

Fallen Leaf Lake board accused of violating Brown Act

By Kathryn Reed

While both sides in the Fallen Leaf Lake wrongful termination case have agreed to the settlement agreement, the document remains unsigned by the community services district even though the plaintiff has the check.

In issues like this it's not just about the money. There are other issues that have been agreed to in the document. For those stipulations to be binding, the document must be signed.

Beyond that, as a government agency, the Fallen Leaf Lake board has violated the Brown Act by issuing the check, saying the settlement agreement is a done deal and having never voted on it.

It was expected the agreement would be on today's agenda, but it's not – not in open or closed session.

"We have expressed concerns to the CSD's legal counsel that there appears to be a Brown Act violation relative to this settlement. It is our hope that the settlement agreement will be finalized and executed by the CSD with expedition so that Mr. [Tom] Barnes may move forward with his life, secure medical insurance, and continue his fight with cancer," attorney Jacqueline Mittelstadt told *Lake Tahoe News*. "We will take necessary action to secure the finalized agreement."

She is representing Barnes, the general manager of Fallen Leaf Lake who was fired when he sought a leave of absence to seek cancer treatments.

Even the settlement agreement says the board is supposed to

sign off on this: "Payment of said sum shall be made on the eighth day after both the company and employee have executed this agreement and after approval of the settlement by the board of the Fallen Leaf Lake Community Services District."

However, board President Tom Bacchetti told *Lake Tahoe News*, "The board did not need to approve the settlement since it was the insurance company's decision to settle. There is no Brown Act issue here."

The Sept. 1 board meeting is at 10am at the Fallen Leaf Lake fire station. Closed session starts 30 minutes earlier. Here is the agenda.