Court decision on Stateline's Sierra Colina project favors League to Save Lake Tahoe

By Kathryn Reed

The Ninth Circuit Court of Appeals has sided with the League to Save Lake Tahoe regarding one of five claims it made to stop the Sierra Colina project in Stateline. But that one aspect could derail the project.

The court in its Oct. 11 ruling will not allow the developers to use coverage in the way they wanted to, which involves bike trails. Plans called for conveying a public easement over a shared driveway for pedestrian and bicycle access and emergency ingress and egress for the neighborhood.

The League challenged that component of the project. The TRPA has limits on how much of a parcel may be covered. It all has to do with erosion and sediment that reaches Lake Tahoe. However, in the updated Regional Plan that is expected to be voted on by the end of the year, the designation of bike paths as coverage is supposed to be altered. How that change plays into this project remains to be seen.

The Sierra Colina project is in orange.

Sierra Colina is the name of the project Steve Kenninger and Gail Jaquish are trying to develop on the 18-acre bare parcel between the Lake Village housing area and the old Nugget building on the south side of Highway 50 and across the street from Rabe Meadow.

In a statement Kenninger gave to *Lake Tahoe News* he said, “The court’s opinion is an abuse of discretion of the highest order, and a complete disregard of the court’s authority and obligations under applicable law.”

A press release from Kenninger further says, “The League and the Ninth Circuit shattered this collaborative public/private partnership in the basin, at the expense of the general public.”

The League had sued the Tahoe Regional Planning Agency because the bi-state agency is the entity that issued the permits in June 2009 granting the coverage, along with allowing the whole project to proceed.

Tahoe Regional Planning Agency officials said they are reviewing the decision and did not have further comment Thursday afternoon.

“The League to Save Lake Tahoe is pleased that the Sierra Colina dispute has come to a close and that concerns over the extent of paving and roadways in this project will be addressed as the development goes forward. We are gratified that the court has endorsed existing protections on road building and removed the possibility of a precedent-setting relaxation of those protections,” the League said in a press release.

It is not known what the Sierra Colina proponents will do now that the decision by the court has come down.

However, environmental improvements have already been taking place in a cooperative effort with the property owners, Douglas County and U.S. Forest Service.

Sierra Colina was to be a LEED certified, 50-home, multi-family residential project that included nine moderate-income deed restricted homes, a network of public trails, with more than 10 acres of dedicated open space.

LTCC board cuts number of meetings in half

Lake Tahoe Community College is changing its board meeting to once a month.

The board will meet the second Tuesday of the month. Special study sessions or workshops will be on the fourth Tuesday if needed. This will be done a six-month trial basis.

"Most business items each month should be able to be addressed in the one meeting and it will be more efficient and save staff time to prepare and disseminate the agendas and packets for the one meeting instead of two," board President Molly Blann told *Lake Tahoe News*.

One board meeting a month also reduces the number of other meetings associated with it. This also means less staff time devoted to meetings.

"We are doing this because we are experiencing budget reductions and we are trying to streamline our operations to accommodate reduced staff," LTCC President Kindred Murillo told *Lake Tahoe News*. "Some of our streamlining initiatives are one board meeting a month, electronic board packages, and focused study sessions on topics where the board can really have good discussion about students, learning, and educational initiatives."

There is a strategic planning session Oct. 12 from 8:30am-1pm in the board room. There are likely to be no other LTCC board meetings this month.

— Lake Tahoe News staff report

Placer County next to receive fire fee bill

More fire prevention fee bills are on their way to the region.

"This week the state is mailing nearly 58,000 fire tax bills to Placer County residents — the largest single county billing to date," George Runner, with the state Board of Equalization, said in a press release. "I think many people will be shocked to discover they must pay this illegal and unfair tax."

Last month the state mailed 51,897 bills to El Dorado County property owners.

Runner noted that according to the latest Board of Equalization statistics, tens of thousands of Californians are already at risk of being subject to penalties and interest for not paying their bills on time. He reminded Californians that payments and appeals must be filed within 30 days of the date on the bill.

