

# Lot of hot air from council stalls S. Tahoe pot ordinance

By Kathryn Reed

South Lake Tahoe is running out of time to approve a medical marijuana ordinance. The two-year moratorium allowing the three collectives that operate here expires in November.



The City Council on Aug. 2 got a little closer to telling staff what they want – even though the discussion has been going on for years. On this particular day three hours were devoted to the topic.

If the city doesn't approve an ordinance, the situation returns to pre-November 2009.

"Anyone could ask for a business license and open up shop," City Attorney Patrick Enright told *Lake Tahoe News* after the meeting as to what happens if the council stalls.

While it doesn't sound like any of the five council members is enthralled with the collectives being in town, they support the concept of medicinal marijuana. But more to the point, they don't want more shops opening.

The major sticking point Tuesday was whether a collective could be sold or how a successor would take over or if that should even be allowed.

At the Aug. 23 meeting the electeds will likely have two scenarios presented by counsel – prohibit the transfer of operations or allow it under defined circumstances.

Chris Ziegler was at the meeting this week. He has tried to be the fourth dispensary – Mountain Collective. He hired former

City Attorney Jacqueline Mittelstadt to represent him. However, the city is trying to deny that case from going forward by having her removed instead of fighting the case on its merits.

The issue with Mittelstadt is similar to what she went through (and won) with the State Bar when Councilman Bruce Grego and then Mayor Kathy Lovell tried to have her sanctioned.

Enright said the city is able to limit the number of pot shops because of secondary issues associated with them – namely the federal government doesn't recognize marijuana as a legal drug under any circumstance.

What the council did decide was the collectives should stay in their respective locations and not be moved to the industrial area.

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## **S. Tahoe refuses to release info about police chief's daughter's court case**

South Lake Tahoe Police-Fire Chief Brian Uhler's daughter was in court this week on a traffic charge.

However, the city will not release information about the case to *Lake Tahoe News*.

Uhler did not respond to inquiries.

City Manager Tony O'Rourke in a series of emails Friday evening concluded the dialog by saying, "If she committed murder it warrants a story. Otherwise it does not rise to public

relevance. Let me know what you find out.”

Preceding that comment *Lake Tahoe News* told O’Rourke that Kristen Uhler’s run-in with the law does not necessarily constitute a news story, but not releasing public information is a violation of the law by the city – and that does necessitate a story being written.

With it being after hours on a Friday, the court records through El Dorado County were not accessible.

– Kathryn Reed

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## **Items not intended to be flushed clog Tahoe City sewer system**

In the past several weeks, Tahoe City Public Utility District has had numerous sewer pumps clogged by “flushable” wipes.

“Flushable” is a catchy phrase and companies use it to market their products, according to TCPUD officials. Officials say the challenge is wipes can’t breakdown and more and more sewer lines and pumps are being clogged with these wipes.

The only things that should be flushed are toilet paper and human waste. All the rest are sewer-stoppers.



"Flushable"  
wipes are  
clogging the  
sewer system.  
Photo/Provided

The most common sewer-stopper for the TCPUD sewer system are "flushable" wipes because they don't disintegrate.

**Common items that should not be flushed:**

"Flushable" wipes

Facial tissue

Paper towels

Cotton swabs and cotton balls

For more information, contact the TCPUD at (530) 583.3796, ext. 21.

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## **Charred trees being extracted from Angora burn area**

**By Kathryn Reed**

Alien-like machines seem to be able to perform superhuman tasks in the middle of the forest.

Cut, extract, de-limb, slice. Repeat, repeat, repeat.

The sound of trees crashing echoes through the otherwise tranquil Angora burn area. A few birds chirp, but no people are venturing in to see what the noise is all about.



Trees are being removed from the Angora burn area.

Photos/Kathryn Reed

What's going on is the U.S. Forest Service is getting rid of a significant number of trees charred and killed in the June 2007 wildland fire that destroyed 254 houses and blackened more than 3,000 acres.

The project was delayed because of the lawsuit brought by Earth Island Institute's John Muir Project and the Center for Biological Diversity. The conservation groups believed woodpeckers' habitat was threatened. The court said we don't think so.

One-by-one the burned standing lumber left behind by the Angora Fire is being removed. About 750 acres are being treated with mechanical equipment, while hand crews are tending to an additional 450 acres.

This project on the South Shore will be the first test case involving another lawsuit.

On June 30, El Dorado County Superior Court Judge Steve Bailey sided with conservation groups Sierra Club and Sierra Forest Legacy by saying the permitting process for this and other projects is out of whack.

Post-Angora the bi-state fire commission put together by the governors of California and Nevada at the time said permits for fuels reduction projects should be streamlined. Local agencies complied by having the Tahoe Regional Planning Agency take on the responsibility.

But the June court decision brings the Lahontan Regional Water Quality Board back into the picture.

Harold Singer, executive director of Lahontan, spoke to leaders of the Lake Tahoe Basin fire community on Aug. 4 telling them what the ruling means.

“They said go back and evaluate all of the projects in the 10-year strategy,” Singer said of the court ruling.

This means the Angora project needs a timber waiver. The deadline to secure it is Aug. 13 – same goes for all operations currently under way. Any projects starting after that date require a timber waiver, too. The application for Angora was submitted Thursday while Singer was meeting in Meyers with the basin fire chiefs and others.

