

South Shore's Measure S bond action taking place illegally

By Kathryn Reed

South Lake Tahoe has begun the process to refinance Measure S bonds without the proper authority to do so.

The city is one of three entities that is part of the South Lake Tahoe Recreation Facilities Joint Powers Authority. The others are El Dorado County and Tahoe Paradise Resort Improvement District. It would take a vote of the JPA board for the bonds to be legally changed. That has not happened. Nor is there a JPA meeting planned in the next month.

City Attorney Patrick Enright told *Lake Tahoe News* that John Upton told him to start the process. Upton is the lone staff member of the JPA.



John Upton and Norma Santiago have not publicly discussed refinancing Measure S bonds.

Photo/LTN file

(The JPA's sole job is to oversee the spending of the money

collected from the 2000 voter approved recreation measure.)

"I assumed John had the power to do this," Enright said.

Upton, who did not return multiple calls, could only get that authority by speaking with the three JPA board members individually. To do that would have been an egregious violation of the Brown Act, completely circumventing the public process through an open meeting. Without a vote by the JPA board, it makes the city's actions illegal.

Upton, who has held multiple elected positions representing the South Shore, knows what the Brown Act is and could not say he was unaware of the process.

South Tahoe wants to refinance the tax-exempt bonds and change them to taxable bonds in order to accommodate IRS rules regarding having a private operator who wants to make a profit run the city-owned ice rink.

(Measure S paid for the ice rink in South Tahoe, but as of August it has been run by a private company.)

"The contract with those guys is contingent upon this. I'm not sure what is going to happen with the ice rink," South Lake Tahoe Mayor Hal Cole and the city's rep on the JPA board said. "We have to adhere to the conveyance of the bond that was sold. If that means we renegotiate the contract for the ice rink, so be it."

Debbie Henderson, Tahoe Paradise's JPA board member, is out of the state on vacation and not reachable for comment. However, as finance manager for South Tahoe Public Utility District, she would be well versed in how the bonds work as well as public meetings.

In August, El Dorado County Supervisor Norma Santiago, who chairs the JPA board, told *Lake Tahoe News* she did not know enough about the bond issue to comment.

In October, she is refusing to return multiple calls to discuss the matter.

But she is aware of the issue because she has spoken to county Auditor-Controller Joe Harn about it. He referenced that conversation in a letter dated Sept. 27.

In the letter to Santiago that was copied to Cole, Henderson, Enright and Lou Green (El Dorado County counsel), it says, "I believe that it is in the best interest of residents and property owners in CFD [community facilities district] 2000-1 to pursue a tax exempt refinancing of the bonds at this time."

Harn told *Lake Tahoe News* it is better for the property owners, who are mostly in the boundaries of Lake Tahoe Unified School District, for the bonds to stay tax-exempt. He said refinancing the existing bonds could create a larger pot of money for recreation needs or help pay down the debt.

"They are going to have to demonstrate to me why this is in the best interests of (residents) and I know of no benefit at this time," Harn said of South Lake Tahoe's desire to switch the bonds to taxable.

The city is going forward on the wrong assumption that Upton has the power to make that decision.

Enright is working with Mark Northcross, who was involved with the original bond sales.

"We have a couple proposals back. We are taking a look at those," Enright said.

It's possible all the hours Northcross has put into this bond action could end up being donated time because state law says he doesn't get paid unless the work to be done was authorized by the board that has the ultimate authority. In this case, that would be the JPA board. And the board has taken no action regarding refinancing the bonds or changing them from tax-

exempt to taxable.

2 men brandish weapon during robbery at S. Tahoe gas station

Two men armed with at least one gun and wearing masks robbed a South Lake Tahoe gas station Saturday night.

Officials are not saying how much money the men stole from the USA gas station at 2470 Lake Tahoe Blvd.

