



WORK SESSION DOCUMENT

NEVADA'S LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF THE TAHOE REGIONAL PLANNING AGENCY AND THE MARLETTE LAKE WATER SYSTEM (*Nevada Revised Statutes* [NRS] 218.53871)

August 16, 2004

The following "Work Session Document" has been prepared by the staff of Nevada's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System. It is designed as an outline to assist the Committee members in making decisions concerning recommendations to be forwarded to the Legislative Commission and ultimately to the 2005 Session of the Nevada Legislature.

The possible actions listed in the document do not necessarily have the support or opposition of the Committee. Rather, these possible actions simply are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. Individual or joint sponsors of recommendations may be referenced in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee's meetings.

Pursuant to NRS 218.2429 (3)(a), the Committee is authorized to request ten bill draft requests for consideration during the 2005 Legislative Session. Other items not requiring legislation such as requests for letters may be sent by the Chairperson of the Committee.

Recommendations pertaining to the Marlette Lake Water System are listed first, followed by those pertaining to the TRPA. The recommendations are then organized by first identifying those that would result in legislation, followed by those suggesting another form of action by the Committee action (such as letters). Due to the number of recommendations pertaining to the TRPA, they are further organized with similar subject matter. The order of listing does not

reflect any form of priority or preference. The numbers assigned to the recommendations are merely for ease of reference.

RECOMMENDATIONS PERTAINING TO THE MARLETTE LAKE WATER SYSTEM

Recommendation Resulting in Legislation

1. Request legislation that would add language to the Marlette Lake Water System statutes (NRS 331.160 through 331.180) authorizing the sale of revenue or general obligation bonds to fund capital improvement projects associated with the Marlette Lake Water System. (See **Attachment A**)

Background: The Director of Nevada's Department of Administration is authorized in statute to establish a water rate structure, which includes recovery, over a reasonable period, of major capital costs of improving and modernizing the System. However, the statute does not appear to allow for financing the improvements (NRS 331.160). Also, the Marlette Lake Water System Fund is an enterprise fund, which must be used for the deposit of revenue resulting from the sale of water and other receipts, and for the payment of operating costs (NRS 331.180). However, it does not allow for repayment of debt service.

(Requested by Cindy Edwards, Administrator, Buildings and Grounds Division, Department of Administration, and supported by Ed James, Executive Director, Carson Water Subconservancy District, at the June 15, 2004, meeting.)

Recommendation Not Requiring Legislation

2. Transmit a letter to the TRPA Governing Board requesting its expeditious review of the Marlette Lake Water System project application (for improvements to that portion of the system within the Lake Tahoe Basin) and related Environmental Improvement Statement (EIS).

Background: A portion of the Marlette Lake Water System is located within the Lake Tahoe Basin. Therefore, approval of the associated EIS is under the jurisdiction of the TRPA.

(Mentioned during general discussion of the Marlette Lake Water System and the project's timeline at the June 15, 2004, meeting.)

**RECOMMENDATIONS PERTAINING TO THE
TAHOE REGIONAL PLANNING AGENCY**

Recommendations Resulting in Legislation

3. Request legislation that would release the next phase of bonds in an amount of \$16.8 million to fund the Nevada's portion of the Environmental Improvement Program (EIP) for the 2005-2007 Biennium. The preliminary list of projects that will be submitted for consideration with this legislation includes \$14 million for grants to local jurisdictions and the Nevada Department of Transportation for water quality projects, \$650,000 for continuation of forest restoration projects at Lake Tahoe Nevada State Park, \$1.5 million for certain stream restoration projects, and \$650,000 for project contingencies. (See **Attachment B**)

Background: Implementation of the EIP was estimated in 1997 to cost \$908 million, with \$82 million representing Nevada's share. At the time, Nevada already had \$25.6 million committed towards the EIP (including a \$20 million erosion control bond approved by voters in 1996, and \$5.6 million in current project and program funding by various state agencies), leaving a balance of \$56.4 million. In 1999, the Nevada Legislature authorized the issuance of \$56.4 million in bond funds to be made available through June 30, 2007. In addition, funding would be appropriated based on a program and schedule of projects coordinated through the Division of State Lands, State Department of Conservation and Natural Resources. In each session since 1999, the Legislature has approved a specific bond appropriation to carry out projects identified in the EIP. To date, these appropriations included the following:

1999 Legislative Session (AB 285)	\$ 3.2 million
2001 Legislative Session (AB 177)	\$16.2 million
2003 Legislative Session (SB 46)	\$9.87 million

These bond appropriations total \$29,270,000, leaving a balance of \$27,130,000. The current request of \$16.8 million leaves a balance of \$10.33 million that will likely be requested from the 2007 Legislature.

