

Obamacare available throughout Nev. for 2018

By Sean Whaley and Ben Botkin, Las Vegas Review-Journal

Every Nevada county will have an insurance carrier through the state exchange in 2018, ending two months of uncertainty about coverage.

Gov. Brian Sandoval, speaking outside Renown Health Urgent Care Clinic in Silver Springs in Lyon County, announced in a press conference Tuesday that SilverSummit will offer 2018 coverage in 14 rural Nevada counties.

The subsidiary of Missouri-based Centene has never offered insurance through the Silver State Health Insurance Exchange, which provides coverage through the Affordable Care Act, also called Obamacare.

Read the whole story

Calif. bill would speed up affordable housing projects

By Jim Miller, Sacramento Bee

A California lawmaker has made a key change to expand the reach of a plan designed to speed up construction of affordable housing projects.

The move suggests the Legislature, due to return from summer recess Monday for a final four-week crush of business in the

2017 session, is moving toward agreement on a package of bills aimed at easing the Golden State's housing crisis.

The measure by state Sen. Scott Wiener, D-San Francisco, would require cities and counties to offer expedited review for affordable housing developers.

Read the whole story

SLT council wants 10-year contract for SnowGlobe



SnowGlobe will be under contract through 2028 when the deal is finalized. Photo/Lesia Witkowsky

By Kathryn Reed

SnowGlobe, the three-day controversial music festival, is going to be part of the South Shore lexicon for another decade.

The South Lake Tahoe City Council on Tuesday agreed to several details in what will be a long-term contract with Chad Donnelly, who first brought the electronic, mostly disc jockey produced bass-centric music event to the area in 2011.

Donnelly had a cadre of people at the Aug. 15 meeting to talk economics, sound and trash.

The current contract with the city and SnowGlobe goes through 2018. This new one would start in 2019. It will be for five years, with the potential for another five years. Donnelly wanted 10 years with two five-year extensions.

“We will never give up the annual reviews. There is always an out clause if the measures are not met,” City Manager Nancy Kerry told the council.

Exact performance measures will be brought to the council at a later date for approval.

Lake Tahoe Community College is an integral player, and without that board’s approval the city’s desires would be quashed. The college board is expected to take up the issue on Aug. 29. It has always had a year-to-year contract. Until last year the field where the soccer teams play was the venue, with the gym as the “green room.” (In 2016, the new community field which was just dirt was the venue site.)



Chad Donnelly, SnowGlobe promoter from Colorado, has made millions off the South Lake Tahoe festival.

Photo/LTN

"I did meet with Chad and city staff (Monday) and the proposal addresses many of the concerns raised by LTCC, but I think it is still imperfect as it is currently presented," LTCC President Jeff DeFranco told *Lake Tahoe News*.

The **college was less than thrilled** with how long it took to remove all of the infrastructure from campus this year, with it looking trashy as the snow started to melt.

At the council meeting Donnelly blamed one vendor, said it wouldn't happen again, but didn't give specifics how that would be prevented.

It's likely Bijou Park will become a part of the event for parking or bus drop offs.

The promoter said with a long-term contract he will be able to invest in infrastructure that will help protect the field and reduce sound issues. A commitment was also made to do a better job of cleaning up trash that attendees leave in neighborhoods.

Multiple times Donnelly equated his event to Coachella in

Southern California. That three-day spring music festival went from 99,000 people to 125,000 this year with the addition of 46 acres.

Councilwoman Wendy David reminded him that Coachella is in the middle of a field, whereas SnowGlobe is in the middle of a residential area.

SnowGlobe attracts almost 20,000 each of the three nights. At the meeting Tuesday Donnelly said he had no interest in attracting more people, just making it better. However, in his written material that was part of the agenda packet it calls for 27,000 people in 2024, which is what revenues are based on. (That's a 35 percent increase in the number of attendees.)



Damaged chain link fences remained for months after SnowGlobe 2016.
Photo/LTN

Other aspects of the deal include the city's agreeing to not allow another electronic music promoter to have an event at the new ball field either 60 days before or after SnowGlobe. (SnowGlobe is always Dec 29-31.) Donnelly doesn't want a competitor eroding his profits.

