

Truckee lends hand to South Shore on passing tax initiative dedicated for recreation

By Kathryn Reed

Commitment, dedication, a cadre of volunteers, a clear and convincing message, and money are some of the factors that can make a difference in a tax initiative getting the requisite number of voters to say yes.

Three key figures in Truckee's 2014 passage of a quarter-cent sales tax hike spoke to a group of South Shore recreation advocates on Wednesday. Measure R is projected to generate \$1.2 million a year, with all of that money dedicated to trails.

With South Lake Tahoe contemplating asking voters in November to raise taxes, the Feb. 17 discussion was an opportunity for those outside the political spectrum to learn what it takes to put on a successful campaign.

Tony Lashbrook, town manager, spoke volumes about the need to have a partner group to work with. In this case it was the nonprofit Truckee Trails Foundation headed by Allison Pedley. Then it took someone to lead the campaign committee who could be trusted and get the job done. That fell to Paco Lindsay, who has lived in Truckee for decades and owns a bike shop there.

The nonprofit was formed out of the town doing a recreation plan. It is an eight-member volunteer board, with a part time executive director, and more than 1,000 members.



Tony Lashbrook, from left, Paco Lindsay and Allison Pedley talk Feb. 17 about how Truckee passed a tax for trails. Photo/LTN

The three outlined how it is necessary to get as many people engaged as possible – even the opposition. It means listening as well as educating. It included convincing business owners that they would not lose sales with higher taxes because a better trail network would mean more people coming to town. Ultimately the measure passed with 76 percent of the votes.

Advertising was targeted. Signs, mailers and other material were of a high caliber. On election day people were monitoring precincts and calls were made to those who had yet to vote.

“Communication is what it’s about,” Lindsay said.

A consultant was hired to help provide professional assistance. The campaign cost about \$35,000. That money came from small and large donations from community members.

While Truckee has no certain way to track the return on investment with the increase of trails in the area, Lashbrook said the town has broken hotel tax records for the last four years and this was during three horribly dry winters.

With it costing about \$1 million per mile of paved trail, the increase to the network will be a slow, methodical process. But it was pointed out that the income from the measure could be used as leverage to get grants.

A sizeable chunk of the cash is being used to plow some of the paths, which the three said they don't ever see changing based on the use of the trails in winter.

The trio admitted the whole idea of paving trails and not just leaving them dirt has been controversial. The initial survey regarding the tax hike didn't have a majority saying yes. While it was work to be successful, they were encouraging to the South Shore contingent that the end result justified the effort that went into it.

As for South Lake Tahoe, the Recreation Commission has created a subcommittee what will work with the City Council's subcommittee to look at how a 2 percent increase in the transient occupancy tax that might generate \$2 million a year could be spent – a new rec facility? sheet of ice? trails? something else?

Opinion: EDC legal counsel giving bad advice

By Larry Weitzman

I have read hundreds of legal arguments in my life, maybe thousands, but on Feb. 5 I read one of the most specious and poorly supported “legal arguments ever” and it was from our newly appointed interim County Counsel Michael Ciccozzi. It was as if he were arguing before the Supreme Court of the United States and he cited a small claims court decision from Ryegate, Mont., as the legal authority behind his case. In this case, Ciccozzi was attempting to defend the employment contract of our interim CAO Larry T. Combs that appears to have violated important Government Code sections.



Larry Weitzman

Combs' contract problem stems from executing an employment contract that didn't meet the requirements of CalPERS as explained in my **recent column**. CalPERS has strict requirements to prevent double dipping of a CalPERS annuitant, such as Combs. It was public pressure from citizens who were outraged at public officials making \$200,000 a year in retirement benefits, like Combs, and then getting another similar job effectively doubling their income. Poor Mr. Combs because of the double dipping laws is only pulling down \$300K annually. Those requirements are spelled out in Government Code Sections 21221 (h) and 21224. Two of those requirements are that an open recruitment for CAO is required before signing such a contract and that the contract have an end date.

