

Tahoe Regional Planning Agency Briefing Papers

Nevada's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency

April 13, 2006

✓	EXHIBIT L TAHOE	Document consists of 1 pages.
	Entire document provided.	
		Meeting Date 03-08-06



Tahoe Regional Planning Agency Briefing Paper Science Consortium Request

Nevada's Legislative Oversight Committee April 13, 2006

REQUEST:

Your support for the creation and use of the Tahoe Science Consortium to enhance the state of knowledge on the management of the Lake Tahoe environment and to improve informed decision-making.

www.trpa.org

Action Requested

A Nevada Oversight Committee resolution of acknowledgement and support, to be entered into the administrative record, for the creation and utilization of the Tahoe Science Consortium. The Consortium is designed to enhance the state of knowledge on the management of the Lake Tahoe environment and to improve decision-making.

Background

Informed decision making at the policy or management implementation level requires quality information and sound applied science where practical. The protection and restoration of Lake Tahoe has benefited from the efforts of many researchers over the years. Tahoe's science program was enhanced with its inclusion in the Environmental Improvement Program (EIP). Steps have been taken now to enhance the science program's operation by proposing to create a formal joint venture among academic and public agencies to define and administer Tahoe's science program. This joint venture fills a gap in Tahoe's institutional system of protection and restoration. Seventeen organizations signed a memorandum of understanding (MOU) supporting the Science Consortium's creation on August 20, 2005. Nevada educational institutions participat-

ing in the Consortium include the University of Nevada, Reno, Desert Research Institute, and Sierra Nevada College.

The bi-state Compact articulates the State's interest in science and scientific values in its findings and declarations. The two states and federal government have provided the primary source of funding for scientific work at Lake Tahoe over the years. They will continue to play a significant role in this way. The creation of the Consortium may provide the opportunity to provide private foundation funds to enhance and leverage state and federal funds which is not a scenario that exists today.

Justification

Applied science and quality information is critical to the policy and management decisions and practices that are employed at Lake Tahoe. The public has benefited because of informed decision making in the protection and restoration of Lake Tahoe. Therefore, a long term and sustained well managed science program at the Lake is critical to responsible public service and Compact authority fulfillment. The creation of the Tahoe Science Consortium will provide the institutional and operational enhancement for Tahoe's science program.



Tahoe Regional Planning Agency Briefing Paper

Loan Program Request

Nevada's Legislative Oversight Committee April 13, 2006

REQUEST:

Your support for legislation to amend the Nevada Revised Statutes to allow private property to be eligible for State Revolving Fund money for the purpose of installing water quality Best Management Practices (BMPs).

www.trpa.org

Action Requested

A Nevada Oversight Committee resolution of support for legislation to amend the Nevada Revised Statutes (NRS) to allow private property to be eligible for State Revolving Fund money for the purpose of installing water quality Best Management Practices (BMPs). Funds will be distributed through a public agency (mini-loan program) rather than a private bank (linked-deposit program) to provide more competitive interest rates.

Background

In 1998, the TRPA partnered with the State Water Resources Control Board (SWRCB) of California and Bank of America to provide low interest loans to property owners for BMP implementation through the CA State Revolving Funds program. The interest rate for this Title I Loan was subsidized by time deposit funds invested by the SWRCB. Although this program was temporarily discontinued in October of 2000, the TRPA has been successful in getting this program reinstated and is currently on the eligibility list for the California State Revolving Fund.

Nevada also has a State Revolving Fund, which is

administered through the Nevada Division of Environmental Protection (NDEP). However, the Nevada Constitution and other state statutes currently prohibit the use of State Revolving Fund dollars for private property improvements. It is intended that this program be made available to all commercial, industrial and residential properties.

Justification

In order to meet the water quality environmental thresholds for Lake Tahoe, it is imperative that BMPs be installed on all private properties where erosion control is required. Therefore, it is imperative we accelerate Best Management Practice (BMP) implementation throughout the Lake Tahoe Basin. Having a low interest loan option available to private property owners who wish to install BMPs on their properties, but cannot due to financial hardship, will go a long way in accelerating BMP implementation.



Tahoe Regional Planning Agency Briefing Paper

Pathway 2007 Baseline Request

Nevada's Legislative Oversight Committee April 13, 2006

REQUEST:

Your support of continued funding for Pathway 2007, the collaborative partnership between TRPA and other public agencies to chart a 20-year vision for Lake Tahoe.

www.trpa.org

Action Requested

A Nevada Oversight Committee letter to the Nevada Department of Administration and the Nevada Legislature in support of baselining Nevada's current level of support (\$200,000/year) for the Pathway 2007 Threshold and Regional Plan development and implementation process for FY 07-09 and beyond to match California's existing baseline funding of \$400,000/year.