Jesse Walker with New Economics Advisory went over an economic report he did from SnowGlobe 2016 that Donnelly paid for. The

data he dissected was based on surveys that SnowGlobe employees conducted.

Walker concluded the financial impact was \$11.4 million to South Lake Tahoe, with direct spending by concert-goers \$6.1 million. They account for 50,785 room nights. (People tend to stay four nights.) On average each attendee spends \$123/day, which does not include the price of the ticket. Sales tax revenue was \$52,152 and transient occupancy tax \$403,465.

(Stateline recorded 9,248 visitor nights, \$10,646 in sales tax, \$95,515 in TOT, \$1.9 million in direct spending, with an overall economic output of \$2.8 million.)

A big change with the long-term contract is the distribution of money. The city currently pays Donnelly \$50,000. The new contract won't have that deal. In fact, Donnelly's proposal calls for the city's contribution to go away starting this December and paying South Lake Tahoe a one-time \$25,000 signing agreement.

Still to be worked out is if the city will be receiving a percentage of ticket sales or a set fee per ticket.

Taylor Storms, who is a co-founder and principal of Orkila Capital, was at the meeting as part of Donnelly's financial team. His proposal is a graduated fee of 50 cents to \$1.25 to be added to tickets that would be a pass-through to the city that has an estimated value of \$11,000 to \$33,750.

"This is separate from fixing the field or mitigating sound," Storms said. "Our intent is if the field is damaged, we would fix it."

The sod isn't even in the ground, which is a concern of the entire council. That won't happen for another month.

"We will be 100 percent responsible for the damage that occurs," Donnelly said.

Besides the money, the council likes that this event is in essence an insurance policy against the weather. It means people are coming to town no matter if there is no snow. Plus, it brings a different demographic to the region. The festival also has made the hoopla at Stateline almost non-existent, which means less of an ordeal for law enforcement.

Airlines add extra winter flights to Reno airport

By Jason Hidalgo, Reno Gazette-Journal

Last winter's record-setting snow is set to pay dividends for Reno's airport this coming season.

Several airlines will be offering additional service to Reno-Tahoe International Airport during ski season, with some extra flights being extended as late as April. Five carriers will be offering the additional flights, which include routes in the West, Midwest and South.

The extra flights bring up the number of total seats available for the winter season to its highest level in more than 10 years. This is also the earliest that the airport has seen these many additional seasonal flights announced for the winter season, said Brian Kulpin, spokesman for Reno-Tahoe International Airport.

Read the whole story

North Tahoe wastewater treatment facility workers fed up



Five member districts collect wastewater that flows to TTSA through the Truckee River interceptor along Highway 89. Photo/Provided

By Meghan Herbst, Moonshine Ink

Board meetings at the Tahoe-Truckee Sanitation Agency are usually sparsely attended and over in 30 minutes. In June, employees and concerned citizens piled into the modest board room at TTSA, and the monthly meeting turned into a two-hour standoff.

The players: The TTSA board of directors, under the leadership of 28-year president of the board Oz Butterfield, supported by General Manager LaRue Griffin; and the majority of employees who have been attempting, since February, to gain formal recognition from the board that they are now a union-represented workplace. Employees say they have followed the letter of the law when it comes to representation – the majority of workers included in the bargaining unit voted by authorization card in February to join the International

Brotherhood of Electrical Workers Local Chapter 1245.

As North Tahoe's only wastewater treatment plant, TTSA provides a crucial service to the public – filtering and processing sewage and keeping the Truckee River watershed free from related pollutants. But this key public agency is facing serious internal unrest, stemming from what employees say has become a culture of secrecy and harassment, rife with mismanagement and favoritism that poses a threat to TTSA's level of service to the community.

Tourism gurus want Amgen bike race to return

By Kathryn Reed

STATELINE – The South Shore is hoping nine months from now elite cyclists will be racing again on local roads.

The Lake Tahoe Visitors Authority board has given staff direction to try to bring the men's and women's Amgen bike events back to town.