Each of the previous bond appropriation bills were sponsored by the TRPA Oversight Committee.

(Requested by Pam Wilcox, Administrator of the Division of State Lands, State Department of Conservation and Natural Resources, and supported by Rochelle Nason at March 15, 2004, meeting.)

4. Express, by resolution, support for the Healthy Forests Initiative by calling upon United States Congress, President George W. Bush, and Secretary Ann Veneman, U.S. Department of Agriculture, to fund the Healthy Forests Restoration Act of 2003 (Public Law 108-148), and other program authorities to address forest fuel reduction and desired future conditions for ecological forest health at Lake Tahoe.

Background: Among the reasons cited in support of the Healthy Forests Restoration Act were the conditions at Lake Tahoe and the assistance it could bring to local communities. Many projects in the EIP are aimed at forest health; however, funding levels have not approached what was envisioned in the EIP. Therefore, immediate funding of the Act and associated programs is needed.

(Requested by John Singlaub, TRPA Executive Director, and supported by Jim Linardos, North Lake Tahoe Fire Protection District Chief, at the June 15, 2004, meeting.)

Recommendations Not Requiring Legislation

Budget-related Issues

5. Recommend that the Nevada Legislature's "Money Committees" (Senate Finance and Assembly Ways and Means) place restrictions on the Nevada portion of TRPA's budget to ensure successful completion of a series of specific performance objectives as defined by the Oversight Committee. The performance objectives include, but are not limited to, the following:
 - a) Necessary coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; completion of those portions of the Lake Tahoe Basin Fire Plan (evolved from the Fuels Management Action Plan) that TRPA is responsible for and has control over; and demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as a Memorandum of Understanding (MOU) with the Tahoe Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District (see Recommendation No. 7);
 - b) Letter from the TRPA Executive Director to the TRPA Governing Board recommending that the four principles of public safety identified in John Singlaub's memo to the Board on February 17, 2004 (described in Recommendation No. 11, below; see **Attachment C**) be incorporated into the Pathway 2007 Regional Plan;
 - c) Adoption of a rule or policy by TRPA to address the issue of ex-parte communication (as described on pages 14 and 15 of the 2004 Strategica Report titled: *Independent Program/Operational Review of the Tahoe Regional Planning Agency*), resulting in a prohibition of such communication unless it is in writing and made a part of the project file, and including some form of disciplinary result if the rule or policy is violated (see Recommendation No. 17);
 - d) Involvement of local government and private sector representatives (who are partners in implementing the EIP) as active and collaborative participants in the Pathway 2007 Regional Plan (see Recommendation No. 13); and
 - e) Establishment of qualifications for the Regional Transit Staff position requested by TRPA in its special budget requests (described in Recommendation No. 6(f)) that are

equal or similar to those in the proposed qualifications. (See **Attachment D**) (This recommendation corresponds to Recommendation No. 18.)

No later than February 1, 2005, TRPA will be directed to report to the Committee on its progress in meeting these objectives. No appropriated funds shall be withheld without first providing TRPA an opportunity to discuss the issue with the Committee.

If adopted, further details of this recommendation will be worked out by legislative staff.

Background: Members of the Oversight Committee have expressed concern for a means to ensure meaningful oversight of the budget, programs, activities, responsiveness, and accountability of the TRPA as charged in the Committee's enabling legislation (Senate Bill 216, Chapter 408, *Statutes of Nevada 2003*). With its role as a statutory committee and its ability to meet throughout the year (and during session), it has been suggested that ongoing oversight by this Committee throughout the year is not only possible but desirable.

The performance objectives above correspond to other recommendations described later in the document. The purpose of conditioning TRPA's budget on achievement of these objectives is to focus the Agency on implementing the corresponding recommendations, and to provide the Oversight Committee an opportunity for meaningful oversight in a policy sense.

(Requested by Chairman Hettrick and Senator Amodei)

6. Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of several special budget requests by the TRPA for the 2005-2007 Biennium. These requests will be included in TRPA's budget, for consideration by the Legislature in 2005.

The special budget requests are as follows:

- a) Computer System Update - TRPA will request a total appropriation of \$138,500 from the State of Nevada (\$87,500 in Fiscal Year [FY] 05-06 and \$51,000 in FY 06-07) to be matched with a request for \$277,000 from the State of California.

