

Court issues mixed ruling on use of Tasers

By Denny Walsh and Sam Stanton, Sacramento Bee

To tase or not to tase? That was the question.

But there is no good answer, at least under the law, according to an opinion issued Monday by a 10-judge panel of the highest court in the Western states.

Case law is so muddled, a majority ruled, that even though the use of Tasers by police in two cases before the panel was unconstitutional, the officers have immunity from suit because they could not have been expected to know that.

The bottom line is that, until the law governing the use of these so-called "stun guns" is further clarified on a national scale, police are free to utilize them as they see fit. As of Monday, this is the law in the nine Western states, including California, and two territories over which the 9th U.S. Circuit Court of Appeals has jurisdiction.

Jayzel Mattos and Malaika Brooks were tased on Aug. 23, 2006, and Nov. 23, 2004, respectively. A Seattle policeman stopped Brooks speeding while driving her son to school and, according to officers, she gave them a lot of trouble. Mattos was embroiled in a domestic dispute and was deemed by Maui officers to be deliberately in the way when they were attempting to arrest her husband.

Given the circumstances, the women's Fourth Amendment rights to be free of excessive force were violated, a majority of the judges declared. But, they decided, "not every reasonable officer at the time of the respective incidents would have known — beyond debate — that such conduct violates the Fourth Amendment."

Economically-depressed Nevada will be key in 2012 election

By Andy Sullivan, Reuters

LAS VEGAS – A Republican debate will play out in one of this city's glittering casinos, but the real battleground for next year's U.S. presidential election lies in the foreclosure-racked neighborhoods that sprawl beyond the Las Vegas Strip's bright lights.

Few U.S. cities have been hit harder by the recession than Las Vegas, which is likely to be one of the most hotly contested prizes in an election dominated by economic concerns.

Las Vegas leads the nation in foreclosures and the unemployment rate is also among the highest.

One out of six people in the region have wondered over the past month where they will find their next meal, according to Three Square, a food bank serving the area.

"I know so many people who are desperate," said Linda Overby, a painter who has been out of work since April.

Though the economy may not pick up any time soon, Overby and other Las Vegas residents will get plenty of attention from presidential candidates over the coming months.

Nevada, which has backed the winning candidate in every election stretching back to 1976, is one of a handful of battleground states that could decide next year's election.

This time, the state's early caucus, tentatively set for Jan. 14, will also give it an outsize influence in the Republican primary race, although some candidates are threatening to boycott the vote here due to a fight over which states should hold primaries first.

The caucus will be the first in the West, a region that features high numbers of independent and Hispanic voters and relatively few of the Christian conservatives who play a large role in other early contests.

Read the whole story

Kirkwood looking at financial, partnership options

By Kathryn Reed

"As one of the few independent resorts left at this point and time, it is clearly in our best interest to see what type of partnerships exist and to see what our best opportunities are."

So says David Likins, CEO for Mountain Springs Kirkwood, which owns Kirkwood Mountain Resort.

Likins acknowledged a bevy of activity has been going on at the resort on Highway 88, south of Lake Tahoe. But he was adamant the resort has not sold. Nor is it in any hurry to enter any type of agreement with anyone.



Kirkwood
usually gets
the most snow
of any Tahoe-
area resort.
Photo/Jessie
Marchesseau

“We are in a good financial state. We have no pressing needs. We had solid years back-to-back and almost no leverage on assets. We sold more real estate in the last two months than we have in the last two years,” Likins told *Lake Tahoe News*.

“We are looking at ways of restructuring, but not along the lines of JMA buying Kirkwood.”

JMA Ventures owns Homewood Mountain Resort and until the announcement last month, all of Alpine Meadows. Squaw Valley’s owners, KSL Capital Partners, and JMA have formed a third company to operate Squaw and Alpine.

Kirkwood, Alpine and Homewood have various pass deals that link the resorts.

With the California Ski Industry Association having a meeting at Northstar on Thursday, talk of consolidation in the industry was rampant. Lake Tahoe has lost some of its market share to Colorado and Utah. It’s the Vails and Whistlers of the world that Tahoe area ski operators want to compete against – not with each other.