Printed below the fold on the front page of the *Mountain Democrat* on Feb. 5 and titled “CAO contract details questioned” the news story quoted Ciccozzi who cited “a more recent CalPERS publication (April 2015) titled ‘Employment

After Retirement.'” Ciccozzi wrote that the more recent document “does not require that the employment requirements of a retired annuitant include a specified end date or that the appointment be during an open recruitment.”

First, I have rarely seen a more misleading statement by a lawyer with the intent to deceive the public. While he found a CalPERS 10 page, double spaced pamphlet which listed some of the requirements for employment of retired annuitants, it didn't list them all. But it did list all CalPERS offices and phone numbers, allowing easy access for questions. It was not a legal document nor intended to be a legal document, and it, therefore, has no legal force. It did not supersede or replace Government Code Section 21221(h), which still has the requirements of an open recruitment being required before Combs' hiring as well as an end date in the contract. The claim that Ciccozzi implies, by the informational pamphlet, since it is later in time than the CalPERS advisory circular or the code sections, that the law has been superseded by the pamphlet and code section requirement of having an open recruitment and no end date in the contract is no longer required. Nothing could be further from the truth, GCS 21221(h) et seq. is still the law.

For Ciccozzi, that becomes a multiple edged sword. Any real defense claiming there was an open recruitment ongoing at the time the contract was executed and having an end date is now out the window as Ciccozzi says the law didn't require that according to his “pamphlet law” and Ciccozzi knows that. His statement becomes a tacit admission that the county did not have an open recruitment or end date as required by Government Code Section 21221(h), the law as codified before and after the date of the Combs' contract and as set forth in the current California Code. Combs' contract speaks for itself as to having an end date. It doesn't have one.

Trying to cover all his bases in the *Mountain Democrat* story, Ciccozzi said, “The contract will terminate when Combs reaches

960 hours in the fiscal year.” But if Combs works 959 hours in every fiscal year, it will never terminate so the contract is not of limited duration and still violates the code section. Code section 21221(h) still requires both contract requirements that Ciccozzi says don’t exist anymore even though he speaks with a forked tongue.

Ciccozzi’s cited pamphlet is not the law, was not published as a legal document and advised readers to call or check with the nearly dozen CalPERS offices throughout the state whose addresses are listed in the back of the pamphlet along with the CalPERS phone number listed prominently on every other page of the pamphlet and Ciccozzi must be aware of that.

Additionally, even after claiming an open recruitment is not required by his “pamphlet authority,” Ciccozzi states pursuant to the code section the interim appointment is to be made “during recruitment for a permanent appointment” and not necessarily during an open recruitment. Perhaps Ciccozzi should read EDC personnel rules, which say without question, “All recruitment announcements will be posted on the county’s website and other appropriate locations for a minimum of five days.” There was no posting on the county website or anywhere else for a permanent CAO on or before this contract was executed. His statements and/or emails as published in the *Mountain Democrat* are misleading and false. Ciccozzi’s only defense will be “it depends on what the definition of ‘is’ is.”

Ciccozzi now has acquired other problems and the Board of Supervisors needs to take notice. As a lawyer you swear an oath to uphold the law of the state. For whatever reason Ciccozzi chose to misstate the law, the purpose of which is obvious, i.e., to make it appear Combs’ contract is CalPERS compliant. But by doing so he also fails his employer, the EDC Board of Supervisors who need to know the law and their exposure.

With his statements in the *Mountain Democrat* the BOS has been misled about the law from their own highest ranking lawyer. That is unacceptable behavior and the BOS needs to deal with that immediately. Maybe Ciccozzi thinks that is what the BOS wants to hear or maybe he is attempting to cover for his ex-boss Robyn Drivon, who should have not approved the Combs' contract considering the requirements of the law. It's hard to say why Ciccozzi did what he did, but as to whatever he says in the future, will it be believable?

But whatever he says, he may have already violated his State Bar duty, part of which is "to support the Constitution and the laws of the United States and of this state." Perhaps we will find out. This not the first time for Ciccozzi misstating the law. This just appears to be a persistent pattern of practice.