The event will be May 10-19, but the route has not been picked. Cities wanting to host a leg are putting their bid packages together now, with an announcement expected in October.

It cost LTVA about \$270,000 this year to host two stages for the women. This was more than what was budgeted mostly because additional signs were needed because of all the twists and turns the route took in the Carson Valley. Law enforcement and publicity came in a little above budget as well.

While most events LTVA is involved in are about putting heads into beds, not so with the bike race.

“It is really about the media value and the message that we are a cycling destination,” Executive Director Carol Chaplin told her board last week.

Most of the 5.7 million impressions about the Tour of California being in Tahoe were via social media. The value is worth \$1.6 million, which doubled last year’s figure.



Climbing Kingsbury Grade in May made for one of the most difficult legs of the Amgen bike race. Photo Copyright 2017 Carolyn E. Wright

This event has a good international draw, which is perfect for LTVA which is continually trying to expand that market.

While the women’s event is not televised live, portions of it are woven into the men’s coverage.

The men have a bigger draw in terms of spectators and TV audience. This is in part why LTVA would like another stab at the men. They were here in 2011 for the aborted race (snow was the problem) and finished a leg in 2016. The women have been here the last three years.

LTVA board member Pat Ronan suggested the tourism bureau hire a helicopter to record the race. That might add another \$25,000 to the budget. A vote on that idea would come after Tahoe is awarded a leg of the race.

The agency had looked into getting drone coverage, but it is illegal to fly over people.

Bryan Davis, the board member who represents Edgewood Companies, talked about how at the celebrity golf tournament they flew drones to the side and not directly above people. This could be a future option as well. LTVA would then have that footage to use in various marketing endeavors, or just reach an interested cycling community. Contracts with the event's sponsors would play a role in what is allowed as well.

The idea would be to capture strategic locations that show off what the region has to offer in terms of beauty (Emerald Bay, Sand Harbor, Cave Rock) and intensity for riders (Spooner Summit, Kingsbury Grade, Luther Pass).

With Reno just being awarded the Interbike trade show starting in 2018, local tourism gurus believe this will be a complement to Tahoe's hosting elite cycling events like Amgen and establishing the region as a cycling destination.

UNR, ACLU defend right of student who attended white nationalist rally

By Sam Gross and Siobhan McAndrew, Reno Gazette-Journal

Peter Cytanovic will start his senior year at UNR on Aug. 28.

UNR and the American Civil Liberties Union of Nevada referenced the First Amendment in defending Cytanovic, who will not be expelled and will keep a job on campus.

Cytanovic was identified as a participant in a white nationalist rally that turned deadly, in Charlottesville, VA over the weekend.

[Read the whole story](#)

Budget cuts threaten clean-up of most polluted areas

By Paige Blankenbuehler, High Country News

This month the Waste Management and Regulatory Oversight Subcommittee had a hearing to discuss the fate of Superfund, a program of the Environmental Protection Agency. The meeting comes one week after the Superfund task force, which was created by EPA Administrator Scott Pruitt in May, released its first report with recommendations for cleanups of sites.

But the fate of the program may be threatened by budget cuts

proposed to the EPA and the Superfund program, which will shrink by 30 percent if President Donald Trump's budget is passed. Although Trump's proposed cut to the EPA was expected, the deep cut to Superfund was not. Pruitt has previously said he does not support cutting the Superfund program and instead promised to prioritize it.

"Unfortunately, many of these sites have been listed as Superfund sites for decades, some for as many as 30 years," Pruitt wrote in an announcement of a Superfund Task Force in May. "This is not acceptable. We can – and should – do better."

The Leviathan Mine in Alpine County is a Superfund site and the old Meyers landfill that has been cleaned up was once on that list.

Read the whole story

No clear winner in decision regarding EDC roads

By Joann Eisenbrandt

A judge has found portions of El Dorado County's Measure E to be valid, while striking down others as unconstitutional.

Measure E is the controversial voter-approved roads and land use ballot initiative from June 2016.

The initiative passed by a slim margin last summer following a contentious fight over whether it would really do what it said it would—prevent gridlock on county roadways and keep El Dorado County rural.

