South Shore chamber awards

Awards in six categories were given this month to businesses and/or individuals the Lake Tahoe South Shore Chamber of Commerce believes have made notable contributions to the sustainability of and quality of life in the area.

Winners were:

Experience: Marcus Ashley Gallers, owned by Ashley and Marcus Matilla.

Entrepreneur: Becky Bell, owner and creator of Tahoe Arts & Mountain Culture.

Small Green Business: 968 Park Hotel.

Large Green Business: Embassy Suites.

Customer Service: Margaret Shimono, manager of the Floral Department at Safeway in Round Hill.

Public Agency Service Award: CHP Officer Jeff Gartner.

Santa’s helpers needed

Help make someoneâ€™s Christmas brighter. The South Lake Tahoe Branch Library is inviting Santaâ€™s Helpers of all ages to help make wreaths and tree ornaments for Assisted Care patients at Barton Hospital on Dec. 5 from 10am-noon. Enjoy Christmas music and refreshments while you work. For additional information, call Jan at the library (530) 573.3185.

Southwest makes Tahoe a cheap destination

Southwest Airlines it making it easy to get to Tahoe. But there is less than two weeks left to save big on a Lake Tahoe ski vacation, when traveling Nov. 4 to Feb. 10.

â€œWith an El Nino winter predicted, Southwestâ€™s timing of a Lake Tahoe ski package is absolutely ideal,â€ Executive Director Bill Hoffman of the Incline Village Crystal Bay Visitors Bureau said in a press release. â€œWhether youâ€™re coming from Southern California or across the country, this is a fantastic and inexpensive way to experience Tahoeâ€™s ski product.â€

Lake Tahoe News previewed what's new at nine of the resorts around Lake Tahoe this past week. Those stories and the Events page will keep you up to date and informed throughout the winter.

The Southwest Airlines Vacations Ski Destinations Special has every second person flying free into the Reno-Tahoe International Airport, a 45-minute drive from North Lake Tahoe and the largest concentration of ski resorts in the U.S., as well as staying and skiing free when you book a special ski lodging package.

The South Shore is about an hour away from the Reno airport.

Even your skis fly free for first and second checked bags. Weight and size limits apply. The package does have some restrictions, with blackout dates. Check out www.southwest.com.

Winter driving class

California Highway Patrol is offering a second class winter driving class on Dec. 15.

The class is at South Tahoe High School's library from 6-8pm.

Space is limited. Contact Officer Jeff Gartner at (530) 577.1001 to reserve a spot.

Lake Tahoe ski report, Nov. 21



It's a bluebird day in Lake Tahoe – get out there and ski. Read the ski report to find out the conditions on the slopes of Lake Tahoe brought to readers by Curtis Fong, the Guy from Lake Tahoe.

V&T Railway ready to roll during holidays



The historic Virginia & Truckee Railway will stoke its boilers, blow the whistles and highball this holiday season (Nov. 27-Dec. 19) for a series of theme rides over four weekends during Thanksgiving and Christmas.

Historians in Victorian dress, cowboy regalia and other period attire will represent â€œliving legendsâ€ of the area, riding along with passengers on the V&Tâ€™s seasonal round-trip trains and answering questions about the area and taking photos with travelers.

Theme rides include an Early Bird Shopperâ€™s Special, Family and Friends train, Locals Special, Comstock Night Train, December Danish Run, and Christmas on the Comstock train.

The holiday trains will be the last to run the 12.8 mile route until re-opening next year with special event trains and a full schedule in May 2010.

Classic steam and authentic diesel engines take passengers on 60- and 90-minute rides (one-way or round-trip) with scenic vistas of the â€œold Westâ€ countryside, historic cemeteries, abandoned mine shafts, two tunnels and occasional sightings of wild mustangs, all with the nostalgic sounds of steel wheels to track and the steam whistle cutting the crisp air.

The reconstructed V&T opened along 12.8 miles of its original 16-mile route to great fanfare in August after 70 years.

For more details, go to www.VisitCarsonCity.com.

Lack of candor smells like cover-up in South Tahoe

By Kathryn Reed

Why did three councilmembers want Jacqueline Mittelstadt fired?

Why did they fight to keep Johnny Poland off the streets?

Those questions and the ones below remain unanswered.

On Nov. 11, *Lake Tahoe News* sent an email to the city manager of South Lake Tahoe and the five councilmembers elected to represent all of the residents of the city. A deadline of 5pm Nov. 17 was given. With the budget and union negotiations going on, some leeway was given.

However, Councilmembers Kathay Lovell, Bruce Grego and Hal Cole never responded. Those are the three who initially voted to begin dismissal hearings against then City Attorney Mittelstadt and wanted to appeal the arbitration panel's decision that said Poland should be reinstated to the SLT Police Department.

