Opinion: Complaint against South Tahoe filed with grand jury

By Steve Kubby

Recently, the South Lake Tahoe City Council boasted that it is going to spend $4 million a year on roads for the next five years. Unfortunately, that $4 million promise, which is probably only half of what needs to be spent to do the job properly, is just an empty promise that history tells us will soon be forgotten. The reality is the City Council has only budgeted a pathetic $100,000 to fix our roads.

History also tells us there has been a clear pattern and practice of raiding funds from road repairs and maintenance in order to prop up redevelopment failures and to reward special interest groups. These actions have been going on for 15 years and it has resulted in an enormous unfunded liability of somewhere between $150 million and $250 million in crumbling roads, broken drainage pipes and dangerous potholes. The only success in this area has been for a few individuals who reward their supporters with money and favors, so they can continue to get themselves re-elected to office.



Steve Kubby

Jim Marino, an engineer with the city, told the council in 2009 that it would take $5.2 million a year for 25 to 30

years, just to get the streets back up to par. The City Council responded by doing nothing, resulting in more unfunded liabilities as well as ever more runoff polluting our beaches and creating further loss of lake clarity. Meanwhile, the city budget does not even recognize these unfunded liabilities.

On May 31, 2011, I sent a letter to the South Lake Tahoe City Attorney Patrick Enright to inform hi I had discovered that sometime around 2002, someone transferred $7,007,000 from the general fund, without the knowledge or consent of the City Council. I explained that my research had indicated that those funds were deposited to the Redevelopment Agency, again without the knowledge or consent of the City Council. I then told the city attorney that it appears the purpose of this raid on the general fund was to cover the financial failures of the Redevelopment Agency and the Park Avenue development.

To my astonishment, the city attorney sent me a “loan agreement,” dated March 16, 2004, which was about two years after the unauthorized transfer of the $7,007,000 from the general fund. This agreement, signed by then Mayor Tom Davis, asserts that the $7,007,000 is a “loan” and that it is to be paid back with TOT funds. Since the TOT funds had already been allocated to the general fund, I could not understand how such a loan could be legal. It also struck me as suspicious that the city attorney would proffer this backdated document, especially since the El Dorado Grand Jury had previously admonished the City Council about backdated documents.

As a result of these disturbing findings, I have filed a formal complaint with the El Dorado County Grand Jury.

Steve Kubby is a South Lake Tahoe resident.

Guided early morning kayak trips on Tahoe

Join California State Park Rangers and West Shore Sports at Ed Z’berg-Sugar Pine Point State Park for this unique kayak tour as we take a leisurely paddle along the shore line at dawn.

Experience the early morning beauty while learning about the natural and cultural history of the area.

No previous experience required.

Kayaks, life vests and instructions are provided. Wear synthetic clothing rather than cotton (swimsuit, shirt, shorts, lightweight pants, jacket and warm cap). Bring water, retainer strap for glasses and water shoes.

Dates are July 19 (arrive at 4:50am) and Aug. 23 (arrive at 5:50am).

Cost is $25 per person, with an 18-person limit.

Reservations required: (530) 525.9920.

Proceeds benefit the Sierra State Parks Foundation.

Summer in Lake Tahoe means …?



Biking on the Camp Rich trail, seeing odd things like this dog, and getting a huge scoop of ice cream for real cheap at the seasonal shop out there.

– Kae

South Tahoe gives ice rink keys to private operator

By Kathryn Reed

Skating on financial thin ice is exactly what South Lake Tahoe hopes to stop doing by turning over operation of the city's ice arena to private operators.

The City Council on July 12 awarded Tahoe Sports and Entertainment, a private corporation run by Chris Cefalu of South Lake Tahoe and Van Oleson of Stateline, a 10-year contract to operate the 9-year-old facility.



South Tahoe's ice rink will be operated by a private firm

starting Aug.
1. Photo/LTN
file

The city recently has been losing about $100,000 a year on the slab of ice that was built with taxpayer money through the 2000 voter-approved Measure S. It's estimated during the life of the initial contract the city will save $1.5 million.

The contract begins Aug. 1. This is the first time the city has turned one of its assets over to a private concessionaire. But it is something that goes on in government all the time. Just look at the U.S. Forest Service using California Land Management to operate some of its venues in the Lake Tahoe Basin.

The ice rink agreement calls for Tahoe Sports and Entertainment to pay the city $2,000 a month for the first year; $3,000 month after that. Beginning Oct. 1, 2012, 3 percent of gross revenue above $600,000 will be the city's; with it capping at 5 percent starting Oct. 1, 2014.