Background: The money will be used to implement business system upgrades (including improved office automation and records management needs, as well as increasing costs associated with system maintenance) and enhance the TIIMS/GIS Program* (including upgraded infrastructure of the regional database, improved viability of web access, and provisions for remote connectivity and use of technology in the field). (* *TIIMS is the Tahoe Integrated Information Management System. GIS is Geographic Information System.*)

- b) GIS Parcel-Based Automated Permit System – TRPA will request an appropriation of \$300,000 from the State of Nevada (in FY 06-07) to be matched with a request for \$600,000 from the State of California.

Background: The money will be used to streamline the permitting process, integrate GIS capabilities, provide real-time data for Threshold Review, and allow public access to permit status information.

- c) Pathway 2007: Phase III Regional Plan – TRPA will request an appropriation of \$200,000 from the State of Nevada (in each year of the biennium) to be matched with \$400,000 from the State of California to fund Phase III of the Regional Plan (commonly referred to as Pathway 2007). In addition to this appropriation, TRPA is requesting that this amount become part of TRPA’s annual base budget, as was previously done by the State of California for its share (\$400,000 annually).

Background: The rationale for ongoing funding is that once the Regional Plan is adopted, continued funding is needed to implement the plan, monitor threshold progress, and make necessary adjustments.

- d) Regional Program Management Approach for EIP – TRPA will request an appropriation of \$144,500 (in each year of the biennium) from the State of Nevada to be matched with \$289,000 from either Federal or State of California funding (if Nevada will accept a Federal matching source), to support staff needed to facilitate or coordinate project development and regional capital programming for EIP projects from project planning through permitting and bidding phases.

Background: Nevada previously approved TRPA’s request for the current biennium for three staff positions and contract funds; however, TRPA was unable to utilize the budgeted funds because California did not consider the request. The Agency is making the request again in the hopes that Nevada will accept matching funds from Federal funding sources in the event California is unable to provide the matching funds.

- e) Salary Comparability – TRPA is requesting an appropriation of \$88,000 from the State of Nevada (in FY 05-06) to be matched with a request for \$176,000 from the State of California, to maintain TRPA’s salary comparability with other Nevada and California state agency salaries.

Background: The last comparability analysis and salary adjustment for TRPA staff occurred in 2000 and was funded by both states. The most recent evaluation was performed by BeneComp in June 2004, which recommended an increase of 8 percent across the board in order to maintain TRPA’s salaries comparable with other California and Nevada state employee salaries. In addition to the request in FY 05-06, TRPA requests that this amount be made part of TRPA’s base budget.

- f) Funding for Regional Transit Staff to Assist TRPA and the Tahoe Transportation District (TTD) – Letter of support to Nevada’s Department of Administration and the Nevada Legislature for an appropriation of \$120,000 from the State of Nevada (in

each year of the biennium) to be matched with a request for \$240,000 from Federal funding sources, to fully fund a regional transit staff position and its administration.

Background: The TTD was created in the Tahoe Regional Planning Compact, with authority to implement and fund regional transit. However, the TTD has not had any enabling funds except for what TRPA has been able to provide via staffing from Federal funds and mitigation funds. The TRPA is requesting funds to match federal transportation planning and California transit funds for regional transit system(s) development at Lake Tahoe.

(Requested by John Singlaub, TRPA Executive Director, at the June 15, 2004, meeting.)

Public Health and Safety / Fire Prevention

7. Transmit a letter to the TRPA Governing Board encouraging TRPA's (a) coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; (b) completion of those portions of the Lake Tahoe Basin Fire Plan (evolved from the Fuels Management Action Plan) that TRPA is responsible for and has control over; and (c) demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as a MOU with the Tahoe Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District. (**See Attachment E**)

Background: The threat of catastrophic fire in the Lake Tahoe Basin has long been a subject of discussion and concern, particularly under current drought conditions. Such a fire would have disastrous, long-term impacts to the environment, Lake Tahoe's clarity, private property, and the economy. The potential danger to public safety is also a serious concern in light of the limited potential for evacuation routes on the often winding and narrow roads in the area. Additionally, coordination of fire-related plans such as the Fuels Management Action Plan and subsequent Lake Tahoe Basin Fire Plan with entities in both Nevada and California is critical, since wildfire does not respect jurisdictional boundaries. With the recent Waterfall Fire on the east slope of the Carson Range in July 2004, concern for the impact of a catastrophic fire in this area was renewed, including the threat of fire outside the Lake Tahoe Basin that could spread to within the basin.