The following statistics, released by Runner, show the status of fire tax billings as of Oct.5:

County *(click for map)*	**Mailing Date**	**Number of Bills**
PLACER	Oct. 9-15	57,549
PLUMAS	Oct. 15-16	10,991
RIVERSIDE	Oct. 16-22	33,843
SACRAMENTO	Oct. 22	1,199
SAN BENITO	Oct. 22	2,239
SAN BERNARDINO	Oct. 22-30	65,637
SAN DIEGO	Oct. 30-Nov. 8	100,814
SAN JOAQUIN	Nov. 8	57,549

The state has mailed 330,785 bills – roughly 40 percent of those slated to go out by December.

Of the 119,426 bills to come due so far (30 days after the billing date): 72,288 (61 percent) were paid in full, 1,717 were partially paid, and 45,421 (38 percent) were unpaid and overdue.

S. Tahoe council candidates outline stances to voters

By Kathryn Reed

STATELINE – Budget and fire department staffing were two issues the South Lake Tahoe City Council candidates tackled before each answered three random individual questions.

This second forum of the political season was hosted by Soroptimist International South Lake Tahoe at Harrah's Tahoe. Two positions are open, with five people vying for them. Clinton Schue did not attend the Oct. 10 event.

The first question was: *The consensus among many residents is that the city is practically broke, between what is owed bondholders through the now defunct Redevelopment Agency and the need to keep borrowing from reserves to balance the city's general fund. Some would go so far as to say the city is insolvent. What is your response to the claim of insolvency?*

Incumbents Bruce Grego and Hal Cole took issue with that assessment of the city's coffers, while challenger Austin Sass' response was about 180 degrees different from theirs, and newcomer JoAnn Conner was about 90 degrees different.

"We have a balanced budget," Grego said. "Things are not out of control. I think the problem is resolving itself."

He didn't mention that by state law the city has to approve a balanced budget each year.

"I'm really proud of our city's financial condition," Cole said. He mentioned a AA minus rating, that there is more than the required 25 percent in reserves. He also boasted how the city is paving streets.

He did not mention how the city borrowed millions of dollars to pave those streets and that taxpayers will be paying that off for the next 30 years.

"We do have a problem and we need to address it now," Sass said. He doesn't see how using $6.2 million in reserves in the last few years is good fiscal policy.

Conner likes that employee agreements have been revamped and said the city is doing better today than it was a year ago. She wants to increase revenue by making sure everyone is paying their transient occupancy tax – especially vacation rentals – and to levy a business tax on duplexes, triplexes and fourplexes.

Question 2: *Public sentiment is that with no upper management, the staffing at the fire department is in shambles. How protected is the city?*

Cole: He believes with three people responding to each fire and an ambulance at each station, the city is protected. He said the fire marshal duties have been contracted with Lake Valley Fire and that consolidation talks are ongoing to determine if that is the best route.

Conner: She believes with neighboring agencies working well together the residents of South Lake Tahoe are safe. She did confuse the role of the fire marshal with battalion chiefs when she said, "The captains are doing the job of fire marshals."

Sass: He, too, believes the mutual aid agreements keep city residents safe. However, he said talking to Lake Valley and Tahoe Douglas fire staff, he has learned those agencies are "concerned with onsite management of a fire." And he said city staff is worried about equipment, especially with an engine failing during the Peter Darvas house fire last month.

Grego: "We are fully protected." He said the city is looking at buying a new fire apparatus, but that it costs $500,000.

[No one mentioned that the city does not have a capital outlay fund so when any equipment reaches the end of its usefulness there is no pot of cash to replace it.]

Next up, Ann Swallow, who moderated the Wednesday event, asked each of the four three questions.

Q: The city has tightened its purse strings by reducing expenses, some of which have included eliminating positions and/or departments. As a result, employees are potentially facing a more work and less pay scenario. How would you address the potential for decline in morale and productivity?

Grego: "Morale is something we need to work on by recognition." He also suggested hiring people outside the city to do some of the work.

Q: The city of South Lake Tahoe currently has no position on the use of eminent domain. If the issue is raised, would you vote yes or no?

[This was a false statement by Soroptimist. A previous council passed the policy that eminent domain will not be used. It would take four out of the five councilmembers to change that policy.]