Likins doesn’t believe KSL and Vail Resorts are finished with acquisitions. The latter bought Northstar a year ago.

“Big, successful companies go to areas that they see are attractive and then other folks follow,” Likins said. “Resorts with real estate are even more attractive.”

Likins knows his employees saw JMA and other folks at Kirkwood on Oct. 14 – after the ski industry meeting – and that rumors are running rampant.

“I won’t deny people have been out at Kirkwood and I’ve been out at places,” Likins said. “Every discussion we’ve had is focused on how to improve strategic opportunities at Kirkwood so we can accelerate the pace of mountain and real estate development.”

Kirkwood officials have never been shy about saying real estate will fund on-mountain improvements. With the housing and financial markets tanking, this meant all upgrades were put on hold. The Expedition Lodge, five years ago touted as the resort’s showcase property of the future, was supposed to be occupied in summer 2009. It hasn’t even been built.

When Kirkwood is built-out it will have about 1,400 housing units – double what it has today. Sales of that property will allow for expanding the ski area into the 1,100 acres of terrain it has a permit to use – nearly doubling the acreage that is now lift accessed.

With Chip Seamans, COO and general manager at Kirkwood, having left about six weeks ago, personnel changes are likely, according to Kirkwood insiders.

Likins doesn’t deny management and financing discussions are what are taking place.

“Ultimately there are always possibilities for ownership mergers, investment and co-investments, either financial investors, or equity investors. There’s lots of that out there now,” Likins said.

Placer County gives NLTRA \$5.4 million

The Placer County Board of Supervisors approved an agreement last week that will provide the North Lake Tahoe Resort Association with more than \$5.4 million during the 2011-12 fiscal year for marketing, transportation and infrastructure-development efforts.

Each year, Placer County contracts with the resort association to promote tourism and provide other services, using transient occupancy tax revenue collected in the North Lake Tahoe area.

The contract approved by the board will provide the resort association with:

- Almost \$2.8 million for marketing;
- More than \$1.1 million for visitor-support services and transportation;
- Approximately \$1.5 million for infrastructure projects.

Time to dispose of prescription drugs

On Oct. 29 from 10am-2pm, the South Lake Tahoe Police Department and the Drug Enforcement Administration will give the public another opportunity to prevent pill abuse and theft

by ridding their homes of potentially dangerous expired, unused, and unwanted prescription drugs.



Bring your medications for disposal to Safeway at 1020 Johnson Blvd., South Lake Tahoe. The service is free and anonymous, no questions asked.

Last April, Americans turned in 376,593 pounds – 188 tons – of prescription drugs at nearly 5,400 sites operated by the DEA and more than 3,000 state and local law enforcement partners.

Other jurisdictions throughout the U.S. are collecting drugs the same day.

This initiative addresses a vital public safety and public health issue. Medicines that languish in home cabinets are highly susceptible to diversion, misuse, and abuse. Rates of prescription drug abuse in the U.S. are high, as are the number of accidental poisonings and overdoses due to these drugs. Studies show that a majority of abused prescription drugs are obtained from family and friends, including from the home medicine cabinet. In addition, Americans are now advised that their usual methods for disposing of unused medicines – flushing them down the toilet or throwing them in the trash – pose potential safety and health hazards.

Four days after the first Take-Back event in September 2010, Congress passed the Secure and Responsible Drug Disposal Act of 2010, which amends the Controlled Substances Act to allow an “ultimate user” of controlled substance medications to dispose of them by delivering them to entities authorized by the attorney general to accept them. The act also allows the attorney general to authorize long-term care facilities to dispose of their residents’ controlled substances in certain instances. DEA has begun drafting regulations to implement the

act, a process that can take as long as 24 months. Until new regulations are in place, local law enforcement agencies like South Lake Tahoe Police Department and the DEA will continue to have prescription drug take-back events every few months.

Delays on Highway 50 not completely a thing of the past

While the bulk of the construction on Highway 50 in South Lake Tahoe is done, that doesn't mean all the work associated with it is.

Today through Oct. 28 the sidewalks between Trout Creek and Rufus Allen Boulevard will be worked on. This means some delays for motorists as well as not being able to turn where you want to.