In January 2004, TRPA began a planning effort with various stakeholders throughout the Lake Tahoe Basin, to assess the risk of fire in the Basin, to determine desired future conditions of all forest values, to define optimum project solutions that integrate public health and safety goals with environmental threshold goals, to build support and funding for forest improvement projects, and to leverage all available resources and secure necessary collaboration.

(Discussed at each meeting of the Oversight Committee as a priority issue.)

8. Transmit a letter to local fire districts and fire-related entities in the Lake Tahoe Basin supporting the intent of the current MOU between the TRPA and the North Lake Tahoe Fire

Protection District regarding defensible space, and encouraging other similar MOUs on the Nevada side of the Lake Tahoe Basin.

Background: The North Lake Tahoe Fire Protection District and the TRPA recently signed an MOU allowing the fire district to issue tree removal permits. The purpose of the permit system is to speed the creation of defensible space around homes, and to be a model for other fire districts around the Lake Tahoe Basin.

(Requested by Jim Linardos, North Lake Tahoe Fire Protection District Chief, at the June 15, 2004, meeting.)

9. Transmit a letter to Secretary Gale Norton, U.S. Department of Interior, encouraging approval of funding from the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263) for forest health and fire prevention projects in the Lake Tahoe Basin.

Background: The Southern Nevada Public Land Management Act (SNPLMA) became law in October 1998. It allows the U.S. Bureau of Land Management to sell public land within a specific boundary around Las Vegas, Nevada. Proceeds from those sales are then made available for certain types of projects. In November 2003, the Act was amended by the Interior Appropriations Bill to direct \$37.5 million to Lake Tahoe each year to implement the Lake Tahoe Restoration Act (Federal EIP responsibilities). Projects that are funded by SNPLMA are submitted each year to the Secretary of the U.S. Department of Interior for approval.

(Discussed at the December meeting and supported by Jim Linardos, North Lake Tahoe Fire Protection District Chief at the June 15, 2004, meeting.)

10. Transmit a letter to the Lahontan Water Quality Control Board and the U.S. Forest Service encouraging their full participation and cooperation in the Fuels Management Action Plan, the subsequent Lake Tahoe Basin Fire Plan, and related fuels reduction programs in the Lake Tahoe Basin.

Background: In addition to local fire districts, the Lahontan Water Quality Control Board (an agency of the State of California) and the U.S. Forest Service (a federal entity responsible for managing 70 percent of the Lake Tahoe Basin forests) are critical players in the fuels reduction program. Their participation and support is critical to forest health throughout the region.

(Requested by Chairman Hettrick.)

Pathway 2007 Regional Plan and Environmental Improvement Program

11. Transmit a letter to the TRPA Governing Board recommending that TRPA incorporate into the Pathway 2007 Regional Plan, the four public health and safety principles of the February 17, 2004, memo from Executive Director John Singlaub to the Board. Specifically, Mr. Singlaub's memo states that TRPA will continue to promote public safety whenever and

wherever possible through application of the following principles; (1) Public safety is integral to the accomplishment of TRPA's overall mission; (2) Public safety shall be a legitimate and necessary element in all TRPA decision-making; (3) TRPA will consider public health and safety factors in the application of all thresholds and the review of all proposed projects; and (4) TRPA shall help facilitate the missions of public safety agencies within the Lake Tahoe Basin. **(See Attachment C)**

Background: Public health and safety issues were discussed at several Oversight Committee meetings as areas of concern. Specifically, Committee members questioned the means by which TRPA integrates and harmonizes these issues into its thresholds, the Regional Plan, and associated ordinances. Article II of the Tahoe Regional Planning Compact defines "Environmental Threshold Carrying Capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, education, scientific or natural value of the region or to maintain public health and safety within the region" (emphasis added).

John Singlaub, Executive Director of TRPA, responded to concerns expressed by the Oversight Committee and others by outlining a series of principles aimed at promoting public safety whenever and wherever possible. It has been suggested that Mr. Singlaub's directive to TRPA staff be incorporated into the Regional Plan.

(Requested by Chairman Hettrick at the March 15, 2004, meeting.)

12. Transmit a letter to the TRPA Governing Board recommending that TRPA evaluate and update the projected cost of completing the EIP.

Background: The EIP is designed to expedite achievement of environmental threshold carrying capacities established for the Lake Tahoe Basin, and in turn, to meet the goals of the Regional Plan. Further, the commitment made by the Federal government, the States of California and Nevada, local governments, and the private sector to undertake the EIP projects is significant, at \$908 million. The State of Nevada's commitment to the EIP is \$82 million, with funding available only through July 1, 2007. Thus, completion of the EIP projects is timely, particularly with the Pathway 2007 Regional Plan currently underway.