Sass: "Eminent domain should be used as a last resort." He could see using it if 95 percent of the loop road property and business owners accept to be bought out and that for the greater good the 5 percent are taken by eminent domain.

Q: Would you vote for the Tahoe Regional Planning Agency's Regional Plan update as it is currently proposed?

Conner: "Yes." She believes how TRPA wants to change best management practices as well as allowing sensitive property to be traded to encourage development elsewhere are good things in the plan.

Q: Beside yourself, who else will you vote for for City Council?

Cole: "Elect two candidates who have a vision." He wants someone who is like-minded.

Q: Do you think councilmembers should be on nonprofit boards that could benefit from the councilperson's elected position?

Grego: “No. It is against the law.” He said councilmembers are not allowed to vote when there is a conflict.

Q: What are your views about a recreation master plan and how would you pay for it?

Sass: He wants to create a sports and recreation commission and assess what the facility needs are. He believes revenue will come from attracting tournaments and other athletic events to the area – especially when the facilities are in place.

Q: Is it appropriate for the South Shore Chamber of Commerce to endorse a candidate?

[There is the South Tahoe Chamber of Commerce, which Conner is president of, and the Lake Tahoe South Shore Chamber of Commerce. It was not clear which chamber the Soroptimist meant.]

Conner: “We have always felt we should not endorse candidates.” She said her chamber endorses issues, not people.

Q: Explain a vote you made during your tenure on the council that you would change today and would you change it?

Cole: He wishes he had not allowed medical marijuana dispensaries because he says they ended up selling drugs in bulk to people out of state and that it has been bad for the city. He called the operators “drug dealers”.

Q: The Tahoe Transportation District is moving the loop road forward with $810,000 in grant money. What is your position on the loop road and how would you protect city residents and business owners?

Grego: “I oppose the preferred alternative. I see no benefit for the city of South Lake Tahoe to support it.”

Q: What are your thoughts about the El Dorado County Grand

Jury’s recommendation of merging the city of South Lake Tahoe and El Dorado County?

Sass: “I’m not sure if it’s a good or bad idea. A study would need to be done about what the city residents would gain and what they would lose.”

Q: What steps would you take to generate revenue in the city while keeping expenses at a minimum?

Conner: “Market our recreation because it’s the most viable asset we have.” She wants residents to be tapped to do some of the work, which some already are when it comes to securing grant funding. She says broadband would allow different businesses to come to town. “I would put studies on a pause.”

Q: Over 18 months ago the City Council met jointly with Douglas and El Dorado counties in public session. Since then no meetings have taken place. What is your opinion with regard to the City Council meeting regularly with these neighboring counties?

[The meeting was actually Nov. 4, 2011, when the city and Douglas County met. The city and El Dorado County have not met.]

Cole: “There is no state line.” He would like more meetings and is disappointed the second one with Douglas was canceled.

[The election is Nov. 6. Vote by mail ballots should arrive this week.]

Study: Nevada good for businesses, California bad

By Sean Whaley, Nevada News Bureau

CARSON CITY – Nevada is one of the 10 best states for its business tax climate, while companies in states like New York, New Jersey, and California have a far less pleasant environment to deal with, according to a report by the Tax Foundation.

“Even in our global economy, a state’s strongest and most immediate competition often comes from other states,” said Tax Foundation economist Scott Drenkard. “State lawmakers need to be aware of how their states’ business climates match up to their immediate neighbors and to other states in their region.”

Nevada ranked third in the Tax Foundation report released Tuesday, unchanged from last year. Nevada scored less well in two of the five categories that make up the ranking, coming in 42nd for its sales tax index rate, which is considered high at a statewide 6.85 percent rate; and 41st for its unemployment insurance tax, which does not provide for many benefit exclusions like many states do.

The survey is a snapshot in time as of July 1, 2012, and so does not include any evaluation of a Texas-style margins tax being proposed by Nevada by the Nevada State Education Association. The association is now collecting signatures to take the measure to the Legislature in 2013, but it still faces a court challenge.

In a press briefing to announce the results of the new edition, speakers made it clear that Nevada’s high score would be substantially worse with a margins, or gross receipts, tax.