Although the agreement between the now assistant city attorney and the city says both sides are to be silent on the issue, answering some of the questions presented would clearly not pose a breach of that agreement.

At some point the council needs to decide if the public which it represents and whose money it spends has more of a right to

know what's going on with that money and behind closed doors than a couple of employees caught in the crosshairs. Though, perhaps the silence indicates the majority's decision. The electorate, which will have a chance to vote in three new members next November, will get its chance to speak then.

Mayor Jerry Birdwell said via email, "Thank you for your email. Your questions are good ones and I hope you will have more success getting them answered than I have. I have been asking the City Manager most of these same questions for some time now, but I get no satisfactory answers from Mr. Jinkens. The citizens of South Lake Tahoe are entitled to know how their money is being spent.

"In June I openly asked for his resignation, and at this point I think the City Manager needs to be fired because he routinely, willfully ignores requests for information for councilmembers, the public, and from reporters."

Lake Tahoe News sent Birdwell a follow-up email asking him to answer the questions directed toward members of the council. He said he would. He never did.

I asked for all answers to be in writing. Birdwell and City Manager Dave Jinkens complied with that request. Councilman Bill Crawford left a voicemail.

Here are the questions that were sent via email to the six mentioned above and all of the answers provided:

1. How much money did the city spend on Johnny Poland:

a) Payments to him and the costs for his benefits while he was not working? Please breakdown the figures, ie, salary, health, retirement.

Crawford: "Regarding the cost of Johnny Poland's situation, I haven't any more information than you have on that."

b) What back pay is owed to him? Does this include interest?

If so, how much?

c) The $75,000 Jinkens mentioned in April that was spent up to that point – please breakdown where/how the money went/was used.

d) The $30,000+ the attorney was paid to fight the issue in EDC Superior Court; does that include all of her costs? Or does the city still owe her more?

e) How many hours of city staff time, including at the police department, went into the Poland case? Please break it down by department.

f) What dollar amount do those hours add up to?

Jinkens: City cost to appeal the decision of the "Hearing board" to the Superior Court on a Writ of Mandate as the date of my request to staff was $35,131.18.

Note: The legal advisor for Mr. Poland and my office agreed before proceeding with the Hearing Board referenced below that either party could appeal a decision of the Hearing Board to the Superior Court. This agreement is what was relied on when the decision was made to appeal the ruling of the Hearing Board.

There were also costs incurred by the City before the matter went to trial to settle the case outside of court through a re-entry agreement for Mr. Poland, but I do not have the specific costs for these legal services that are part of the total legal bill from LCW.

City Legal Costs Associated (LCW) with the Notice of Discipline up to and including the hearing before the Hearing Board (three member panel):

The administrative process for handling disciplinary hearings against police officers is spelled out in State law and by agreement through existing memoranda of understanding, POBR

Peace Officer's Bill of Rights), and the City's Personnel Rules.

The process within the Department and in accordance with the rules is time consuming for all parties and costly. Whether or not a decision is ever made to appeal a disciplinary action to the Superior Court, the cost of the existing disciplinary appeal process is time consuming and expensive for all parties. The existing appeal process that is part of existing memoranda of understanding and our Personnel Rules needs to be revised, streamlined and simplified for the benefit of all parties to get a timely decision. In order to amend the City's disciplinary and appeal process, agreement between labor and management on the specific changes must be made after meeting and conferring in good faith in accordance with State law.

Billings from Liebert, Cassidy and Whitmore (LCW), the law firm that represented the Police Department during the appeal of Mr. Poland from a decision of the Police department to terminate him from 2007 on until the time of City's appeal to the Superior Court are estimated to be $78,210.34.

The City Manager retained the services of an independent labor attorney (Linda Tripoli) to provide independent legal advice when Mr. Poland appealed the intention of the Police Department to terminate him to the City Manager. The independent legal counsel was intended to ensure that a separate legal review was done on the facts of the appeal and Law before the City Manager rendered a decision on Mr. Poland's appeal. The cost of these services is $6,386.16

Cost of Court Recorder (1/2 paid by City, balance paid by Mr. Poland) is $2,555.00

From the information I have to date the approximate total sum spent by the City for legal services regarding matters relating to Mr. Poland to be $122,282.68

Note: Police Department management in the past years has also

used on a consultation basis the services of police labor lawyer specialist Marty Meyer who may have provided the Department with some advice during the course of the early IA, but I do not have details in this regard at this time. Such advice would now if needed be coordinated through the City Attorney.