The projected cost of the EIP was estimated in 1997 as \$908 million. Over time, the amount of money necessary to complete the full list of EIP projects has increased due to actual construction costs, inflation, and other factors. Testimony indicated the amount should be evaluated and updated, so all EIP participants and decision-makers are better informed of the actual costs in current dollars.

(Recommended through Committee discussion.)

13. Transmit a letter to the TRPA Governing Board recommending that local government and private sector representatives – who are partners in implementing the EIP – are invited to participate as collaborative partners in the Pathway 2007 Regional Plan update.

Background: The EIP is an important aspect of achieving the goals of the Regional Plan. Implementation of the EIP includes federal, state, and local government components, as well as private sector participation. It has been suggested, therefore, that representatives from each of these groups become collaborative partners in development of the Pathway 2007 Regional Plan update and not participate only through the public comment process.

(Recommended through Committee discussion.)

14. Transmit a letter to the TRPA Governing Board, Governor Kenny Guinn, the State Department of Conservation and Natural Resources, and local governments in the Lake Tahoe Basin requesting an evaluation of possible funding mechanisms for maintenance of completed EIP projects, including the possibility of a regional revenue source.

Background: Testimony by several individuals expressed a concern that money has been allocated to implementation of the EIP, but no funds have been identified to maintain the projects once they are completed. Without maintenance, the benefits derived from the EIP may be short-lived.

(Recommended through Committee discussion.)

Other Recommendations

15. Transmit a letter to the TRPA Governing Board urging it to exercise the lease option for purchase of the existing TRPA building, and expressing the Oversight Committee's support to maintain the Agency's location in Nevada.

Background: The lease on TRPA's current office building is set to expire in April 2007. Therefore, the Agency must exercise its option to purchase the building or seek another location, and this location may be either in Nevada or California. A decision is needed soon if a new location must be sought and a new building must be constructed.

(Requested by Chairman Hettrick and Senator Amodei at the June 15, 2004, meeting. Jerry Wells, TRPA Deputy Executive Director, also requested the Committee's support for the Agency's purchase of its own building at June 15, 2004, meeting.)

16. Transmit a letter to the TRPA Governing Board requesting that it address the issue of ex-parte communication identified on pages 14 and 15 of the 2004 Strategica report titled: *Independent Program/Operational Review of the Tahoe Regional Planning Agency*, by adoption of a rule or policy resulting in a prohibition of ex-parte communication unless it is in writing and made a part of the project file, and including some form of disciplinary result if the rule or policy is violated.

Background: Ex-parte communication between an interested party (such as an applicant, their agent, or another individual) and a TRPA staff member or Governing Board member does not always become part of the public record or project file, and other parties are unable to rebut or address the comments made. Concern about ex-parte communication was

expressed during deliberations at the Oversight Committee's June 15, 2004, meeting and was addressed as an issue of concern in the 2004 Strategica Report.

(Requested by Senator Amodei at June 15, 2004, meeting.)

17. Transmit a letter to the TRPA Governing Board recommending that it develop qualifications for the Regional Transit Planner position requested in the Agency's special budget requests (see Recommendation No. 6) that are equal or similar to the sample qualifications attached to this document (**see Attachment D**), and that it evaluate the qualifications of existing transportation planning positions to increase the level of required transportation expertise of the Chief of TRPA's Transportation Division to reflect the sample qualifications attached to this document (**see also Attachment D**).

Background: Concern was expressed during testimony that the qualifications for transportation staff at TRPA do not require a sufficient level of expertise specific to transportation planning. Transportation planning is a significant concern in the Lake Tahoe Basin due to its impact on associated environmental quality issues and basic transit demands of the resident and tourist populations. With the Agency's special budget request for funding to add a transit planning position to work with the TTD, it has been suggested that the qualifications for this position include specific and extensive transportation experience. Similarly, it has been suggested that the qualifications of Chief of TRPA's Transportation Division should be increased to reflect specific transportation expertise.

(Requested by Senator Amodei.)

Kenny C. Guinn

Governor

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DEPARTMENT OF ADMINISTRATION
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TO: Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System

FROM: Cindy Edwards, Administrator
Buildings and Grounds Division

DATE: June 11, 2004

Dear Committee Members:

The Division of Buildings and Grounds would like the committee to consider sponsoring a bill draft request that would add language to Marlette Lake Water System statutes enabling the sale of revenue or general obligation bonds to fund capital outlays.