Texas scored in the top 10 in the survey in spite of the margins tax, not because of it, Drenkard said.

“We penalize states heavily for having gross receipts taxes because they are very distortionary,” he said. “It’s similar to having a very poorly structured sales tax.”

The top 10 states in the 2013 Index are Wyoming, South Dakota, Nevada, Alaska, Florida, Washington, New Hampshire, Montana, Texas, and Utah.

Many of the top ranking states do not have one or more of the major statewide taxes, such as a personal or corporate income tax or a sales tax. Wyoming, South Dakota and Nevada, for example, have no corporate or individual income tax; Alaska has no individual income or state-level sales tax; Florida has no individual income tax; and New Hampshire and Montana have no sales tax.

The 10 lowest ranked states in the 2013 Index are Maryland, Iowa, Wisconsin, North Carolina, Minnesota, Rhode Island, Vermont, California, New Jersey, and New York.

The State Business Tax Climate Index, now in its ninth edition, collects data on over a hundred tax provisions for each state and synthesizes them into a single score. The states are then compared against each other, so that each state’s ranking is relative to actual policies in place in other states around the country. A state’s ranking can rise or fall significantly based not just on its own actions, but on the changes or reforms made by other states.

The index enables business leaders, government policymakers, and taxpayers to make an apples-to-apples comparison of their state’s tax system. While some similar studies focus on the total amount residents pay in taxes each year, the index focuses on whether the state’s tax code itself enhances or harms the competitiveness of its business environment.

Despite moderate corporate taxes, New York scores at the bottom this year by having the worst individual income tax, the sixth-worst unemployment insurance taxes, and the sixth-worst property taxes. The states in the bottom 10 suffer from the same afflictions: complex, non-neutral taxes with comparatively high rates.

Maine saw the greatest improvement this year, vaulting them from 37th to 30th best overall, in part due to a repeal of their alternative minimum tax. Michigan also made a sizable leap of six places by replacing their cumbersome and distortionary gross receipts tax (the Michigan Business Tax) with a flat 6 percent corporate income tax. This improved their overall rank from 18th to 12th best, and their corporate sub-rank from 49th to seventh best.

The Tax Foundation is a nonpartisan research organization that has monitored fiscal policy at the federal, state and local levels since 1937.

Plague-carrying chipmunk found on South Shore

A chipmunk found last week at Taylor Creek Visitor Center tested positive for the bacteria that causes plague.

Visitors to area picnic spots and campgrounds should take precautions to protect themselves from plague, a disease transmitted by infected fleas. This starts with not feeding rodents and never handling sick or dead rodents. Also, leave pets at home when visiting areas with elevated plague risk

Plague is a rare, yet highly infectious bacterial disease that is spread by squirrels, chipmunks and other wild rodents and their fleas.

Early symptoms of plague include high fever, chills, nausea, weakness and swollen lymph nodes in the neck, armpit or groin.

Additional rodent surveillance will be done in the area this week.

To report a sick or dead rodent, contact El Dorado County Vector Control at (530) 573.3197.

El Dorado County supervisor candidates outline goals

By Loretta Kalb, Sacramenot Bee

One is a small-business owner. The other is a retired fire chief.

They are the runoff candidates in the Nov. 6 general election for District 3 of the El Dorado County Board of Supervisors, and both want to strengthen the community's business climate.

Candidate Brian Keith Veerkamp, the retired fire chief, finished the June 5 primary election with 33 percent of the vote in a field of six. Candidate Richard Barb, the small-business owner, placed second with 22.5 percent of the vote.

The District 3 post is being vacated by Supervisor Jack Sweeney since El Dorado County requires that its local officials leave after two full terms.

Here is what candidates say about the job and their qualifications, in order of their appearance on the ballot:

• Veerkamp describes himself as a fifth-generation resident with years of experience in public and community service.

He considers the local economy to be the biggest issue facing the community and describes his knowledge of how government works, his connections and his community affiliations as assets in tackling the job.

“We obviously have issues relative to permit fees and regulations that we need to review and to scale back where we can and to try to make it affordable to build in the county,” Veerkamp said.

“One of my goals is to work with other supervisors to build a strong governance team where we can strategically plan, set priorities and move our county forward instead of into a tailspin,” he said. “We’ve been stagnant for quite some time.”