Back Pay: The back pay calculation is currently being worked on by Finance, Human Resources, the City Attorney and Mr. Poland's legal counsel. It should be noted that Mr. Poland has been paid administrative leave since January 2009, and that the back pay will be reduced by his W-2s for other employment during the period he was off work with the City. Mr. Welty, his legal counsel, is to provide the W-2 to the City Attorney to help to calculate the proper payment.

Staff Time: Staff in the Police department did not keep specific records on how much staff time was spent by them during the disciplinary and appeal process. I know that they spent a lot of time on the IA and during the appeal. When the matter came to my office on appeal I spent many hours during the appeal hearing and reviewing the background information and reports on the matter, but I too do not know the exact number of hours spent.

I am told that Penal Code Section 832.5 requires that every law enforcement agency in California have in place a procedure to investigate complaints against peace officers. As with certain State mandated functions the City is reimbursed for certain costs but I do not yet know what that may be in this instance. The Police Department investigator in this case performed the investigation in accordance with his normal routine duties, not overtime so there is no additional PD cost.

2. When will Poland be back with the department?

3. What steps are needed to ensure he is ready to be back on

the streets?

4. What is the police department and/or the city doing to prevent something like this from happening again?

5. **Regarding the city attorney issue, how much did it cost the city regarding the Jacqueline Mittelstadt issue?**

a) How much compensation in terms of salary/benefits was she paid while she didn't work? Please breakdown the expense, salary, health insurance, retirement.

b) How much staff time and therefore money did it cost the city?

c) How much did the city spend on outside legal counsel?

6. What is going on with the complaint filed by Christine Vuletich against Patrick Enright and Jacqueline Mittelstadt?

7. What is the city's policy for handling complaints from one city employee against another?

8. Why was Mittelstadt originally hired to be city attorney and Enright assistant city attorney?

Crawford: Why was Mittelstadt city attorney in the beginning? Because it was felt, and I agreed, she would be better in the courtroom on her feet than Enright and because of his experience in redevelopment people thought he was better fitted for that, which is probably also correct.

9. At the time of hire, did the council believe Enright was qualified to be city attorney? Why or why not?

10. What makes Enright now qualified to do the job?

11. When Enright is out of the office (vacation, sick, etc.) will Mittelstadt have the "power" of city attorney or will she have to defer to the city council in order to make decisions at that level?

Crawford: I assume she would represent the City Attorney's Office if Enright can't make a City Council meeting. Someone should be there.

12. How did city staff and elected officials first find out about Mittelstadt's ongoing legal issues in Southern California? And when?

13. What bearing did that knowledge have on the council's Sept. 3 decision to proceed with dismissing Mittelstadt?

14. What happened between Sept. 3 and Nov. 3 for the majority of the council to change its mind and want to keep Mittelstadt employed?

Crawford: Mittelstadt, the turning point on that on not continuing to try to fire her was Whitmore did a very poor job in his presentation. It seemed he was deceptive and wasn't telling the truth about the complaints. He just failed. And, also, Jacqueline's attorney, he made Lovell look foolish when she said there was going to be a lawsuit anyways.

15. What type of background checks, reference checks, etc. were done before hiring Mittelstadt and Enright?

16. Is there a standard policy for hiring any staff member? What are those? And how do they differ for city attorney?

17. Any comments from anyone?

Crawford: One member of the City Council said (Mittelstadt) was a poor manager of office. I don't know how you determine that after two months.

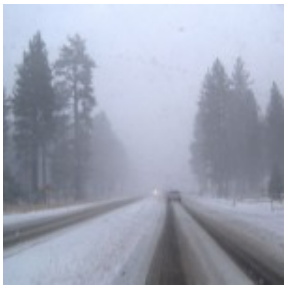
Jinkens: I hope this matter better addresses your previous questions. Due to my commitment to respond to you (Nov.20), I am providing you with the best information I have to date on this matter based on the work of staff. The handling of police

disciplinary matters is time consuming and expensive. We need to ensure that those complaints against police officers are fully and completely investigated, protect the rights of police officers during the administrative process, and develop a more streamlined and less time-consuming and expensive process for the benefits of all parties.

Survey: Travelers coming to South Shore for Turkey Day

South Shore businesses could expect up to a 31 percent increase in visitors during the Thanksgiving holiday weekend, according to a survey conducted by Strategic Marketing Group of South Lake Tahoe.

Of the 35,000 people who were sent the survey, 806 responded. The reason they are coming – to sightsee, gamble, eat well, shop and ski.