It's 2011 and South Lake Tahoe is finally getting curbs and gutters.
Photo/LTN

The filters to trap the sediment before it reaches Lake Tahoe will be in the ground by the end of the month. One is by the Alta Mira Building and the other is at Campground by the Lake.

Southwest Gas expects to wrap up paving at Al Tahoe and Pioneer Trail, and the work at Park Avenue by Wednesday.

The reason these projects were done at the same time is the gas main on Highway 50 had to be relocated to Pioneer Trail to accommodate widening the highway.

The separate project at Lakeview Commons – across from the campground at the corner of the highway and Lakeview Avenue – will be ongoing through October. An extension from TRPA and Lahontan Water Board is allowing the work to go past the normal Oct. 15 deadline to stop moving dirt in the basin.

Lakeview Avenue will be closed Oct. 18-19 for grinding and paving.

Caltrans crews will be back in 2012 to keep working on the Highway 50 project, but it's anticipated Pioneer Trail will be open.

– Lake Tahoe News staff report

War on pot industry escalates to threats against media

By Michael Montgomery, California Watch

A U.S. attorney in Southern California says she is preparing to go after newspapers, radio stations and other media outlets that advertise medical marijuana dispensaries, an escalation

in the Obama administration's newly invigorated war against the state's pot industry.

This month, U.S. attorneys representing four districts in California announced that the government would single out landlords and property owners who rent buildings or land where dispensaries sell or cultivators grow marijuana. Media outlets could be next.

U.S. Attorney Laura Duffy, whose district includes Imperial and San Diego counties, said marijuana advertising is the next area she's "going to be moving onto as part of the enforcement efforts in Southern California."

Duffy said she could not speak for the three other U.S. attorneys in the state, but noted their efforts have been coordinated so far.

Sacramento's U.S. attorney, Benjamin Wagner, told The Chronicle that newspapers "are not a focus of our enforcement efforts," and he has no plans to prosecute them for running ads. U.S. Attorney Andre Birotte of Los Angeles has not taken any actions against media outlets that advertise dispensaries, said spokesman Thom Mrozek.

Read the whole story

South Lake Tahoe solidifies job cuts, budget up for vote

By Kathryn Reed

On Tuesday, the South Lake Tahoe City Council is being asked to layoff 19 people, not fund six open positions, reduce the

hours of three employees, reclassify four people, and either establish or reclassify six other positions.

The action would equate to a \$1.7 million savings in fiscal year 2011-12, and \$2.2 million the following year.

The savings comes from salaries, pension payments, health care, workers' comp and everything else the city as an employer must pay.



South Lake Tahoe's fiscal year begins Oct. 1. With the council unwilling to pass a budget last month because of ongoing labor negotiations, it is operating on an emergency budget for this month.

On the Oct. 18 agenda are agreements to be ratified by the council with the South Lake Tahoe Firemen's Association and Stationary Engineers Local 39 (General and Public Works).

While the council had a special closed session meeting Oct. 14 to discussion labor negotiations, no reportable action was taken. However, people close to the negotiations have told *Lake Tahoe News* agreements with the other employee groups are possible before Tuesday's 9am meeting. If this were to occur, either a special meeting will be called to vote on contract changes or it could be incorporated into the next regular meeting in November. An addendum to the budget would be made to reflect the changes.

The positions slated for elimination include:

- Assistant engineer – one position
- Engineering manager – one position
- Engineering supervisor/stormwater coordinator – one position
- Fire division chief – three positions

- Heavy equipment operator – two positions
- Housing and redevelopment assistant – one position
- Lead street maintenance worker – two positions
- Legal assistant – one position
- Public works inspector – one position
- Recreation supervisor – two positions
- Recreation coordinator – one position
- Senior accounting technician – two positions
- Special events coordinator – one position

The positions not being funded include:

- Fire chief
- Firefighter
- Information systems technician
- Police officer
- Police sergeant
- Street maintenance worker
- Parks maintenance worker

The following positions are being created:

- Accountant (one position)
- Construction engineer (new classification, one position)
- Director of engineering (new at-will classification, one position)
- Environmental programs analyst (one position)

- Fire marshal (one position, unrepresented)
- Recreation program coordinator (new classification, one position)

Other personnel changes:

- Fire shift commander (three current employees reclassified from fire captain)
- Human resources technician (one incumbent reclassified from senior human resources administrative clerk)
- Three administrative assistants going from 40 to 32 hours per week.