"Integrity without knowledge is weak and useless, knowledge without integrity is dangerous and dreadful."
– Samuel Johnson, (1709-1784) *Rasselas*, ch. 41

Larry Weitzman is a resident of Rescue.

Solutions for stressed-out high school students

By Nikhil Goyal, Wall Street Journal

Last year, at the West Windsor-Plainsboro Regional School District in central New Jersey, Superintendent David Aderhold decided that students had had enough. District staff had recommended mental-health assessments for more than 120 middle- and high-school students for depression, anxiety and

suicidal thoughts—a pronounced increase from the previous year.

In a letter to parents last fall, he wrote, “I cannot help but think that we may be failing [our students] by reinforcing an educational system that perpetuates grades at the expense of deep and meaningful learning.”

Aderhold isn’t alone in questioning the high-pressure environment at many schools. With growing evidence that students are suffering from the intense competition for college admission, schools around the country are rethinking everything from tests to classes to start times.

Aderhold, whose district near Princeton University includes 9,800 students, has enacted reforms. He abolished midterms and final exams and instituted a no-homework policy during breaks and some weekends. It hasn’t all gone smoothly. Some parents have complained, worried that the changes will leave their children unprepared for elite colleges.

Read the whole story

Snippets about Lake Tahoe



• Truckee Police Department’s 2015 annual report is available .

• Drones weighing more than 0.55 pounds and less than 55 pounds must be registered by Feb. 19. More information is

available **online**. The \$5 permits are valid for three years.

- NBC Sports will air a one-hour show March 27 at noon featuring the Reno National Championship Air Races.

- UNR is hosting the inaugural symposium on the uses of autonomous robotics systems and vehicles for emergency April 6-8. Register for the event **online**.

- Roach Gigz plus Rappin' 4-Tay and guests Logic One will be at Whiskey Dicks Saloon in South Lake Tahoe on Feb. 27. Doors open at 9pm. Must be at least 21. Cost is \$15 **in advance** or \$20 that night.

Calif. lawmakers propose 15% pot sales tax

By Melody Gutierrez, San Francisco Chronicle

SACRAMENTO – California would levy a new 15 percent tax on medical marijuana sales to enforce new regulations and pay for state programs, rehabilitation and parks under a bill introduced last week.

The Marijuana Value Tax Act could bring the state more than \$100 million in new revenue. The tax was anticipated after the state passed historic regulations last year that require state and local licenses for medical marijuana businesses under the new Bureau of Medical Marijuana Regulations.

California became the first state in the nation to allow for medicinal use of marijuana two decades ago. Until last year's regulations were signed into law, the billion-dollar industry remained largely unregulated. The Board of Equalization said

it anticipates medical marijuana sales to increase with the new laws. In 2014, the state took in \$50 million in sales taxes from 1,623 dispensaries that registered with the Board of Equalization and filed taxes.

Read the whole story

Avalanches close Alpine Meadows for the day

Alpine Meadows ski resort was closed Thursday because of avalanches and the potential danger for more.

Avalanches struck two occupied vehicles on Alpine Meadows Road on the morning of Feb. 18. No one was injured.

Ron Carson with North Tahoe Fire Department said the avalanche pushed the employee bus about 30 feet into a resident's garage on Alpine Meadows Road. Four people were on board. A second avalanche struck a vehicle with one person inside.

"It was considered about one-tenth the size of a normal avalanche for that area," Carson told *Lake Tahoe News*. "The last time there was a major avalanche there was 2011. It occurred in approximately the same area."

The road was reopened about noon after being closed about 7:45am. The bus was towed back to Squaw Valley. The passenger vehicle stayed until it could be dug out.

Carson said the resort itself also had avalanches throughout the day.

Resort officials called the danger level "considerable" after

16 inches of snow fell overnight.

– Lake Tahoe News staff report

Zephyr Cove woman missing for 3 days

A Zephyr Cove woman has been missing since Monday.