The rationale behind Measure E

Measure E's goal was to reinstate the original intent of Measure Y, the so-called Control Traffic Congestion Initiative passed in 1998 by voters. Measure Y was to be in effect for 10 years. In 2008, it was approved again by voters along with the county's 2004 General Plan, but with some modifications.

Measure E proponent Sue Taylor believed those changes weakened key provisions related to the traffic impacts of new residential development.

She told Lake Tahoe News, "Measure E was proposed because the Board of Supervisors has not been a good steward of our infrastructure. We felt we had to bring back the stronger language of the original Measure Y."

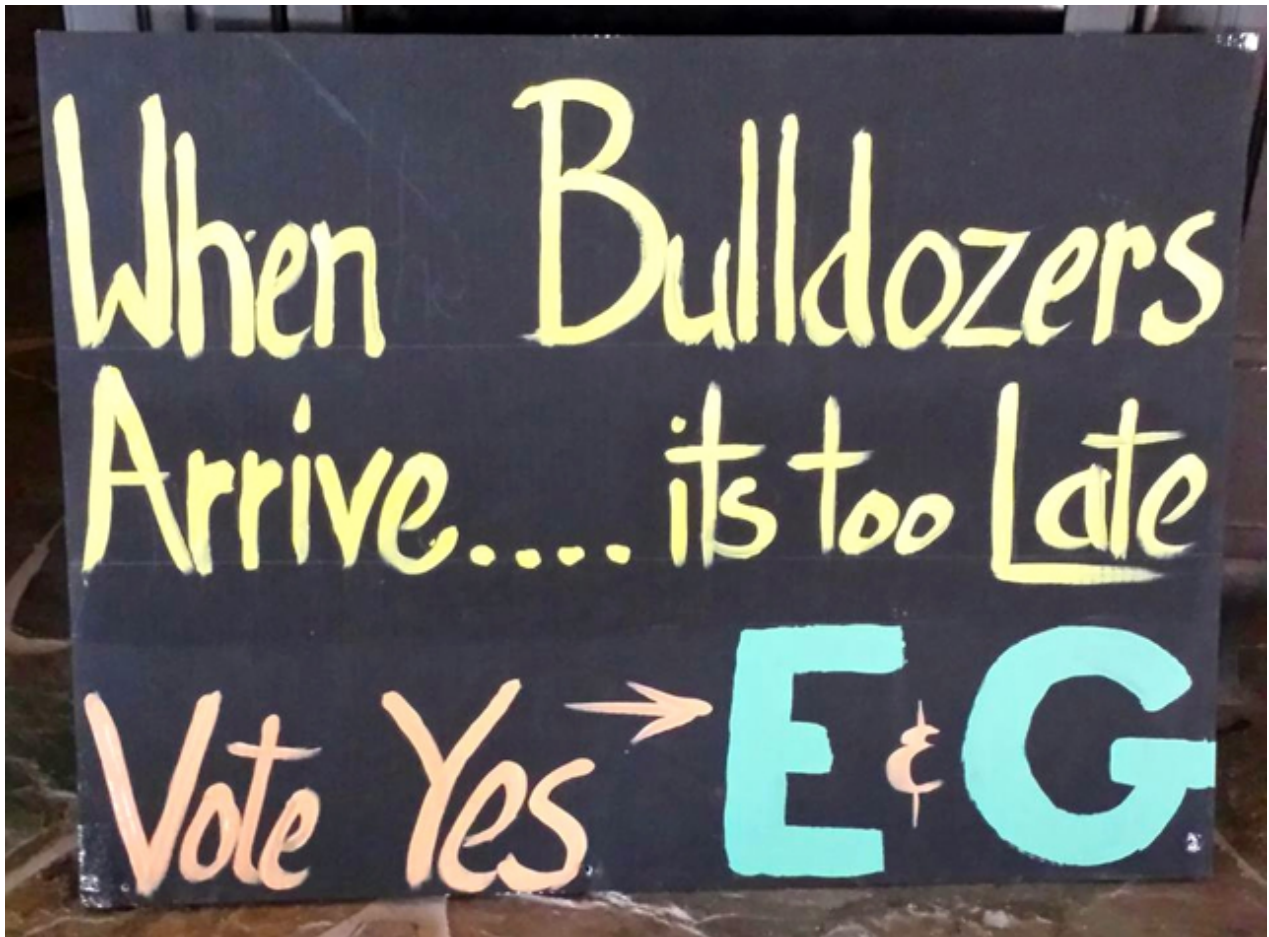
Once approved by voters, Measure E's provisions would become policies in the Traffic and Circulation Element of the county's General Plan.