Background

This request is part of an overall collaborative effort known as Pathway 2007. TRPA has joined efforts with the U.S. Forest Service, Lahontan Regional Water Quality Control Board and Nevada Division of Environmental Protection to update environmental standards and agency plans. Recently, TRPA has expanded Pathway to include local and state government partners in a grass-roots planning process known as Place-Based Planning. The community-based approach is a three-stage program funded by multiple partners. It is this Basin-wide collaborative effort with multi-source funding that makes the Pathway 2007 process possible.

Budget requests for this program that have occurred over the last six years are part of a program that consisted of a threshold research phase, a threshold development phase, a regional

plan development phase, and a plan implementation phase. In preparation for the transition from the existing 1987 TRPA Regional Plan to the new Pathway 2007 Regional Plan, several tasks must be completed. This request is for the Place-Based Planning Process that will follow the adoption of the Regional Plan and for implementation of the Adaptive Management System to monitor the updated Thresholds and Regional Plan.

Justification

Recognizing that before and after the adoption of the new Regional Plan in 2008, TRPA will require additional support for implementing the Adaptive Management System; and, TRPA will need additional support for the local collaborative planning efforts with basin governments, TRPA requests \$200,000 to match local, state, and federal contributions. Also recognizing there is a long-term need for support for managing the Adaptive Management System and the State of California has base-lined its \$400,000 share, TRPA is requesting Nevada support baselining its \$200,000 share into the future. This investment in Lake Tahoe's future is important.



**TAHOE
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Tahoe Regional Planning Agency Briefing Paper Transit Request

Nevada's Legislative Oversight Committee April 13, 2006

REQUEST:

Your support of funding Nevada's one-third share of a dedicated position focused on transit operations and systems development.

www.trpa.org

Action Requested

A Nevada Oversight Committee letter to the Nevada Department of Administration and the Nevada Legislature in support of funding Nevada's one-third share of a dedicated position focused on transit operations and systems development for the Tahoe Transportation District for FY 07-09. The estimated cost including salary and overhead is \$50,000/year, \$100,000/biennium.

Background

The State of Nevada defined the goals of transportation planning, through the bi-state Compact approved by the states and federal government in 1980 (PI 96-551), for the Tahoe Regional Planning Agency. There were two goals: (A) To reduce dependency on the automobile by making more effective use of existing transportation modes including public transit to move people and goods within the region; and (B) To reduce to the extent feasible air pollution which is caused by motor vehicles. Further the Compact went on to say, "Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation."

TRPA has pursued the Compact direction in its plans and efforts financed by federal and state (California) sources. The time has long since passed for increased transit system services at Lake Tahoe and to Lake Tahoe. The development and operation of such services requires resources beyond what can be provided at the local level. A regional transit planning position is a critical

need for the development and operation of regional transit at Lake Tahoe. This position will be the first transit staffing for the Tahoe Transportation District complementing other existing planning staff positions supplied by TRPA using federal funds. This request provides seed funding for such a step.

The key to transit development regionally is operating funds. The development of funding sources to meet State objectives for the Tahoe Basin without relying on State subsidy is a primary objective of this request. The creation of local or regional funding sources and federal operating assistance pursuant to the federal transportation act will be sought with the creation of this position.

Justification

As a Metropolitan Planning Organization (MPO) TRPA receives federal funds to staff transportation planning. Transportation and transit are federal and state concerns. It is appropriate that Nevada and California contribute to the creation of regional transit at Lake Tahoe given its bi-state Compact interest and direction. California and the Federal government contribute planning funds now. California's matching funds for this request (\$100,000/year) will be requested in both FY 07-08 and FY 08-09. Since recent scientific studies have shown that air pollution and road debris harm Lake Tahoe's water clarity, transportation improvements are needed now more than ever.



Tahoe Regional Planning Agency Briefing Paper

Legal Budget Increase Request

Nevada's Legislative Oversight Committee April 13, 2006

REQUEST:

Your support of an increase in Nevada's share of TRPA's baseline funding for compliance, enforcement, and legal needs.

www.trpa.org

Action Requested

A Nevada Oversight Committee letter to the Nevada Department of Administration and the Nevada Legislature in support of an increase in Nevada's share of TRPA's baseline funding for compliance, enforcement, and legal needs as may be required to meet the Agency's increasing demands for legal services.

