

Gentlemen and Ladies:

For your consideration.  Also, please include these comments in the Barton Hospital EIS Scoping Comments for consideration as the scope of the Barton project EIS is analyzed and developed.

***Barton:  A Classic Backroom Deal Among Three Partners***

At the May 28, 2025 TRPA Governing Board meeting, Chris Proctor of Barton Health referred to the TRPA and Douglas County as its ***“PARTNERS”*** in getting the proposed Stateline Barton Hospital built.

This one word perfectly summarizes many, many peoples’ feelings of frustration with the TRPA, Douglas County and Barton on this proposed hospital relocation.  Julie Regan and Cindy Gustafson often refer to many organizations as “partners” such as the League and the Tahoe Fund – but now we have reached the point where developers refer to the TRPA and Douglas

County as “partner” as they seek to get their projects approved.

As a result of TRPA’s and Douglas County’s “coziness” with Barton and their advocacy for Barton’s proposed Stateline hospital project, Chris Proctor felt comfortable enough on May 28thTRPA meeting to declare what we knew all along – TRPA, Douglas County and Barton Hospital all are partners in getting this project pushed through beginning a few years back.   In my opinion, this kind of favoritism in governmental oversight of a project is truly astonishing and a huge reason why the general public has lost confidence in government at all levels.

I have filed two Public Records Act requests with Douglas County about the proposed Barton Hospital approval process.  I have received thousands of pages of emails amongst Barton, Douglas County and the TRPA and therefore have a front row seat to much of the backroom dealings dating back to 2022 (even though many documents were not produced by the County).

The public was really not informed about the Barton project until June 2024 when Barton appeared before the TRPA Regional Plan Implementation Committee.   Even at that time, in my opinion, it was clear this was a backroom deal and I wrote a letter to the Boards of the TRPA and Douglas County stating how I felt this was the case.  Last week, I again submitted that letter under separate cover to  bartonproject@trpa.gov to be placed in the record for this EIS.

For those who think a backroom deal involves only outright corruption and the exchange of money and political contributions, the definition of a backroom deal is:

A **backroom deal** is an agreement or arrangement that is made without the knowledge or approval of the public or other stakeholders. These deals typically occur behind closed doors and may involve political, business, or organizational negotiations. The term often carries a negative connotation, implying a lack of transparency, fairness, or accountability

For example, as a result of my Public Records Act requests, I now know that Douglas County commissioners and staff have held quarterly breakfast meetings with Barton Hospital executives ***for years*** about the project.  **Two of the same three commissioners attend the meetings** – there appears to have no effort to include the other two commissioners at any time.  It was always the same three commissioners - which in my mind is nothing more than a shadow majority of the Board supporting Barton without public hearings.  Open Meeting Law issues anyone?

***And as the documents produced in my Public Records Act requests show, this, in my opinion, is just the tip of the iceberg on the cozy backroom deal among Douglas County, TRPA and Barton.***

I can hear the TRPA and Douglas County folks saying right now, “Oh, no we have been forthright and held the required public meetings.”  Yes, you have gone through the motions and been forced to adjust your schedules when the public convinced that you really had not followed the law.   (The documents produced in the Public Records Act request clearly show this, in my opinion.). But the Barton Hospital project was in many ways set in stone long before the first public meeting in 2024.

In 2022 and 2023 the decision was made to make the Barton project a two-step approval process:  1) Amend the South Shore Area Plan to create a hospital district on the old Lakeside Inn site which allowed for a hospital building up to 85 feet instead of the 56 feet currently allowed; and 2) sometime later – perhaps years later, Barton would submit actual finalized plans to build the hospital.  And the backroom part gets even better, Douglas County would be the lead on the Area Plan amendment – even though Barton’s lawyers drafted much if not most of it – and was largely told by the TRPA what to put into it.  Then when the actual hospital project was submitted sometime later – perhaps years later – TRPA would largely control the whole show.

I realize that some will say it is not unheard of to do a two-phased approval process.  It may be appropriate with a huge housing development that will be  sold off to different developers.  But this is a single project on a small piece of land.  I can think of no valid reason for a two-phase approval process in this instance except to give Barton preferential treatment.

To add to my opinion that this project was largely done in the backroom, the same lawyer and consultants who represent every major project before the TRPA were lined up once again on the Barton project and participated in many closed door meetings and private emails about the project long before the first public meeting in 2024 …….talk about lack of diversity, equity and inclusion.   For example, the same traffic consultant that is almost always used on TRPA projects by applicants who use the same lawyer came up with the fantastical notion that an eight story Barton Hospital would produce half the traffic of the long-failing Lakeside Inn.

So back to Chris Proctor’s comment about the TRPA’s being Barton’s partner.  This encapsulates perfectly why so many have lost faith in the TRPA and government at the Lake – every project seems to be a done deal before the public even hears about it.  The TRPA has even tried to put huge projects on the TRPA Consent Calendar at a Governing Board meeting for automatic approval with no public comment when that was the first time the public even heard of the project – talk about backroom deals!   Latitude39 anyone?

**But that is not the way it is supposed to be.  It is not the way it used to be.  And it’s not the way it is supposed to be under the law.  The TRPA and Douglas County are supposed to be the independent gate keepers of Lake Tahoe.  TRPA and Douglas County are not supposed to be the “partner” of any applicant to build a huge building.**

The TRPA and Douglas County are supposed to be the neutral reviewer to make sure a project meets the TRPA’s and Douglas County’s rules and regulations.  When the TRPA and Douglas County start advocating for projects and becoming “partners” of the applicant, the TRPA and Douglas County are over the precipice of losing their credibility as governments.

 And if they do happen to be in favor of a project, then they better dot every “I” and cross every “t” to make sure their bias does not influence the application of their rules.    For example, TRPA must make sure any traffic analysis of moving a hospital location from its historical 30,000 population base to a 3,500 population base area is detailed, scientific and exhaustive of existing traffic patterns - not built upon someone’s flimsy redefinition of population bases or the result of producing whatever the project applicant wants to hear.

**Therefore, my plea at the beginning of this EIS process for the proposed Barton Hospital project is that TRPA and Douglas County perform the rest of the Barton project review to the degree that a truly independent, thorough and non-biased reviewer would.   No two-tier approval processes which are biased in favor the applicant.  Everything stops until Barton submits its final application that will be 99% complete so it can be properly evaluated**.  **My plea is also that new players are brought in to analyze issues such as traffic, water tables and movement, noise, impacts on neighborhoods and wildlife, the impact on City of South Lake Tahoe, etc. – not the same consultants that have represented every project applicant before the TRPA for decades and give the applicant whatever they want.**

That will hopefully give everyone a restored faith in the TRPA and Douglas County that the latter really want to do their job right and not via a backroom deal.  And in - my opinion - it will give Barton a much better start in its new neighborhood if it is approved – instead of using its energies in backroom deals to get approved via quarterly breakfast meetings and backroom partnerships with the TRPA and Douglas County.

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