Prior to Measure E, the General Plan required developers to pay for all needed road capacity improvements to fully mitigate the direct and cumulative impacts of their projects. The county could do this in two ways. It could either require them to construct road improvements based on the impacts of the project plus 10 years of forecasted growth or could put the project and the traffic impact mitigation fees they paid into the county's 10-year capital improvement plan to fund the construction of project-related road improvements later.

Measure E removed the second alternative, calling unconstructed highway projects in the CIP "paper roads." The initiative required that road improvements needed to prevent traffic impacts of a new development from creating level of service (LOS) F on affected roadways be completed before discretionary approval could be given to the project. A discretionary project is one that cannot be built by right, but requires county approvals before it can move forward.

The LOS scale ranks the flow of traffic on roadways from A to F. LOS F is the most congested—essentially highway gridlock.

“Since 1998,” Taylor told Lake Tahoe News, “El Dorado County voters have been saying that they don’t want the traffic created by large residential developments and they don’t want to pay for the measures needed to mitigate that traffic.”



This campaign sign was popular last summer leading up to the election. Photo/Provided

The court challenge

Measure E was to go into effect 10 days after it was declared official on July 19, 2016. On Aug. 28, 2016, the day before this could take place, the Alliance for Responsible Planning, a central player in the pre-election fight against Measure E, filed a lawsuit in El Dorado County Superior Court. Their brief alleged Measure E was unconstitutional because it

required project developers to pay more than their “fair share” of the costs to mitigate roadway impacts associated with their specific projects. It also said the initiative was internally inconsistent and not in conformity with the county’s 2004 General Plan.

Last month, almost a year after the filing of the lawsuit, El Dorado County Superior Court Judge Curt Stracener handed down his 49-page final ruling. It struck down as unconstitutional Measure E’s changes to Policies TC-Xa3 and TC-Xf in the General Plan that obligated developers to construct all road improvements prior to project approval. The judge said, “This would require property owners/developers to pay for not only the project’s incremental impact to traffic congestion of the county road system, but also be responsible to pay for improvements that arise from the cumulative effect of other projects, and in some instances to pay for projected future increases in traffic. This clearly exceeds the developer’s fair share in that it is not roughly proportional to the project’s traffic impact it seeks to address. “

The Alliance’s response

The Alliance posted a response to the judge’s decision on its website. “The ‘no growth’ proponents of Measure E promised voters that the initiative would make an affected development project pay for the full cost of improvements to regional roads and Highway 50 ... Proponents could not deliver on these promises, however, because the power of the initiative does not authorize voters to enact laws that are unconstitutional or violate state law.”

James Brunello, attorney for the Alliance in the lawsuit, told Lake Tahoe News, “We believe the judge did a great job. His logic was good in crafting the judgment. We are not concerned with the parts of Measure E that he kept. There are no plans to appeal his decision at this time.”

Brunello went on to say, "There is a difference between Measure E and Measure Y. We totally support Measure Y. When it was adopted, the engine that drove it was that new developments pay 100 percent to mitigate all their (traffic) impacts. The mechanism was compliance with the Mitigation Fee Act and everybody paid their fair share. Measure E threw a monkey wrench into Measure Y and changed the will of the voters."

Measure E proponents disagree

The Alliance's lawsuit was against El Dorado County. Taylor and Save Our County joined the lawsuit as respondents/defendants and intervenors as Measure E's proponents. Their brief to the court pointed out their key contention. "... for a project that will worsen traffic on a road facility that is cumulatively projected to exceed LOS standards, the necessary improvements must be constructed, as payment of TIM fees coupled with reliance on the CIP project will not suffice."