The $600,000 figure came about because that is what the city has grossed in the past few years, City Manager Tony O'Rourke said.

The operators will also pay all utilities.

Cefalu and Oleson use the rink regularly as hockey players. Their key investor is Shelly Zimbler, a former executive with Procter & Gamble. His wife, Naomi, is involved in the figure skating world.

Oleson told the council what is missing is creating the Tahoe identity when it comes to the ice. The new operators intend to boost all aspects of the rink – hockey, figure skating, and public skate.

"You have a jewel. It just needs to be shined up a bit,"

Cefalu said.

Oleson pointed to how Lake Placid capitalized on its Olympic miracle on ice. He pointed out how Squaw Valley had the first miracle in 1960. That hockey spirit is what they intend to bring to the South Shore, noting that ice hockey participation in California has grown by 240 percent since the Anaheim Ducks and San Jose Sharks became part of the NHL.

South Tahoe's sheet of ice meets NHL requirements. One day there will likely be another sheet of ice. That addition is in the operators' long-term plans.

Initially, about $300,000 is intended to be infused into the facility to upgrade the concession stand – which includes having a beer and wine license – and to buy a conversion kit, according to Zimbler.

The kit would allow another surface to be put on the ice so the arena could be used for more than ice sports. Indoor soccer is what company officials envision being a big draw.

Soccer is a big sport on the South Shore. Ice hockey is not something Hispanics tend to play, as evidenced by the NHL only having two Hispanic players. Cefalu said he'd like to see soccer players take an interest in hockey.

The length of the contract had some council members squirming, but in the end they all agreed to the deal. One caveat is the city can get out of the deal in 90 days, while the operators must give six months notice.

Part of the reason for the decade-long contract is so the group can make some money and then perhaps midway through start thinking about building another sheet of ice. This is part of the bigger plan for what was originally known as the 56-acre project – which is what Lakeview Commons on the other side of Highway 50 is part of.

The project is likely to cost more than $4 million. Zimbler was honest with the council in when that might get built.

“We would not build it under the current agreement. We would come back in year four or five before we spend $4 million,” he said, “because if the lease expires, it’s technically yours.”

With the contract just being signed, immediate changes are not known. However, increasing fees will not be one of them. In fact, to increase use fees, the city must first review, though not approve, them. Cefalu said he could see some rates coming down as a way to get people in the doors.

Before this transaction occurred, city officials said ice areana employees would have other jobs within the city. It is not known how many people Tahoe Sport and Entertainment will hire or for what positions.

Other things from the council meeting:

• Expect the Aug. 2 meeting to be long – the marijuana cultivation ordinance, discussion about being a charter city, and the possibility of asking voters to decide the pension issue – are all slated to be on the agenda.

• Councilmembers Angela Swanson and Claire Fortier are working behind the scenes for the city to have more of a presence at the annual environmental summit next month in Homewood.

• The Aug. 16 meeting was moved to Aug. 23 so councilmembers may attend the summit.

• Two lobbyist firms were hired to give the city more political clout.

• More than 140 properties will have liens put on them to collect nearly $90,000 in unpaid South Tahoe Refuse fees.

Fatal big-rig accident shuts Hwy. 50 for several hours

Publisher's note: Highway 50 reopened at 11:44pm July 12.

Highway 50 leading to South Lake Tahoe is closed at Sly Park because of a fatal accident involving a big-rig.

The name of the truck driver is not being released until next of kin is notified. He was from Missouri and in his 40s.

Diesel has reported spilled across all lanes of traffic, with environmental cleanup crews called to the scene.

The California Highway Patrol is expecting the road open about 11pm.

The accident occurred about 4:40pm July 12 when the truck driver, who was headed west, apparently lost his brakes, hit a pickup and both vehicles went into the embankment, authorities report.

The extent of the pickup driver's injuries was not available.

Traffic was being diverted onto Mormon Emigrant Trail and to Highway 88.

– Lake Tahoe News staff report

DA’s office releasing Dugard-Garrido documents

El Dorado County District Attorney Vern Pierson has released many of the documents and videos used in the Diane Sawyer interview with Jaycee Lee Dugard that aired on ABC July 10.

While various media outlets have sought release of various documents surrounding the investigation through Public Records Acts requests, they have come in bits and pieces. The latest documents pertaining to the kidnap and rape of the South Lake Tahoe youngster – who is now 31 – were released July 12.

They include a video of a parole officer searching Phillip and Nancy Garrido’s residence, two video clips showing some of the Garridos’ activities videotaping children in public, a map of South Lake Tahoe showing Garrido victims known to law enforcement prior to the abduction of Dugard, and additional documents.