Veerkamp prides himself on “knowing the players” and says he can step into the role without a steep learning curve.

As a supervisor, he said he expects to work cooperatively with all agencies, local, state and federal.

Veerkamp spent an early part of his career in the private sector on construction and other jobs, he said. And he spent 30 years in fire protection service, beginning as a volunteer firefighter and later becoming chief of the El Dorado Hills Fire Department.

His background includes years in public service and as a member of community organizations such as the Placerville Kiwanis Club. He served 14 years on the board of the Camino Union School District, eight of those as president.

He was a three-year board member for the El Dorado County Emergency Services Authority, a joint powers authority for which county supervisors have fiscal oversight. For two of those years he served as the authority's board chairman.

He spent 22 years as director of the emergency medical services training program for the El Dorado County Fire Chiefs Association.

"I've got a lot of those connections, a lot of experience," Veerkamp said. "I know how to work and understand the system. I can hit the ground running."

Veerkamp said he would refuse salary and benefits for the post. "It's not about making a career for myself," he said. "To me it's all about community service, and that defines me as a person."

• Barb, a 17-year county resident, is a small-business owner who describes himself as dedicated to public service.

And he said he is eager to eliminate county policies and rules that impede business.

"We're going to review where we are," he said. "El Dorado County is one of the least friendly counties in the state for business.

"We're going to reform, to revise those ordinances and policies that have contributed to the unfriendly business climate.

"When we've figured out those issues — and I have a good handle on some of them because of my construction business — we're going to reduce fees, the regulatory burden and some of the bureaucracies that have kept us from being business friendly."

An example of the burden on business, he said, is the lack of clear requirements and costs when a permit is issued to a business or for a project.

“The permit is issued,” he said. “The project moves forward. Then the county decides to change the rules because the policy or code has changed.

“That has brought a profoundly uncertain working environment. And it has cost many people their life savings.”

Barb said he has long been committed to community service and spent the last 17 years as a leader in 4-H. He also spent 14 years volunteering weekly at a local senior care facility.

For the last six years, he served on the senior staff of the U.S. Air Force Auxiliary Civil Air Patrol, Squadron 85, a civilian group that provides leadership training programs for young people.

Barb said he has spent his career in small business in the private sector. As an independent contractor, he provides custom shutters and draperies for the interior decorating industry.

Among his strengths, he said, is the ability to organize and define work project requirements, manage and place staff, and eliminate inefficiencies.

A county supervisor should not be political, he said. And he or she should be easy to approach.

“It’s truly about meeting the needs of the community,” Barb said. “It’s not just asking the community what they want, it’s knowing it from the inside out and being accessible.”

USFS runs out of money to fight fires

By Darryl Fears, Washington Post

In the worst wildfire season on record, the U.S. Department of Agriculture Forest Service ran out of money to pay for firefighters, fire trucks and aircraft that dump retardant on monstrous flames.

So officials did about the only thing they could: take money from other forest management programs. But many of the programs were aimed at preventing giant fires in the first place, and raiding their budgets meant putting off the removal of dried brush and dead wood over vast stretches of land — the things that fuel eye-popping blazes, threatening property and lives.

Recently, Congress stepped in and reimbursed the Forest Service and the Interior Department, which plays a far lesser role in fighting fires, with $400 million from the 2013 Continuing Resolution, allowing fire prevention work to continue. Forestry experts at state agencies and environmental groups greeted it as good news.

But they also faulted Congress for providing at the start of the fiscal year only about half of the $1 billion it actually cost to fight this year’s fires. They argued that the traditional method that members of an appropriations conference committee use to fund wildfire suppression — averaging the cost of fighting wildfires over the previous 10 years — is inadequate at a time when climate change is causing longer periods of dryness and drought, giving fires more fuel to burn and resulting in longer wildfire seasons.

Once running from June to September, the season has expanded over the past 10 years to include May and October. It was once rare to see 5 million cumulative acres burn, agriculture officials said. But some recent seasons have recorded millions more than that.

This year's wildfire burn was nearly 8 million acres at the end of August, about the time that the budget allocated to fight them ran dry.