The suspects entered the store area of the station about 10:30pm Oct. 8, "pulled a large revolver type handgun on the clerk", demanded money and then left, according to officers. Neither the clerk nor the three customers were injured.



A suspect pulls a gun Oct. 8 on a S. Tahoe gas station clerk. Photos/Provided

The K-9 unit was not able to track down the suspects.



Officers are looking for this men.

The suspect with the handgun was wearing a light colored hooded jacket, baggie blue jeans, black shoes, black gloves and a black face mask. He was described as having a large build, approximately 5-feet-9, with light olive colored skin .

The other suspect carrying a red backpack was wearing a grey sweat shirt with black shoulders, blue jeans, white shoes, and wearing a dark hood/facemask. He was described as having a large build, approximately 5-feet-11, with light colored skin tone.

Anyone with information regarding this case is asked to call South Lake Tahoe police detectives at (530) 542.6100.

TRPA releases first set of changes involving Regional Plan update

Updated: Oct. 17, 2011.

As part of the Regional Plan update, the Tahoe Regional Planning Agency has released the public draft of an overhauled Code of Ordinances that is more than 1 pound lighter than the current code.

Most of the changes in the draft document will not need to wait next year's scheduled adoption of the Regional Plan update to take effect. The TRPA Governing Board could vote to adopt the reformatted and what staff is calling a more understandable version of the code in November.

The next phase will make substantive changes to the Code of Ordinances in order to implement updated policies of the broader Regional Plan.

The public review draft documents are available online.

A joint public workshop with the TRPA Governing Board and Advisory Planning Commission is scheduled for Oct. 26 in Kings Beach. The TRPA Governing Board is scheduled to consider adoption of the revisions at its Nov. 16 meeting.

Future of pesticide use in Lake Tahoe debated

By Kathryn Reed

"Can we trust Lahontan to protect our interests? I don't know."

Those were South Lake Tahoe City Councilman Bruce Grego's words at Tuesday's City Council meeting. Lahontan was in the building to give a presentation about the likelihood of the water board soon allowing pesticides to be used to eradicate

aquatic invasive species.



Milfoil is a problem in the Tahoe Keys and elsewhere in Lake Tahoe.

Photo/TRCD

While the regional water board intends to have a lengthy process for anyone wanting to go this route, Grego isn't sure they are trustworthy.

On the other hand, Mayor Hal Cole said he couldn't imagine the agency permitting the use of a substance that would threaten the drinking water supply. He added that having grown up here he knows the lake doesn't look like it did decades ago.

While South Lake Tahoe does not get its water from Lake Tahoe, other purveyors in the basin do, plus the outflow in Tahoe City via the Truckee River is the drinking water source for Reno and other areas.

At issue are the various nonnative species in Tahoe that are posing various problems for the lake, while aesthetically creating an eyesore at the shoreline for beach-goers.

The presentation at the Oct. 4 council meeting was for information purposes only. Lahontan is taking comments on the proposal before its December board meeting in South Lake Tahoe. (Location and time not yet set.) The Environmental Protection Agency must sign off on the proposal, which would

not happen until at least spring 2012.

Mary Fiore-Wagner with Lahontan told the council the current policy is too restrictive and that entities like county vector control violate the policy when spraying to wipe out mosquitoes. Instead of turning a blind eye to this reality, the policy would legally allow for such chemical uses around waterways.

This is not just a Tahoe issue. The pesticide use would affect Lahontan's entire jurisdiction, which is a large swath of the state.

Dan Sussman of Lahontan tried to reassure the council that the robust permit and monitoring process is designed to have public safety as the top priority.

Lahontan's philosophy is the use of pesticides provides another tool to deal with aquatic invasive species that when used judiciously will be an overall benefit to the environment.

Placer County supes ready to finalize redistricting plan

Placer County Board of Supervisors' final public hearing prior to approving a final redistricting map for the county is Oct. 11.

Public comments on the proposed final map will be taken at 10am during the regularly scheduled board meeting which begins at 9am.