The Marlette Lake Water System statute NRS 331.160 (5) (b) allows the Director of the Department of Administration to establish a water rate structure for recovery, over a reasonable period, of major capital cost of improving and modernizing the System; however, according to bond counsel, the statute does not allow for financing the improvements.

Also, pursuant to NRS 331.180 the Marlette Lake Water System is an enterprise fund; therefore, monies generated from the sales of water from the System allows for the deposit of revenues for the sale of water and to pay operating cost in accordance with the provision of chapter 353 of NRS; however, it does not allow for repayment of debt service.

Since the water system is an enterprise fund, and its revenue streams are from two customers, Carson City and Virginia City, capital outlays need to be financed in order to keep water rates affordable.

R. MICHAEL TURNIPSEED, P.E.

Director

Department of Conservation
and Natural Resources

PAMELA B. WILCOX
Administrator

KENNY C. GUINN

Governor



State Land Office
State Land Use Planning Agency

Address Reply to

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STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

Memorandum

April 22, 2004

To: Legislative Committee for the Review and Oversight of the TRPA and Marlette Lake Water System

From: Pam Wilcox, Administrator, Division of State Lands *PW*

Subject: Request for Continued Funding Support of the Environmental Improvement Program

Background: During 1997, the President sponsored a series of events regarding Lake Tahoe, known collectively as the Lake Tahoe Presidential Forum. Governor Miller participated in these and other events, joining the President and others during the final events in July and October in committing to work together to implement the Environmental Improvement Program (EIP). Implementation of the EIP was estimated to involve a ten-year commitment with an associated cost of \$908 million. This cost has been apportioned between the Federal government, the States of Nevada and California, local governments and private property owners within both states. The share for the state of Nevada has been projected at \$82 million and involves the completion of a variety of EIP projects. At the time Nevada committed to implement its share of the EIP, Nevada already had \$25.6 million (the passage of a \$20 million erosion control bond by the voters in 1996 and \$5.6 million in current projects and programs by various state agencies) committed towards the EIP, leaving a balance of \$56.4 million.

During the 1999 legislative session, the legislature authorized full funding of the \$82 million commitment with the passage of Assembly Bill 285. This bill specified that the additional \$56.4 million in bond funds would be made available for the period between the fiscal year beginning on July 1, 1999, and the fiscal year ending on June 30, 2007. In addition, the funding would be appropriated based on a program and schedule of projects, coordinated by the Administrator of the Division of State Lands, in cooperation with other state agencies.

Attachment B

This program has been very successful. Each session, the Legislature has reviewed the schedule of projects provided by the Division of State Lands and approved the agency's request for a specific bond appropriation, under the authority of Assembly Bill 285:

1999 Legislative Session (AB 285).....	\$ 3,200,000
2001 Legislative Session (AB 177).....	\$16,200,000
2003 Legislative Session (SB 46).....	\$ 9,870,000

The total amount approved by the legislature since 1999 is \$29,270,000, leaving a remaining balance of \$27,130,000.

Request: We are requesting support for continued funding of the EIP for the 2005-07 biennium. Based on our preliminary list of projects, our current best estimate for project funding needs is \$16,800,000. The preliminary list of projects that will be submitted for consideration during the 2005 Legislative Session includes:

1. \$14,000,000 for grants to local jurisdictions and the Nevada Department of Transportation for water quality projects.
2. \$650,000 for continuation of forest restoration projects at Lake Tahoe Nevada State Park.
3. \$1,500,000 for stream restoration projects primarily targeted at the Edgewood and Third/Incline Creek watersheds.
4. \$650,000 for project contingencies.

At this time, we are on schedule with the EIP projects that we have committed to implement within Nevada's \$82 million share, and expect most of those projects to have been started by the original 2007 target date. However, we anticipate that it will take somewhat longer to complete some of the more complex restoration projects. We have tried to be conservative in not requesting bond funds until they are actually needed. Accordingly, the remaining \$10,330,000 in bond funds will not be requested in the 2005 session. We will request these funds when needed, probably in 2007.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

To: TRPA Governing Board
TRPA Staff

From: John O. Singlaub, Executive Director

Date: February 17, 2004

Subject: Public Safety

Introduction

The Tahoe Regional Planning Agency exists to protect and enhance the Lake Tahoe experience. In order to enjoy the beauty of Lake Tahoe and its many recreational opportunities, the public must be provided with a safe environment. Recently, questions have arisen as to how TRPA integrates public safety concerns when it conducts its business. This memorandum provides my direction to staff as to how public safety will be considered.

