than expected.

Mr. Sedlock answered affirmatively.

Mr. Sevison invited public comment.

Ms. Fortier thanked the Conservancy for its help, noting it was a benefit to the City.

The Board approved Resolution 11-05-02 with a unanimous voice vote.

Item 8b, Brockway Erosion Control Project

Scott Cecchi of the Staff presented the project overview for the Brockway Erosion Control Project, including the recommendation to approve Resolution 11-05-03.

Mr. Sevison noted that on a previous field trip to the area, Staff indicated that the project would incorporate private property within the Brockway area and encourage homeowners to blend their erosion control requirements with the project. He asked whether there had been any success with such collaboration.

Mr. Cecchi explained that such incorporation had not been achieved due to the legal aspects of combining private runoff with public runoff. He explained that, while the project in question does include private runoff from Boulder Bay, it took an enormous amount of work to get one single, private landowner to be a part of the project. He explained further that Staff was looking for other opportunities to incorporate public and private needs within a project - such as the Bijou Erosion Control Project and Lake Forest - where landowners don't have another alternative to meet their private Best Management Practices requirements.

Mr. Sevison requested that Staff to work toward such solutions.

Mr. Lacey commented that when a private landowner is seeking project approvals, as Boulder Bay was, it's relatively straightforward to exact those kinds of contributions. He explained that it is much more difficult to get that kind of commitment from landowners who do not have a vested interest in a current project or current application before a regulatory body.

Mr. Sevison indicated that the agency should further explore possibilities to incorporate private BMP requirements into public projects.

Ms. Santiago asked whether the filtration system was going to be located on the flat, rectangular area that was previously the CalNeva parking lot.

Mr. Cecchi answered affirmatively.

Ms. Santiago asked how that integrates with this project.

Mr. Cecchi explained that a large infiltration system will be put in the unpaved area. He noted that, while the type of system was not yet defined, it would capture the 50-

year 1-hour storm which is far greater than the standard requirement for the 20-year 1-hour storm.

Ms. Swanson inquired as to whether Boulder Bay is past the point where it can be held up in permitting due to a lawsuit and whether the project is this fragile going forward if Boulder Bay is held up.

Mr. Cecchi asked Ms. Swanson to clarify if she was reading the settlement agreement.

Ms. Swanson indicated that she was reading the Staff report. She stated that it sounds like it is a significant portion of an important project and really relies on Boulder Bay, LLC being willing to move forward with the investment.

Mr. Cecchi answered that the permit will require that Boulder Bay submit a security deposit worth 110% of the cost to build this system. He stated that, to his knowledge, the permit has not been written but that the project was approved at the April 27th TRPA Governing Board meeting. He indicated that he was unaware as to how to answer the question about whether somebody could stop the project at this point.

Ms. Swanson inquired as to whether there is any time sensitivity regarding the State funding.

Mr. Cecchi answered that State monies granted certainly do have a time limit and, were the project to be stopped, the agency would have to try to extend the funds until things were worked out.

Brian Stewart of the Placer County Department of Public Works stated that it is exciting to have the Boulder Bay project moving forward and noted that their contribution is significant. He reminded the Board that, as with anything, a lawsuit could happen, but that his understanding through hard work of the Conservancy Staff and the California Attorney General's office is, that if something happens, and the project doesn't develop in a certain timeframe, that California can go ahead and move forward with those improvements.

Ms. Stewart added that the settlement agreement has terms that if Boulder Bay does not move forward with the project, as proposed in the CEP, that they are still responsible for the water quality improvements that would tie into this project as part of their BMP enforcement required as a private landowner.

Ms. Swanson noted that there appeared to be a lot of security in getting the improvements implemented. Ms. Stewart replied affirmatively, explaining that the settlement agreement is part of the project permit and that all terms must be met. She also reiterated the security requirement noted by Mr. Cecchi.

Ms. Finn asked why there was an almost 30% contingency on the contract.

Mr. Cecchi indicated that the contingency was 10%.

Ms. Finn stated that the Staff recommendation shows a \$135,000 contingency on a \$350,000 contract.

Mr. Stewart answered that the Conservancy is funding \$620,715 of the project cost, but that the engineer's estimate is \$1.3 million. He noted that the Conservancy's funding amounts to half of the actual construction contract and that the contingency was set up to come out of the Conservancy funding rather than the Forest Service, TRPA or the other funding sources for the project.

Ms. Finn asked for clarification that the Conservancy would fund all change orders, with no other project partners sharing in that responsibility.

Mr. Stewart indicated that they had secured other funding for the other half of the project, and so decided to set aside the \$130,000 for the contingency, which would fund not only potential change orders but also any enhancements required during construction. He stated that the contingency monies could possibly be used to fund the monitoring component identified by Mr. Cecchi.

Ms. Finn pointed out that the monitoring component totaled \$10,000.

Mr. Stewart responded that was the basic post project monitoring.

Ms. Finn asked whether the Conservancy has any consistent policies on what our grants fund in terms of contingencies, noting that Mr. Cecchi was explaining something different than what Mr. Sedlock indicated earlier in the meeting.