Taylor said of Stracener's ruling. "The intent of Measure E was not to have paper roads. He took the essence of the measure out." She likened road capacity to filling up a bucket. "Once you're reached the maximum capacity of a bucket, you have to say, 'No more.' Putting money in the capital improvement plan is not reality. Once you've filled up the bucket, just because you have a road on paper doesn't mean there is any way to put it into the bucket."

Other Measure E components affected

Measure Y originally prohibited the county from adding roads to its existing General Plan list of highways allowed to operate at LOS F without first getting voters' approval. The 2008 version of Measure Y allowed the board to add roads to that list without voter approval by a four-fifths vote of the supervisors. Measure E took away this power from the board.

Stracener upheld that change.

Measure E also reinstated Measure Y's 1998 prohibition of the use of county tax revenues to fund road projects that serve new development. The court ruling struck down this change as well as Measure E's requirement that mitigation fees and assessments collected for infrastructure must be applied to the geographic zone from which they originated.

Opponents of Measure E had said it would negatively affect the county's ability to meet state-mandated affordable housing requirements and conflicted with General Plan policies aimed at meeting them. California law requires that each jurisdiction's Housing Element includes enough available land to meet regional housing needs at all income levels. The court found that Measure E's policy that traffic from residential projects of five or more units shall not, "result in or worsen, Level of Service F" did not "impede or frustrate" these goals. His ruling allowed this policy to stand.

Defining the board's role

Once an initiative is passed by voters, it becomes the role of the jurisdiction's governing body to adopt and then implement it. The courts have said the board's responsibility is to determine what the voters' intent was when they approved the initiative and to carry out that intent. As County Counsel Michael Ciccozzi told the board at its Aug. 30, 2016, meeting, "You don't substitute your policy judgment for that of the voters."

Stracener spoke to this mandate in his ruling. He referenced a number of decisions by the courts in other lawsuits regarding how a voter-approved initiative should be construed. Wherever possible, courts must construe an initiative measure to ensure its validity and assume its proponents understood the constitutional limits on its power. However, initiatives are also subject to the same constitutional limitations and rules

as other statutes are. Determining what the voters intended in approving the initiative is essential. The courts look first at the language of the initiative itself. If this is not ambiguous, then that is taken as the intended meaning. If the language is ambiguous, then the courts consider ballot summaries and arguments to determine the voters' intent.

The board chooses a path

At its Aug. 30, 2016, meeting, the board decided to move forward with deciding how it should interpret and implement the initiative even as the challenge to Measure E in the courts continued to play out.

County planning staff presented a resolution for the board's approval based on a lengthy, detailed staff memo. The memo contained section-by-section recommendations on how staff felt Measure E could be successfully interpreted and implemented. Taylor and Save Our County believed this was a reasonable solution. As their brief to the court had said, "The diligent work of county staff revealed very plainly that Measure E could be implemented without 'irreconcilable conflicts' with the law or the General Plan."

After prolonged discussion, District 2 Supervisor Shiva Frentzen made a motion to approve the resolution. She told the board, "The voters have spoken. They have voted. If this goes to court are we going to put all the projects on hold? We need to move forward."

Frentzen's motion died for lack of a second. District 4 Supervisor Michael Ranalli then moved that the board receive and file staff's Measure E implementation plan, continue it off calendar and move Measure E forward exactly as written. Ranalli told the board he believed staff's proposal was more a rewrite of the initiative, not an implementation plan. It would be better, he said, to "let the courts sort it out." The motion passed with Frentzen dissenting.

Lake Tahoe News made repeated attempts to contact Frentzen, now chair of the board, to get her views on Stracener's recent decision. She did not respond.

Set up to fail?

Taylor believes the board did not live up to its responsibility to carry out the intent of the voters. "The board appears to be aligned with the petitioners of the lawsuit and they were hoping the entire initiative would be thrown out." Not making any attempt to interpret or implement it would, she contends, "make it more vulnerable in court."