Background

Under the Tahoe Regional Planning Compact, TRPA is charged with adopting protective environmental threshold carry capacities (thresholds) for the Lake Tahoe Basin. These thresholds set the desired existing or future condition of relevant environmental parameters. TRPA's current thresholds protect, among other things, water and air quality, vegetation, wildlife, soils, recreational opportunities, and scenic resources. In order to attain and maintain the adopted thresholds, the Compact directs TRPA to adopt a regional plan (our Goals and Policies and Plan Area Statements) and implementing regulations (our Code of Ordinances and Rules of Procedure).

TRPA's thresholds and Regional Plan integrate public safety concerns in a variety of ways. The water and air quality standards, for example, insure safe water to drink and air to breathe. Indeed, the Compact defines thresholds to include standards necessary to "maintain public health and safety within the region." Likewise, Regional Plan directives orient development away from steep, unstable slopes or out of avalanche danger. New development must also be sized to avoid overtaxing existing public services. And throughout the Code of Ordinances, public safety facilities are promoted with exceptions to TRPA's development restrictions.

JS/
2/17/04

Attachment C

Finally, TRPA is a planning agency, not a provider of public health and safety services. To that end, TRPA seeks to facilitate the good works of in-basin public safety agencies rather than to usurp their functions in any manner.

Direction

TRPA will continue to promote public safety whenever and wherever possible through application of the following principles:

1. Public safety is integral to the accomplishment of TRPA's overall mission.
2. Public safety shall be a legitimate and necessary element in all TRPA decision-making.
3. TRPA will consider public health and safety factors in the application of all thresholds and the review of all proposed projects.
4. TRPA shall help facilitate the missions of public safety agencies within the Lake Tahoe basin.

Conclusion

To date, TRPA has successfully integrated environmental protection and preservation of public safety. The above direction expresses TRPA's commitment to providing the public with not only a resource of stunning beauty, but also a safe and healthy environment in which to live and enjoy the Lake Tahoe Basin.

I do not perceive any need for additional authority or direction from the Governing Board to implement these priorities. Should the Governing Board feel otherwise, I suggest it adopt the attached resolution affirming the above direction.

Finally, should the Governing Board desire to amend the Regional Plan to incorporate a policy regarding public safety, I suggest that it direct staff to undertake the necessary planning steps (21-day notice and APC and Governing Board public hearings) to adopt the following policy statement: "No project shall be approved that unreasonably increases the risk to public health and safety in the region. If implementation of any threshold creates an unavoidable and unreasonable risk to public health and safety, TRPA shall undertake all planning processes necessary to amend the threshold to remove the source of the increased risk."

Member Galloway desires to amend the Regional Plan with the following language "TRPA is a regional planning and regulatory authority, not a provider of public health and safety services. In the review and approval process of projects proposed in the region, TRPA will consider the implications to public health and safety. Nothing TRPA does is intended to diminish the role of public health and safety agencies or to increase the safety risk to visitors or residents." I am concerned that this language may potentially create more confusion and conflict between existing TRPA policies rather than focusing on investigating and correcting, if necessary, policies potentially adversely affecting public health and safety.

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Again, I recommend no action by the Governing Board at this time. I will direct staff to investigate any substantive allegations of a conflict between TRPA policies and public health and safety. If any real conflict is discovered, I will report it to the Governing Board and recommend all necessary steps to protect the public we serve.

If you wish to discuss this issue prior to the Governing Board meeting, please contact me at (775) 588-4547 (Extension 253), or at jsinglaub@trpa.org.

Attachment

JS/
2/17/04

**Proposed Qualifications for
Executive Director/Transportation & Transit Planner for the
Tahoe Transportation District**

Job Summary

The position of Executive Director/Transportation & Transit Planner for the Tahoe Transportation District is responsible for transportation and transit planning, and the management of administrative support; and related duties as assigned by the Board of Directors of the Tahoe Transportation District, a public agency as defined in Article IX of the Tahoe Regional Planning Compact (Public Law 96-551).

Employment Standards

License: Possession of a valid driver's license from state of residence.