Mr. Cecchi responded that a 10% contingency is standard on a construction project. He explained that, in this case, the County had already acquired their funding from the U.S. Forest Service and set up their grant budgets to fund only construction. He suggested that they might rearrange the budgets.

Ms. Finn inquired as to whether the Conservancy was bearing all of the risk.

Mr. Cecchi explained that other funding would be used first followed by Conservancy funding. He indicated that, in a cost overrun situation, the contingency would be used for construction. He clarified that, if the project did not involve a cost overrun, contingency dollars could be used for post-construction monitoring.

Ms. Finn inquired about the timeframe for post construction monitoring.

Mr. Cecchi answered that, in this instance, a several-year monitoring program would be implemented.

Ms. Finn inquired whether this was a legal use of bond funds.

Mr. Cecchi answered affirmatively.

Ms. Finn inquired as to whether the Attorney General had opined on that issue.

Ms. Moe answered that she would be happy to look at it more closely, but that it would be directly related to the capital asset project. She elaborated that, unless there were other provisions that apply, it would come within the definition in the Government Code for general obligation bond capital assets.

Ms. Finn indicated that she was unaware of any other projects where bond funds could be spent on monitoring. She indicated that, if that's the way the Board had previously proceeded, she would keep learning.

Mr. Cecchi explained that the \$10,000 in the budget for monitoring would cover two years of basic post construction photo monitoring and reporting, which is a standard Conservancy grant requirement.

Ms. Finn asked for clarification that the contingencies include two to three years of monitoring.

Mr. Cecchi indicated that the contingency was intended for change orders during construction. He went on to explain that, if the contingency is not utilized during the construction period, monitoring would be a good use of that funding, in which case Staff would come back to the board for re-approval.

Mr. Sevison invited any other questions or public comment. Seeing none, he brought the item back to the Board for consideration.

Mr. Wright indicated that Staff intends to come back to the Board at a subsequent date to talk about monitoring, not only for this project, but for other projects. He stated that the agency is under pressure from the Legislature and Congress to better document the results and effectiveness of these projects, noting that it is a common practice to build in basic monitoring for each project. He noted the difficulties associated with assessing the effectiveness of these projects and identifying how well they are contributing towards threshold attainment. Mr. Wright further noted the interagency effort between State, Federal and local agencies, known as RSWMP (Regional Storm Water Management Program), to share project information and data. He indicated intent to

come back to the Board with a presentation on that how to fund and support effectiveness monitoring.

Ms. Santiago asked Ms. Stewart how projects are holding up with this season's high flows.

Ms. Stewart answered that we are seeing some very positive results. She explained that heavy storm or the snow melt years provide opportunities to learn and to adaptively manage areas that may be underperforming. She noted that the Angora Fire area has posed some challenges for water quality infrastructure, noting that one of the lessons from the fire is that the loss of vegetation reduces groundwater uptake, challenging water quality improvements to perform to a higher level than anticipated. Ms. Santiago indicated her happiness regarding the good results, but also her concerns regarding the effects of higher groundwater on County infrastructure.

Ms. Stewart explained that the post fire effect is resulting in a loss of groundwater uptake, noting that groundwater is being encountered in areas that were not anticipated and resulting in situations where a basin designed as an infiltration basin is actually now a wet basin. She further explained that Staff is working with the County to adapt projects to changing conditions.

Mr. Hooper asked whether there are any indications from Tahoe Research Group about overall water quality.

Ms. Stewart replied that there was no information as yet, explaining the scientists typically wait a full season before they analyze and report.

Mr. Hooper suggested that may be something to report on at the July meeting.

Mr. Sevison commented that, with this year's level of runoff the Lake may have a setback this year.

Ms. Stewart confirmed that fluctuations related to snowfall or rain-on-snow events do pose a challenge for the Lake.

The Board approved Resolution 11-05-03 with a unanimous voice vote.

9. Land Bank

Mr. Sevison noted that Amy Cecchettini would present the next item on the agenda, Land Bank.

Amy Cecchettini of the Staff presented the Land Bank Annual Authorization, including the recommendation to approve Resolution 11-05-04.

Mr. Lacey indicated that Eoin Doherty would present the preliminary results from an independent third-party study of the agency's marketable rights program before the Board voted on this year's allocations.

Ms. Finn inquired on what Staff's recommendation was based.

Ms. Cecchetti clarified that Ms. Finn was asking how Staff allocated amounts.

Ms. Finn answered affirmatively.

Ms. Cecchetti explained that Staff evaluated the current supply and the average demand from past years, along with any additional supply available for allocation.

Mr. Eisner introduced himself as the manager for the Conservancy's land coverage program. He explained that Staff presented to the Board an annual allocation, which represents an estimate of the quantity of commodities needed for a year's time. He further explained that there are provisions under the Program Guidelines adopted by the Board that allow for additional allocations, based on need. He noted that, in such instances, Staff presents a recommendation for the Board to approve the recommended allocation.

Mr. Lacey asked Mr. Eisner to introduce the work of Mr. Doherty and Environmental Incentives.

