

SLT clerk releases partial info, withholds own texts

By Kathryn Reed

The release of some of the public records that were requested of the South Lake Tahoe city clerk only muddies the waters.

Suzie Alessi, who is quitting effective next Friday, provided *Lake Tahoe News* on July 25 with some of the documents that had been requested earlier this year. Normally a public agency has 10 days to provide the records. This took months.

Her email stated, "For the record, my cell phone is my personal cell phone and I do not receive a stipend from the city. I do not have a city cell phone as you erroneously reported and am not providing my text messages pursuant to your request."

Not releasing the records is against state law.

At a public records training on April 30 at which Alessi attended attorney Leah Castella of Burke, Williams and Sorensen showed a slide that stated, "The California Supreme Court ruled in 2017 that information related to the public's business retained on private phones, computers and other personal devices and accounts of public employees and officials is a public record."

In other words, doing public, aka city business, on a personal phone regardless of a stipend is a matter of public record.

Interim City Attorney Nira Doherty, who works for that same law firm, agrees.

"You will receive all public records which are responsive to your request. I anticipate you will receive them (Friday), and if not, you will receive them within 10 days," Doherty told

LTN.

Lake Tahoe News has been speaking with an attorney about suing to get the records, which the city is aware of. If *LTN* were to prevail in court, the city would have to pay *LTN's* legal costs.

While Alessi has powers as an elected official that she would not have if she were a city employee, she is not above the law.

Alessi's email went on to say, "There are no text messages that were retrieved from Tracy Franklin cell phones."

Tracy Franklin, aka Tracy Sheldon, is the public information officer for the city. Alessi is saying that between August 2017 and April 2018 the woman whose job it is to communicate with everyone has no text messages. That is not true because this reporter has texts from her during that time period.

It is not known why Alessi is protecting Sheldon. The deletion of texts raises more questions.

Sheldon was called out in an ***LTN* column this week**. On *Lake Tahoe News's* Facebook page she wrote, "You have just earned yourself a lawsuit Ms. Reed. You can't publish false information."

There was nothing false in the column. As the spokeswoman for the city, her words are supposed to reflect the sentiment of the city.

Mayor Wendy David emailed *LTN* to say, "Tracy Sheldon's comments do not reflect the position of the city or that of the City Council."

However, Sheldon's boss, interim City Manager Dirk Brazil, has been silent as to what his thoughts are about Sheldon's comment or Alessi's lack of transparency. So it's not known if

Sheldon went rogue with her threat of legal action.

The texts Alessi released from David and Councilman Austin Sass's were rather benign because most were redacted.

"I redacted information in the text messages that were provided to me. Text messages were extracted from cell phones by the police department. On city-issued phones, I only redact information which is privileged, i.e. information that implicates privacy rights, attorney-client privilege, etc. On personal devices, I redact information which is privileged and which is unrelated to city business," Doherty explained.

However, it was Alessi who first had access to the documents. The attorney didn't see them until after Alessi had read through them, so it's not known what may have been removed by the clerk.

Most of Sass's texts were between whoever was city manager at the time, with most having been redacted. A few were to his wife and some to his ski buddies.

The only slightly interesting one was from former City Manager Nancy Kerry to Sass on Feb. 5 saying, "I was calling to let you know Bob Hasset wants to call you re Cody [Bass] (space) I sent him your contact info (space) He is concerned about councils [sic] possible position re Cody /mj license."

The few texts of David's left intact were not interesting.

Alessi did not answer why it took her so long to release so little.

When the remainder of the documents are released that may shed some light on why she has been stalling.

Each of the council members was asked what they thought about Alessi's refusal to release her own texts. Only Councilmembers Tom Davis and Brooke Laine responded.

Laine told *LTN*, "I am very disappointed that the city clerk has failed to fulfill this public records request, as required by law. This situation marks an unfortunate way to end an otherwise honorable career."

Davis told *LTN*, "I've known Suzie for many, many years and she has had a great career. I don't know what happened in the last couple months about the public records. I told her it was embarrassing to the city. Then she gave you partial stuff. I'm frustrated with her. It's not just you, but the public has a right to know."