Knowledge of: Principles and practices of transportation planning; principles of transportation program development and management, including the relationship between Federal, State, regional and local transportation planning activities; Regional, Local, State and Federal laws, rules and regulations pertaining to transportation and transit planning, program management, and project implementation; principles and practices of transit planning, transit operations, project implementation, including transportation system planning and management, route design, bus purchasing, insurance, maintenance, fare structure and staffing requirements, trip reduction methodology and transportation system management techniques; experience and knowledge of funding sources related to transit planning and transit operations; principles of public administrative and policy development; principles and practices of budget development and administration, and related funding sources; principles and practices of personnel management, including consultants, including selection, training, team building, conflict resolution, supervision, and evaluation.

Ability to: Plan, organize, direct, supervise, and implement activities of the Tahoe Transportation District/Tahoe Transportation Commission* (TTD/C) as directed by the Board of Directors consistent with the purpose and mission of the agency; take direction from and provide effective support to a policy Board of directors; develop and implement planning, program, and project objectives; supervise and direct of any employees, contractors or consultants who perform work for the TTD/C; effectively represent the TTD/C and its functions to a wide variety of agencies, organizations and groups; develop teams, motivate employees and/or contractors or consultants and manage personnel and projects in a team environment; conduct meetings with community groups, organizations and governmental officials, including private sector organizations and other TRPA Environmental Improvement Program (EIP) partners; prepare and administer budgets, monitor agency compliance with pertinent Federal, State, Regional and Local laws; communicate effectively, both orally and in writing;

establish and maintain cooperative relationships with governmental agencies and officials, private sector and community organizations, and the public.

*As the Board of the Tahoe Transportation Commission, the TTD Board, with two additional members, serves as an advisory committee to the Board of the Tahoe Metropolitan Planning Organization (TMPO).

Experience: A minimum of five years professional experience in transportation and transit planning, program development and management, and project implementation, including a minimum of three years of supervisory/management experience. Demonstrated knowledge and abilities consistent with this job description. Prior experience working in a senior management position with a transportation planning agency and a transit planning/operations entity is required.

Education: Equivalent to graduation from an accredited four year college or university with major course work in transportation planning, urban/regional planning, transportation management. Specific transit planning and operations experience required. Relevant major course work and/or experience in business or public administration is also required.

**Proposed Qualifications for
Chief of the Transportation Division at the
Tahoe Regional Planning Agency**

Job Summary

The position of Chief of the Transportation Division at the Tahoe Regional Planning Agency is responsible for the direction of activities and the management of staff which supports the transportation-related planning activities of the Tahoe Regional Planning Agency, the Tahoe Metropolitan Planning Organization, and the Tahoe Transportation District.

Employment Standards

License: Possession of valid driver's license from state of residence.

Knowledge of: Principles and practices of regional transportation planning; principles of transportation program development and management, including the relationship between Federal, State, regional and local transportation planning activities; Regional, Local, State and Federal laws, rules and regulations pertaining to transportation planning, program management, and project implementation; principles of public administrative and policy development; principles and practices of personnel management, including selection, training, supervision, evaluation; principles and practices and budget development and administration and related funding sources. Experience and/or knowledge of the principles and practices of transit and air quality planning, and funding sources for transit operations, is also required.

Ability to: Organize and direct the staff, responsibilities and activities of a regional transportation planning agency and a federal metropolitan planning organization; develop, administer and implement a comprehensive regional transportation planning program and federal transportation planning program; supervise and direct the work of management, professional, technical, and clerical staff; work with, take direction from, and provide effective support to a policy board of directors; effectively represent the TRPA Transportation Division and its functions to a wide variety of agencies, organizations and groups; develop and recommend policies, promote, establish and maintain positive relations with staff, associates, consultants, public officials, contractors, and the public; develop teams, motivate employees and manage personnel and projects in a team environment; conduct meeting with community groups, organizations and government officials, including private sector organizations and other TRPA EIP partners; prepare and administer a complex budget, monitor agency compliance with pertinent Federal, State, regional and local laws (including the TRPA Bi-State Compact), communicate effectively, both orally and in writing; establish and maintain cooperative relationships with governmental agencies and officials, private sector and community organizations, and the public.

Experience: Ten years of professional experience in transportation planning, program development and program management, including at least four years of supervisory/management experience. Demonstrated knowledge and abilities consistent with this job description. Prior experience working in a senior or management position with a Metropolitan Planning Organization (MPO) as well as a Regional Transportation Planning Agency (RTPA) is required.

Education: Equivalent to graduation from an accredited four year college or university with major course work in transportation planning, urban/regional planning or a closely related field. Any equivalent combination of training and experience representing a minimum total of ten years will be considered. Relevant major coursework and/or experience in business or public administration is also required.