As required by state law, the board members are realigning district boundaries to reflect population changes reported in

the 2010 census.

The current 5th Supervisorial District, which includes the mountainous sections of Placer County, North Lake Tahoe, and areas north of Bell Road in the Auburn area has grown more slowly than the other four districts and in some areas, had decreased population. To bring the District 5 population into parity, the Auburn is being moved to the 5th District from the 3rd District. Additionally, the cities of Lincoln, Roseville and Rocklin have experienced extensive growth in the last 10 years, while Loomis and Auburn have had limited growth, creating the need for other boundary line adjustments.

The Board of Supervisors meeting is at the County Administrative Center, 175 Fulweiler Ave., Auburn.

Maps and additional information about redistricting are available on the Placer County website or by calling (530) 889.4010.

S. Tahoe may pay to maintain private property improvements

By Kathryn Reed

Maintaining improvements made to private properties that were paid for with public money is creating a conundrum for the South Lake Tahoe City Council.

While the work has yet to be done in the Bijou area along Highway 50, the wheels are in motion for the erosion control project to be a reality. At issue is who pays for the maintenance.



A stormwater
drain near the
Bijou Center
in April 2011.
Photo/LTN

Right now the annual cost estimate is \$115,000 a year to maintain the future improvements. The city would like the property owners to share those costs. But there is little way to ensure that happens.

At the Oct. 4 council meeting the five had a workshop about the stormwater maintenance funding.

The work will be paid for by a variety of sources. The sticking point is the U.S. Forest Service grant requires acceptance of the money now and for the project to go forward before the maintenance issue is resolved.

Worst-case scenario is the city picks up the entire maintenance cost. What pot of money that comes from was not discussed Tuesday. Nor was it discussed why the private property owners were not brought into the discussion sooner.

As outlined this week, the project will go forward to reduce a significant amount of runoff that now goes directly into Lake Tahoe. To accomplish this goal improvements will be made at the Bijou Center and other entities along Highway 50 owned by private individuals.

These property owners are under no obligation to pay for this or the maintenance. What the council discussed was holding hostage the best management practice certificate from the

Tahoe Regional Planning Agency if they don't pay at least half the maintenance costs.

Whether this is legal was not addressed.

Remodels are not allowed without doing BMPs. But the council discussion was about who paid for the BMPs, not that they are completed. But the BMP certificate is a TRPA issue and no one from that agency was at the meeting. The council, though, believes it can get TRPA to go along with this scenario.

Pablo Perez, the consult from NBS in Southern California working for the city on the issue, said creating this community facilities district would be a voluntary opt-in, but once in, the property owners could not opt out. Plus, the maintenance fee would be in perpetuity and adjusted for inflation.

Another option as the city tries to fix the decades-old problem of gunk going into the lake is to create similar assessment districts throughout the city or have one overall stormwater tax to deal with the problem.

Because this was a work session no action was taken. It will be brought back to the council at a later date for a vote as to how to proceed.

\$2 mil. grant awarded UC Merced to study Sierra snowpack

By Mark Grossi, Fresno Bee

Researchers from UC Merced were awarded a \$2 million federal grant to develop a revolutionary network for tracking the Sierra snowpack as the climate warms.

The National Science Foundation money will support a four-year project to install a massive web of wireless sensors in the 2,000-square-mile American River Basin in the Sierra northeast of Sacramento.

The network will give water managers precise information to predict snowmelt, a main source of water for millions of residents and the \$35 billion farming industry. The data will become more important as the snowpack retreats to higher ground in a warming climate.

The research team is led by UC Merced professor Roger Bales, director of the Sierra Nevada Research Institute, and UC Berkeley professor Steven Glaser. For several years, the team has been experimenting with the technology around Shaver Lake in Fresno County and the American River.

Read the whole story

SNC changes leadership to save money

Richard Rubsamen tendered his resignation as president of Sierra Nevada College on Friday.