Mr. Eisner explained that, a year prior, the Board authorized \$200,000 for a Land Coverage Marketable Rights Study. He noted that the scope of work included an evaluation changes that may be appropriate for both the Tahoe Conservancy and Nevada Division of State Lands land banks, as well as to help influence and hopefully, successfully bring to TRPA recommendations to their code of ordinances that will then govern these marketable rights programs for the next 20 years. He noted the hope that Environmental Incentives' study will provide the rigorous analysis and evaluation that will help support important changes consistent with what Staff has communicated to TRPA. Mr. Eisner invited Mr. Doherty to provide an update.

Mr. Daugherty of Environmental Incentives presented the findings of the study to date and invited any questions.

Ms. Santiago asked Mr. Doherty how he was utilizing these findings in relation to trying to affect policy change within the TRPA.

Mr. Doherty clarified that the issues presented were heard through the stakeholder findings and confirmed that they are related to the existing policy.

Ms. Santiago confirmed that Mr. Doherty was referring to TRPA policy.

Mr. Doherty answered affirmatively, explaining that it could be the TRPA Code of Ordinances or Goals and Policies, MOUs between TRPA and the land banks, local jurisdictions, as well as internal guidelines, such as the guidelines that the Conservancy uses to guide its land bank. He noted that the study evaluated any changes that would make for more effective policy.

Ms. Santiago asked if there was a matrix to help illustrate the types of changes that might be needed within the stakeholder group.

Mr. Doherty stated acknowledged that this study addressed an enormous amount of information and noted that they had created a matrix with four different categories. He noted that part of the scope of work would be to develop scenarios as a part of the study's recommendations.

He also noted that, regarding policy objectives, there is the element of the most important objectives, as well as the magnitude that coverage policy can influence. He noted that coverage has significant influence on water quality, whereas a number of different policies influence livable communities. He reiterated that the findings were a result of stakeholder feedback – of which the City was a part – not consultant prioritization.

Ms. Swanson stated that the coverage policy drives the City's ability to make economic changes that get the biggest water quality improvement projects happening.

Mr. Doherty explained that in the alternative evaluation, objectives must be considered together as opposed to separately. He stated that both sides of the economic equation would be considered in the evaluation.

Ms. Swanson stated that the City feels it can best participate and work collaboratively with our partners if they could achieve greater flexibility and local control over implementation of BMPs in residential properties.

Mr. Doherty thanked Ms. Swanson for her input. He noted that there are some exciting alternatives that we are evaluating that are more on the neighborhood scale or community plan area scale.

Ms. Swanson commented that the way the Bailey Land Coverage system has been applied so rigidly at 30% makes the livable communities' initiative difficult to implement. She suggested a system that would consider overall goals in creating sustainable communities that protect our water and environmental system.

The Board approved Resolution 11-05-04 with a unanimous voice vote.

Mr. Sevison thanked Ms. Cecchetti and invited public comment.

10. Public Comment

Mr. Rasmussen asked if he might speak again.

Mr. Sevison invited him forward.

Mr. Rasmussen apologized for using a derogatory term during his initial public comment. He expressed his frustration that his home feels as though it has become a trailhead and thanked the Board for their indulgence.

Mr. Sevison thanked Mr. Rasmussen and invited any other public comment. Seeing none, he noted that Board comments would precede the closed session. He asked Ms. Moe to introduce the closed session.

Ms. Moe stated that the Board would go into closed session pursuant to the pending and anticipated litigation provisions in the Government Code section 11126(e). After the closed session any action that was taken would be reported out.

11. Board Member Comment

Ms. Santiago requested that time be set aside at the Strategic Planning workshop to address the bike trail policies in terms of the agency's objectives.

Mr. Lacey clarified that the time to address any policy discussions would be during the Board meeting on July 21st, noting that, if more time were warranted, the September meeting or a separate workshop or Board retreat might be appropriate. He suggested that doing so after the Strategic Planning workshop might also be helpful.

Ms. Santiago concurred that it would be appropriate to agendaize such discussion subsequent to the Strategic Planning workshop, and thanked Mr. Lacey.

Mr. Sevison confirmed with Mr. Lacey that the next meeting would be held on Thursday, July 21, 2011.

Mr. Lacey replied that the meeting would be held on the third Thursday of the month, July 21st, explaining that the regular board meeting would be held in the Aspen Room in the morning, with a break for lunch and a subsequent Strategic Plan workshop in the afternoon.

Mr. Sevison inquired whether the agency was moving to Thursday meetings.

Mr. Lacey explained that the agency moved Board meetings to third Thursdays when the furloughs were put into effect and that Board members had subsequently requested to continue with a third Thursday schedule.

On behalf of Ms. Moe, Mr. Lacey reminded meeting attendees that only required staff should be present for the closed session and dismissed all other attendees.

12. Closed Session

The Conservancy met in closed session to consider pending litigation pursuant to Government Code section 11126(e).

13. Open Session Reconvened

The Board reconvened in open session. Ms. Moe stated that the Board took no action during the closed session.

14. Adjournment

Mr. Sevison declared the meeting adjourned at 12:45 p.m.