Carolyn
Batchelor

Carolyn Batchelor, 69, was last seen by her roommate about 5:10pm Feb. 15.

Batchelor is 5-foot-7, 180 pounds, with shoulder length blonde hair and blue eyes. She was last wearing a long black coat. She was driving a silver Honda Pilot SUV with Nevada plates HP2295.

Batchelor has not returned calls and her destination was unknown when she left her residence. She may take medications that she needs on a daily basis.

Anyone with any information is asked to contact Douglas County sheriff's Investigator Nate Almeida at 775.586-.7256.

Squaw youth takes 13th in slalom

By USSA

HAFJELL, Norway – Keely Cashman (Squaw Valley) had another solid finish at the Winter Youth Olympic Games, taking 13th in Thursday's slalom.

Aline Danioth of Switzerland grabbed her fourth YOG medal in four races, dominating the field by 1.59 seconds. Following Danioth was Ali Nullmeyer of Canada in second and Meta Hrovat of Slovenia in third.

Cashman has finished in the top 15 of each YOG event she has competed, taking 14th in giant slalom and 10th in super G.

"Keely has gained great experience from this amazing international championship against a strong field," said women's FIS NTG coach Thomas Erhard. "She has performed as one of the top two (in her age class) in all the races, She never gave up on tough courses with slick conditions, showing the 'fight' it will take to progress!"

Modeled after the Olympic Games, the Youth Olympic Games debuted its winter event in 2012 at Innsbruck, Austria.

Liberty Utilities' customers target of scams

In recent weeks, Liberty Utilities' has received calls from customers indicating they received a phone call from someone posing as a collections representative and threatening to shut off power if payment was not made within a specified period of time.

Sometimes the caller has specific customer information such as last payment amount. Liberty is unaware of how this information has been obtained.

Liberty Utilities warns its customers not to respond to a payment demand of this type. Specifically, do not click on any link or open any attachment to an email or provide any payment type information over the phone.

Liberty Utilities representatives do not place such calls or send emails to customers demanding payment. Liberty encourages customers who receive such a call or email to call the company at 800.782.2506.

N.J. officials again ask court to legalize sports betting

By Associated Press

PHILADELPHIA — New Jersey officials resumed their fight to legalize sports betting at casinos and racetracks when a

federal appeals court in Philadelphia weighed the issue for the third time on Wednesday.

Proponents hope New Jersey will be permitted to legalize sports betting to boost revenues for the state and its ailing casinos and racetracks. But they have some formidable opponents: the NCAA and the four major pro sports leagues, the NFL, NBA, NHL and Major League Baseball.

The appeals court has twice before said the New Jersey law that authorized some types of sports betting violates a federal sports protection act passed in 1992. However, the full Third Circuit Court of Appeals has agreed to rehear the last ruling by a three-judge panel. The arguments are set for late Wednesday morning.

The leagues and NCAA, in addition to arguing that federal law prohibits New Jersey's actions, have said that expanding legal sports gambling will compromise the integrity of their games and lead to more incidences of game-fixing.

Sports betting supporters have called the leagues' stance hypocritical, saying the leagues condone and profit from sports fantasy leagues in which participants assemble rosters of players from different teams and compete against

Currently, only Nevada offers betting on individual games, and Delaware offers multigame parlay betting in which players must pick several games correctly to win. Hundreds of billions of dollars are bet illegally on sports annually.

Several court rulings in the New Jersey case have sided with the leagues and NCAA in holding that New Jersey's law repealing prohibitions against sports gambling amounts to state authorization, which conflicts with a 1992 federal law.

The state argued that two 2-1 rulings by the 3rd Circuit, one in 2013 and the other in August, offer opposing interpretations, making the issue unresolved.

In its petition for a rehearing, attorneys for the state noted that 3rd Circuit Judge Julio Fuentes wrote in his dissent from the August ruling that the two decisions are “precisely the opposite.” The first held that New Jersey could repeal laws against sports betting without violating federal law, while the second held that doing so would violate it.