Background

TRPA's legal program includes three components: Regional Plan compliance and enforcement, Regional Plan and agency legal defense, and in-house agency counseling and support. Current staff resources consist of 2 attorneys, 2 field investigators, and 1 paralegal. This level of staffing provides only marginal support for the scope of agency needs under normal TRPA operating conditions. TRPA is entering a phase of activity that is extraordinary, placing significantly increased demands on legal services and support. As TRPA heads into its most active phase in 2 decades – e.g., new Shorezone regulations, development of a new Regional Plan, managing a seamless transition from the existing Regional Plan to the new Plan, comprehensive Code revisions, Basin-wide BMP enforcement, and more – the need for intensive legal counseling and defense is growing. Current legal staff and funding levels are proving insufficient.

TRPA is requesting support for an increase in the legal program budget to (1) create the flexibility to outsource compliance, enforcement, and legal services as the need arises, particularly when in-house staff capacity is over-extended; (2) meet the demands of the Agency's strategic priority of improving Regional Plan compliance through improved enforcement; and (3) compensate for inflationary

cost increases over time of normal operational expenses.

Justification

The current legal budget of \$450,000/year has not increased since 1999. Nevada's one-third share of this amount (\$150,000) is matched by California's two-thirds share (\$300,000). This budgeted amount covers fixed salaries, benefits and overhead expenses as well as providing limited funds for out-sourced legal services where needed. Since 1999, staff salaries and overhead have increased. The increase in these fixed costs has inexorably lessened funds available to manage legal contingencies, such as litigation outsourcing or advice from outside counsel in specialized areas of legal expertise.

The Compact allows Regional Plan enforcement only through court action. Other than pre-litigation settlements, the Compact provides TRPA with no less resource-intensive alternative to achieve Regional Plan compliance in the face of recalcitrance. If enforcement litigation is handled fully in-house, it forecloses attention to the other essential elements of TRPA's legal program – in-house counseling and effective legal defense. Unlike other TRPA programs that can fund increased program needs through fees or grants, the Legal Program can look only to legislative appropriations of each state for support. The goals of the Legal Program cannot be fully achieved without adequate state funding for TRPA's compliance and enforcement program as supported by necessary legal services.



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Tahoe Regional Planning Agency Briefing Paper

Bond Financing Legislation Request

Nevada's Legislative Oversight Committee April 13, 2006

REQUEST:

Your support for an amendment to the Nevada Revised Statutes which provides the TRPA with explicit authority to enter into a lease/lease back agreement for the purpose of financing the purchase of the TRPA's office building.

www.trpa.org

Action Requested

A Nevada Oversight Committee resolution of support for an amendment of the Nevada Revised Statutes (NRS) providing the TRPA with explicit authority to enter into a lease/lease back agreement for the purpose of financing the purchase of the TRPA's office building through the issuance of certificates of participation.

Background

In 2004 the Nevada Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency urged the TRPA Governing Board to exercise the lease option for the purchase of the existing TRPA building and to express Committee support for maintaining the Agency's location in Nevada. The TRPA is actively pursuing the purchase of this building, but the most fiscally desirable method of financing (lease/lease back financing), is currently available to only local and state government agencies under Nevada law. Since TRPA, as a bi-state agency, is neither local nor state, Nevada bond counsel has advised that in order to utilize the lease/lease back form of financing in Nevada, additional legislation giving TRPA this explicit authority is required.

Under its current lease, the TRPA has an option to purchase its existing office building located at 128 Market Street, Stateline, Nevada. This option must be exercised on or before October 1, 2007. Although the TRPA is currently pursuing a possible private financing option with the current owners of the building, it is the Agency's preference from a fiscal perspective to utilize the lease/lease back financing option, once available.

Justification

As a bi-state Compact agency, the TRPA has very limited financing options available to it for the purchase of its current office building and it is in the best interest of the States of Nevada and California for the TRPA to utilize the most fiscally desirable means of financing available. Although the Tahoe Regional Planning Compact authorizes the TRPA to rent or own property for use as office space, the Compact also contains language that restricts the Agency from obligating itself financially beyond any one fiscal year's budget. Under California law, this restriction has been interpreted as a method to ensure that the TRPA does not exceed its annual budget, rather than serving as a restriction on long-term financing of necessary purchases, e.g., leasing/purchasing of agency office space, vehicles, office equipment, etc. This form of budgeting restriction, however, has been interpreted differently by bond counsel in Nevada based on Nevada law, which restricts the aggregate debt that the State is permitted to incur. Therefore, bond counsel in California has advised that TRPA would be permitted to enter into a lease/lease back financing agreement for a building in California, whereas bond counsel in Nevada has advised that legislation is necessary to do the same in Nevada. Given that the building TRPA plans to purchase is located in Nevada and that a favorable Nevada bond counsel interpretation is required, legislation will be necessary to allow TRPA to utilize the lease/lease back financing option.