Employees will be officially notified the same day the council votes, with changes effective 30 days later.

While talk on the street is those left behind are getting raises, this is only a partially correct statement. After two years, furloughs are being eliminated for most city employees. They will be paid for their time worked. Their hourly wage is not increasing. Their take-home pay increases because they are working more. In most dictionaries, that scenario does not define a raise.

If one uses the city manager as an example, the contract Tony O'Rourke signed in August 2010 called for a salary of \$175,000 year. He has yet to be paid that because furloughs immediately meant his pay was \$150,000. Though his pay is restored, the net effect of paying his share of PERS means his annual check is \$161,000.

For the public, it means 23,000 hours more of service available each year. Those hours also equal to the salary of 11 full-time employees.

The lack of employees working is most noticeable with the road crew. Many of the snowplow drivers work roads in the dry

months. But with all the overtime accrued while plowing and the inability to take furlough days because Mother Nature doesn't cooperate, it means about a third of the road crew at any give time isn't working during the summer/fall to get the back time for hours worked during the winter. This is one reason potholes go unfilled for long stretches.

It's possible still that some of the snowplow drivers originally set to be laid off will remain on the city's payroll.

The overall difference in savings from this fiscal year to next is in large part based on paying out accrued sick and vacation time, along with any severance that may have been negotiated.

While many have said that cuts should come from the top – that has happened. Most of those jobs were slashed in March. Overall, the reduction in staff from the spring saved the city \$1.8 million. Of the nearly \$3.6 million in personnel savings this calendar year, 53 percent of that comes from management cutbacks. Management-type employees represent 15 percent of the city's workforce.

Even though it's slashing of the budget that is the focus, the city is looking at ways to increase revenue. However, the three main revenue sources still remain – property tax (with many saying the Tahoe area has not hit bottom even though the 2011-12 budget calls for a modest increase), hotel tax (talk of raising it in 2013 to pay for roads), and sales tax (which is flat). Not much can be done to increase those sources of revenue.

A suggestion brought up by a member of the public to charge utilities for cutting city roads could bring in about \$70,000 a year. With the work done this construction year, it might have been four times that amount.

A recreation tax is being talked about for 2013. The city has

a multi-decade agreement with Heavenly Mountain Resort that lift tickets cannot be taxed. This was done when ASC owned the ski resort.

The budget is slated to be discussed at 2pm Tuesday. The meeting starts at 9am at Lake Tahoe Airport. This is the Oct. 18 City Council agenda. Mayor Hal Cole will start the morning with the state of the city address.

Carson City IHOP making repairs in order to reopen

By Martha Bellisle, Reno Gazette-Journal

The International House of Pancakes restaurant that was the scene of one of the deadliest shootings in Northern Nevada history might be serving customers again before the end of the year, an official said Wednesday.

Eduardo Sencion walked into the Carson City IHOP on Sept. 6 and opened fire on customers, killing four and wounding 11 before fatally shooting himself.

The restaurant was boarded up after the shooting – numerous windows were shattered by bullets.

Read the whole story

Aspen bans plastic bags, charges for paper

By Carolyn Sackariason, Aspen Daily News

Aspen City Council on Tuesday voted 4 to 1 to ban plastic bags from the two grocery stores in town and place a 20-cent fee on paper bags.

The new law will take effect May 1.

Councilman Derek Johnson was the lone dissenter, saying that while he supports reducing waste, the ban doesn't give people a choice and it could cost the city money to implement.

"I think we can do better," he said.

In a Sept. 13 hearing on the issue, Johnson argued a ban would be too onerous on out-of-town tourists unfamiliar with the law.

The council has been talking about either a ban or a fee on plastic bags for the past two years. It was only a couple of weeks ago that a proposed 20-cent fee on plastic and paper bags morphed into a possible ban.

Read the whole story