Provost Lynn Gillette will be the new president effective Nov. 1.

Board member and Finance Committee Chair Atam Lalchandani announced to staff and faculty on Oct. 7 that Rubsamen made

the offer recognizing that administration costs were top-heavy. He further noted that Rubsamen's leadership is evidenced in the continued success of the college over recent years.

"I was tasked by the board with planning for financial sustainability in order to insure the long term health of the college. It was clear to me where reductions had to occur. While the idea of leaving the college is very difficult, it is the right thing to do. I need to lead by example and practice what we teach," Rubasmen said in a statement.

Adminstration and staff were asked to take cuts of 5 percent to 10 percent, while faculty saw no pay reductions. Rubsamen will continue at the college working with the board to ensure a smooth transition for several months.

California Assembly reports on lawmakers' spending misleads public

By Jim Sanders, Sacramento Bee

Assembly records show that Bob Blumenfield spent \$150,099 to run his office for the first eight months of this legislative year.

None of his colleagues, in fact, spent more than \$297,579, according to budget information Assembly leaders recently made public.

Yet the Woodland Hills Democrat actually spent more than three times that much, because salaries of some of his personal

staff were charged to the budget committee he chairs, a Bee analysis shows. Spending reported for other members is similarly misleading.

The Assembly routinely underreports the amount of money used to run legislators' personal offices and overreports the operating costs of committees that do the brunt of the policy work in the house. The practice obscures how the lower house's \$146.7 million budget truly is spent at the Capitol and protects legislators from public criticism of their spending.

Chiefs of staff for 40 of 52 Democratic lawmakers, for example, do not count as a member expense in records released to the public.

More than 170 aides bankrolled by committees are not committee staff – they serve as personal office aides to the chairman or chairwoman, The Bee found.

The key issue is not accounting but transparency: Californians pay the tab but have no practical way of determining how much each lawmaker spends to run his or her office.

"The Legislature and its leadership have perfected shell games to an art form," said Jon Coupal, president of the Howard Jarvis Taxpayers Association.

Others say the Assembly's practices are neither new nor unreasonable because duties tend to overlap between committees and legislative offices.

"You're looking for black and white," Assembly administrator Jon Waldie said of job duties. "Black and white doesn't exist in this building."

Read the whole story

Lane files another plan with bankruptcy court

By Kathryn Reed

On the second anniversary of filing for bankruptcy on the scrapped convention center project in South Lake Tahoe, Randy Lane filed a fourth amended reorganization plan.

What he filed Oct. 4 asks for more time – 270 days. The bankruptcy judge in Sacramento is expected to make a ruling Nov. 1. Creditors and other interested parties have until Oct. 18 to offer the court their opinions on that idea.



Four years after the convention center project broke ground it sits idle.

Photo/LTN

South Lake Tahoe City Attorney Patrick Enright has indicated his office will be objecting to Lane's request for an extension.

"The plan is to continue to try to work with the people we are

working with, but they are new to the project,” Lane told *Lake Tahoe News*. “As I’ve said for the last four years, I have not given up and I don’t intend to until they tell me there is nothing else I can do.”

He would not elaborate on who is speaking with or what the 11 plus acres might look like in the future. But he did emphasize the people he is speaking are not the same people who he was talking to two years ago. Two years ago it was Vail Resorts that wanted to operate the hotel that was envisioned.

South Lake Tahoe officials allowed Lane in 2007 to pour the foundation on what was slated to be a more than \$400 million convention center-hotel project near the state line without having a consolidated parcel map or secured financing.

Because of this it means multiple people own the fenced off concrete and rebar site – which makes resolution of the bankruptcy proceedings more complicated. Some of the debtors have not foreclosed. Lane owns 13 of the 29 parcels.

Lane is also trying to have the property tax structure changed. A hearing on that is scheduled for March 2012.