The press release is the easiest way to access all of them.

An Aug. 3 meeting in Sacramento spearheaded by Pierson and state Sen. Ted Gaines is scheduled to work on ways to change the parole system.

– Lake Tahoe News staff report

Why judges reinstated paroles

for murderers; including one in El Dorado County

By Denny Walsh, Sacramento Bee

There were some raised eyebrows recently when a generally conservative state Court of Appeal in Sacramento reversed former Gov. Arnold Schwarzenegger and reinstated paroles for three murderers, one from Butte County, one from Amador County and another from El Dorado County.

But a closer look shows such decisions are now for the most part business as usual in California's appellate courts.

At work is a different legal standard for the release of these so-called "lifers," which was mandated by the California Supreme Court in 2008.

Schwarzenegger did not adhere to that new standard, and scores of appeals that grew out of his intransigence "are now making their way through the courts," said Oakland attorney Keith Wattley.

The state attorney general's office, which defends against these challenges, ignored a request for comment. And the office of Gov. Jerry Brown failed to respond to a request for comment from the governor, who since he came to office in January has deferred to the Board of Parole Hearings in most cases.

"In the old days it would have been a headline," said Wattley, referring to the three decisions within 10 days by the 3rd District Court of Appeal in Sacramento. "It's not unusual any more."

Wattley, whose practice is devoted almost entirely to lifers' bids for parole, said, "The board and the governor used to

decide these cases solely on historical facts, mainly the circumstances of the crime. In 2008, the (state) Supreme Court said, ‘Stop making decisions based on factors that have nothing to do with public safety.’

“Now,” he said, “there has to be some evidence that the inmate remains dangerous.”

Read the whole story

Assistance to pay power bills reduced for Nevadans

By Sean Whaley, Nevada News Bureau

CARSON CITY – Thousands of Nevada residents who rely on financial assistance to pay their power bills likely won’t get help this year because of federal funding cuts, a state agency reported Tuesday.

Miki Allard, staff specialist with the Division of Welfare and Supportive Services, said federal funding for Nevada’s Energy Assistance Program will amount to $4 million this year, down from $15.8 million in the fiscal year that ended June 30.

While the funding provided by Nevada utility customers through the universal energy charge on their bills will remain relatively steady at $8.7 million, the anticipated decline in federal assistance has forced the agency to reduce both eligibility levels and the amount of assistance that can be provided, she said.

The income threshold for eligibility this year will be 110 percent of poverty levels, compared to 150 percent last year,

Allard said. Thousands of Nevadans will lose eligibility because of this change.

The amount of support will also be reduced to about $500 this year compared to $860 a year ago.

The reductions come as demand has increased, from 21,900 households being helped in fiscal year 2009, to 27,500 in fiscal year 2010 and 32,600 households last fiscal year.

“These cuts in federal funding will have a significant effect on Nevada families struggling with the highest unemployment rate in the nation,” Romaine Gilliland, administrator for the Division of Welfare and Supportive Services, said. “For many families the assistance we are able to provide will not be enough to keep the lights on.”

Truckee doctor offering free care for a day

A free medical clinic will be at Gateway Urgent Care at 11105 Donner Pass Road in Truckee on July 23 from 8am-noon.

Patients will be seen on a first-come, first-serve basis and receive consultations for all medical issues. X-rays and medications are not included.

Dennis Chez, owner and sole doctor of Gateway Urgent Care, has been practicing medicine in the Tahoe-Truckee region for more than 35 years, making him the longest practicing physician in the region.

For more information about Gateway Urgent Care, call (530) 582.2070.

S. Tahoe challenging League's suit regarding General Plan

By Kathryn Reed

Frivolous is basically what South Lake Tahoe is calling the lawsuit filed by the League to Save Lake Tahoe against the city's General Plan.

In closed session this morning, the City Council agreed to have City Attorney Patrick Enright file a motion to dismiss. That paperwork must be completed by the end of business July 12.

"We argue they don't have standing to file in federal court," Enright told *Lake Tahoe News* on Tuesday during a break in the council meeting.

The League filed the suit in U.S. District Court in Sacramento citing the General Plan violates the Tahoe Regional Planning Agency's Compact and Regional Plan.

The city counters that the League cannot claim to be an aggrieved party under the Compact.

In addition to that, the city says because there is no project – the document in question is a planning tool – there is no basis for the suit.

"There is no damage to anyone, including the League," Enright said.

Once the city files its motion, the League has time to file an

opposition motion, with the city given a week then to file a response to that motion.

A hearing has been set for Sept. 12 before Judge Garland Burrell in federal court.