“They knew they were running out of money early on, in May,” said Chris Topik, director of North American Forest Restoration for the Nature Conservancy. “They were telling people in May, ‘Be careful, don't spend too much [on prevention].' ”

Over seven years starting in 2002, $2.2 billion was transferred from other accounts for fire suppression when the budget came up short, according to records provided by the Forest Service. Congress at times reimbursed a fraction of those funds.

“We did have to transfer the money,” said Jim Hubbard, deputy chief of state and private forestry for the Forest Service. “It disrupts work during the field season. It was not a major impact this season, but would have been if Congress didn't restore it.”

A spokeswoman for the House Appropriations Committee said its chairman, Rep. Harold Rogers, R-Ky., and members “believe that providing adequate funding for wildfire suppression is of the utmost importance. This is why they fought for hundreds of millions in funding in recent … legislation,” as well as in appropriations bills.

Staff members on the committee acknowledged that using the 10-year average cost of wildfire suppression to determine the budget is not ideal. The spokeswoman, Jennifer Hing, said the committee will continue to operate as it has.

Read the whole story

Stateline gaming revenue decline helps pull entire state down

Stateline gaming revenue drops. Photo/LTN

Gaming revenue in Nevada declined 3.1 percent in August compared to the previous year.

Nevada Gaming Control Board released the figures Wednesday morning. Overall, casinos collected $859.2 million from gamblers.

Stateline continued its decline, dropping year-over-year revenue by $22 million, or 19.5 percent.

The two bright spots in the state were Washoe County, where revenues were up 5 percent, and Mesquite, with a gain of 4 percent.

— Lake Tahoe News staff report

Locals give S. Tahoe officials earful about Al Tahoe area

By Kathryn Reed

While the consultant in charge of the Harrison Avenue project in South Lake Tahoe said the purpose of Tuesday night's gathering was to exchange information – the city saying what it wants to do and locals saying what they want – some wondered what the point really was.

One person said how four years ago the city agreed there would be no one-way streets in that area. Now some people are miffed that maps show one-way streets.

Bob Albertazzi, right, talks Oct. 9 about South Lake Tahoe's plans for parking in the Al Tahoe area. Photo/Kathryn Reed

Another meeting-goer brought up how a year ago a vocal group was adamant that parking permits in neighborhoods, especially Al Tahoe, was a bad idea. That idea is back on the table at a proposed cost of $25 per household a year.

On the flip side, a man told Bob Albertazzi, who was leading the parking discussion, that he believed what the city had come up with was a viable solution.

Marti Monns, who lives by Regan Beach, told *Lake Tahoe News*, "I don't believe in paid parking in an area like this." She also doesn't want to pay for a permit. She knows what it is like to be a single mom, so she wants to keep things affordable for those who live and visit Lake Tahoe.

Monns added that the congestion during Fourth of July and concerts at Lakeview Commons is tolerable. What concerns her and others is if the city puts paid parking in at Regan Beach, it will spill over into the neighborhood because those people will want to park for free. That is why the city is looking at permit parking – to lessen the impact on locals.

The meeting on Oct. 9 at South Tahoe Middle School attracted about 80 people. Three stations were set up for people to get info and voice opinions. They included talking about events at Lakeview Commons – the impacts, types of events and how many there should be. The city plans to have event specific guidelines for Lakeview Commons devised by December. That same month request for proposals will be sent out for concessionaires for that location.

Another sector at the meeting focused on parking management. What wasn't mentioned by city staff is how in the current budget there is revenue budgeted to come from paid parking. Then again, it was in the last fiscal budget, too, but the City Council took it out when public pressure weighed heavily on them.

The third station at the meeting was talking about plans to revamp the Harrison Avenue business district. Hilary Roverud, who runs the city planning department, said, "The actual physical changes are only proposed for the commercial area."

Another opportunity for people to comment on Harrison Avenue will be during the 30 days when the CEQA document is on the street. It should be released Oct. 12. The Planning Commission is likely to have a special meeting later this month about that document. The council Nov. 6 is expected to have a public meeting about creating an assessment district for Harrison.

In March or April, city staff would like to award a contract to a contractor who would then begin work in May.