Survey says Highway 50 will be more crowded next week. Photo/Kathryn Reed

â€œWeâ€™re hopeful this sample proves to be an accurate snapshot of the overall picture,â€ Carol Chaplin, executive director of Lake Tahoe Visitors Authority, said in a statement. â€œThe trend for increased tourism is a positive message for the entire South Shore, especially as we move into whatâ€™s expected to be a solid winter season. Hopefully, the tide is turning.â€

The survey also discovered that a like number, or 33.9 percent of all respondents are planning additional trips of one night or more to South Shore during the coming year compared to the same period a year ago, while 55 percent indicated plans for the same number of visits.

Ambulances rolling to more calls

Brian Pond, who oversees the ambulance service in El Dorado County in the Lake Tahoe Basin, gave a brief report to the South Lake Tahoe City Council on Nov. 17.

He said in the last year there were 2,555 calls, which is up 4.6 percent from the previous year.

Pond said per county regulations pertaining to how fast an ambulance is supposed to respond to a call, drivers hit the mark 99.42 percent of the time.

1,000 acres added to Tahoe National Forest

By Ann Westling

NEVADA CITY – In four transactions, more than 1,000 acres of upper elevation land has been added to the Tahoe National Forest.

With contributions from private entities and funding from the Land and Water Conservation Fund (LWCF) totaling $3 million, these acquisitions have been finalized during the past two months.

“I would once again like to thank the Trust for Public Land, the Truckee Donner Land Trust, Northern Sierra Partnership and the Smith family,” stated Tom Quinn, Tahoe National Forest supervisor. “These are very scenic lands along the Middle Yuba River, the Little Truckee River, Rubicon River and in Pierce Meadow. They are especially valuable for recreation and wildlife habitat.”

Webber Falls (Sierra County) – 480 acres along the Little Truckee River incorporating the spectacular Webber Falls was purchased from Sierra Pacific Industries. The parcel is located along the Henness Pass Road approximately 15 miles northwest of Truckee. Approximately one-third of the funding for this parcel was donated by the Gene and Elaine Smith family with the remaining from the Land and Water Conservation Fund (LWCF). The falls have several terraced pools in late summer and spectacular iced canyon walls in the winter. The Trust for Public Land was instrumental in acquiring this property.

Pierce Meadows (Nevada County) – 160 acres near Eagle Lakes was purchased with funds from the Northern Sierra Partnership and LWCF. Pierce Meadow comprises a large portion of the

parcel and is located north of Interstate 80 near Cisco Grove. The Truckee Donner Land Trust acquired the property and obliterated the roads into the parcel to protect the meadow before deeding it to the Forest Service.

Rubicon River/Granite Chief (Placer County) – 417 acres of land along the Rubicon River were added to the TNF with funding from LWCF; 270 acres of these are within the Granite Chief Wilderness. In this same purchase 406 acres were also added to the Eldorado National Forest. Both parcels provide high value recreation and wilderness land as well as habitat for black bears. The Trust for Public Land was instrumental in this acquisition from Sierra Pacific Industries.

English Mountain (Sierra County) – 160 acres south of Jackson Meadows Reservoir and 11 miles north of Interstate 80 were purchased with LWCF by The Trust for Public Land from Sierra Pacific Industries. This parcel contains lovely meadows along the Middle Yuba River and French Creek and is near the Grouse Lakes Vehicle Closure Area.

“These parcels contain vital biological habitat, scenic and recreational values. Protecting them from dispersed second-home residential growth under private ownership is a boon to public resources and the successful management of the lands. We’re trying to prevent catastrophic fire, protect water resources and maintain needed wildlife habitat and corridors, all of which will give the area more resilience in adapting to climate changes,” said David Sutton, director of the Trust for Public Land’s Northern California and Nevada Program. “We’re very pleased to see the Tahoe and the Eldorado National Forests leading the way in prioritizing these parcels for protection.”

Northern Sierra Partnership – The Trust for Public Land, Truckee Donner Land Trust, Feather River Land Trust , The Nature Conservancy and Sierra Business Council formed a collaborative group called the Northern Sierra Partnership in

conjunction with land management agencies to raise private, corporate and public funds to protect lands with high quality watershed, wildlife, and recreation values. In the north central Sierra, early day land grants to the railroad companies dating back to the 1860's, created a checkerboard pattern of public and private ownership that exists today. Due to the increased complexity and cost of managing these checkerboard lands, the Northern Sierra Partnership has focused its efforts to acquire lands that may be at risk of development. The objectives of the Northern Sierra Partnership include protecting the area's high-quality water supply and mitigating the impacts of climate change.

Land and Water Conservation Fund (LWCF) – Funding is collected from off shore oil drilling and allocated to acquire private land for conservation. In 2009, $2.5 million was allocated for purchase of land in the Tahoe and Eldorado National Forest from the LWCF.

Ann Westling works for the USFS in the Tahoe National Forest office.