Asked by *Lake Tahoe News* if he felt the county had intentionally left Measure E undefended, Alliance attorney Brunello responded, "We never had a feeling that the county was inviting us to file a lawsuit. The Alliance opposed the initiative itself for a number of reasons, but most important were the constitutional issues."

The county's viewpoint

Speaking for the county, paid spokeswoman Carla Hass said in a written statement, "The board made the reasoned decision that it would be best equipped to interpret and apply Measure E when considering its application to a particular project as opposed to speculating how it might apply to hypothetical projects. This litigation was initiated before any project came forward. Supervisor Ranalli also recognized that no matter what the county did, the courts would remain the final arbiter of Measure E because, under our system of government, the judicial branch retains the final check on the constitutionality of any law. Adopting staff recommendations at that time would not have prevented the courts from independently assessing the constitutionality of the measure."

Asked how well the county has respected the will of the voters, Hass continued, "The county is not in a position to

speak to the voters' expectations regarding Measure E. The county's role is to interpret and apply its General Plan when considering its application to a specific project."

The county is in the same position as the Alliance—the court ruling gave neither of them all they had asked for. Lake Tahoe News asked if the county agreed with what parts of Measure E were upheld and which were stricken. Hass replied, "The county recognizes that the initiative power is an important right of the electorate, but any law—even if passed by a majority of the voters—must comply with the requirements of the Constitution and state law. By striking certain provisions down, the county, citizens, and developers have greater clarity about what is required to mitigate impacts." Asked if the county is considering appealing the decision, Hass stated, "The county has not made a decision at this time."

Clarity or more confusion?

Taylor does not think the court's ruling brought clarity. The initiative "now contains parts of the 1998 Measure Y, parts of the 2008 Measure Y and parts of Measure E. I think there is now more confusion than prior to the judge's decision. The judge just undermined the premise of the voter-approved 2004 (General) Plan and the original intent of Measure Y. I think that was a huge slap in the face to the voters of El Dorado County."

The road forward

The question remains whether or not Measure E as modified by the court will still achieve its stated goals. Developers of large-scale residential projects that could cause traffic on county roads to worsen and reach LOS F remain required to pay for all infrastructure/roadway improvements their projects create the need for. They just won't have to pay for and construct them before a project can be approved. The Alliance and the county both believe that the use of TIM fees and the

county's capital improvement plan are sufficient mechanisms to ensure all impacts will be mitigated. As the Alliance's website statement put it, the judge's ruling will "restore underlying General Plan policies from voter-approved Measure Y requiring new development to pay traffic mitigation fees to fully mitigate traffic impacts."

Measure E's proponents are more cautious. "Measure E was a mandate to the board to consider how projects that create a certain level of traffic impact would mitigate their needed roads," Taylor explains. "If it was not possible to mitigate, or if the infrastructure was not there to support those projects, then with Measure E the board would be forced to deny those types of projects."

This mandate is now gone. "The board still has the tools to implement what the voters want even with what's left (of Measure E). It has now been put at the feet of the board of supervisors. It's in their hands to do what the people wanted." Taylor disagrees that Measure E's proponents are "no growth" as the Alliance has called them. Their goal, she told Lake Tahoe News, is to follow the intention of the 2004 General Plan as outlined on its cover page: "A plan for managed growth and open roads; a plan for quality neighborhoods and traffic relief."

Stracener's ruling can be appealed by any of the parties to the lawsuit within 60 days. Measure E's proponents are still weighing their options and have not yet made any decisions regarding filing an appeal.

Scientists: Choose planned fires or more unchecked wildfires

By Karl Puckett, Tree Source

The harder we struggle against wildfires, the deeper we sink, like we're in quicksand, says Mark Finney, research forester for the U.S Forest Service's Rocky Mountain Research Station.

"It's called the fire paradox," says Finney, a fire behavior expert based at the Missoula Fire Sciences Lab in Montana. "The more you fight against fires, the worse they get when they happen."

In a nutshell, Finney and other forest experts say, periodic fires reduce fine fuels such as pine needles. They stop young conifer trees from growing into big conifers. Meadows form and break up continuous stands of mature forest.

That's how fire worked its magic for thousands of years.

Read the whole story