“We are committed to expediting the applications, especially if something is going on. We don’t want to stop work,” Singer said.

Singer said no fee would be associated with the permit. Several tiers are associated with the permitting process. Hand crew jobs will fly through, while something like the Angora work that entails machines and the creation of new trails is at the strictest review process.

While Singer admitted the rest of this work season could be

hectic for those needing permits from Lahontan, he said he wants to come up with a more permanent plan for the future. However, he has not contacted the Tahoe Regional Planning Agency to work on what that might look like. Considering TRPA has been the lead permitting agency for such projects in the last few years, it will need to be consulted.

In many ways, the court ruling puts basin fuel reduction permitting rules back to pre-Angora standards.

With the work in the Angora area being a multi-year project, the permit to proceed is crucial.

Crews are currently accessing the area off Forest Mountain Road; working about 400 feet from houses. The plan eventually is to make this a trail that will connect to Seneca Pond, Miwok and the gun mount at the base of Echo Summit.

Less than a half-mile in is the landing area where the chipper will be brought in to shred the trees being felled.

"The goal is to leave less than 10 to 15 tons per acre on the ground," Duncan Leao, U.S. Forest Service forester said while taking *Lake Tahoe News* on a tour of the area this week. "We could remove 40 to 60 tons per acre to get to the desired level. This part of the prescription is retaining larger snags and larger downed logs. It's a balance with fuel loading targets and habitat benefits."

A minimum of four snags and seven downed logs are being left in each acre.

This wood has no value to a mill. Some might be able to be turned into firewood, but most will be chipped and hauled out of the basin. Where it goes is still up in the air.

CTL Forest Management is doing the work.

Trees in this area that are up to 24-inches in diameter will be felled.

“Not every tree, but we will look at all of them,” Leao said.

Each section of the burn area has a particular prescription. There are 16 units, with subunits in some of those. Criteria for how each section is handled include, but is not limited to, the health, size, crown and relation to other trees, species, slope of hill, intensity of burn area, and location. The entire ecosystem was looked out before a plan was devised.

Leao has noticed more deer in the area since the fire. Before not much habitat existed for them to forage. Not so now. Lots of green exists at ground level.

More mountain elderberry is sprouting as well.

In most cases a white fir would be removed over a Jeffery pine or incense cedar.

The prescription for the area also includes where to plant seedlings and where to increase aspen stands.

Several young pines that were planted in the last three years are sprouting in the forest. Their tender green branches protrude beyond the ever-present white thorn and Manzanita.

Part of the healthy forest plan is to get rid of invasive weeds. This is done before the mechanical crews come in and will be performed in areas not having timber removed. It's all hand work. Bull thistle and cheat grass are two of the species being removed.

The burn piles dotting the landscape could be burned this fall if conditions allow for it.

As the project progresses, assuming the timber waiver is secured, that area of the forest being worked on will be off-limits to the public for safety reasons. The whole project could take six years – which includes building trails. The goal is to thin 700 acres by Oct. 15.

# Newspapers sue to get pay info from Legislature

**By Michael J. Mishak, Los Angeles Times**

SACRAMENTO – A group of newspapers, including the Los Angeles Times, has filed a lawsuit against the California Legislature, alleging that the institution violated state open-records laws by refusing to release the office budgets and spending records of lawmakers and legislative committees.

Last month, the Assembly Rules Committee rejected multiple requests for legislators' budgets, including one from a lawmaker, on the grounds that the information was exempt from public disclosure under the Legislative Open Records Act. Government administrators cited provisions excluding "legislative memoranda" and "correspondence" from disclosure.

The lawsuit, filed Friday in Sacramento County Superior Court, said the fiscal records "concern the conduct of the people's business and the use of public resources to conduct that business, and do not fall under any of the exemptions" in the open-records law.

**Read the whole story**

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# Increase in number of businesses expanding, moving to Tahoe-Reno area

By Bill O'Driscoll, Reno Gazette-Journal

Signs of life are emerging in the effort to grow existing business and bring new companies to the Reno-Tahoe region.

A report Wednesday by the Economic Development Authority of Western Nevada showed marked increases in the number of expanded and relocated businesses and jobs created in the fiscal year ending June 30.

That has EDAWN officials believing recovery could be under way after several years of recession and double-digit unemployment.

"It wasn't a great year, but it's improving ... trending back up," said Stan Thomas, vice president of business development.

He said he's especially encouraged by growth in site visits from interested companies – nearly quadrupling from 20 a year earlier to 74.

"They are serious shoppers," Thomas said. "That trend really gets me excited."

**Read the whole story**

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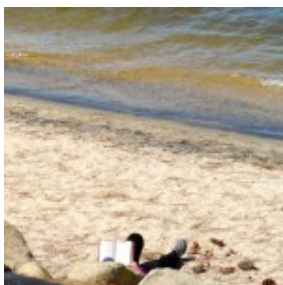
# South Tahoe endorses TRPA zeroing in on lake clarity

By Kathryn Reed

Four years late, another 15 months before it might be approved and now a redirection at the eleventh-hour. That's where the Tahoe Regional Planning Agency's Regional Plan update is.

Instead of updating everything in the 1987 document, the bi-state regulatory agency has decided lake clarity and the California Sustainable Communities legislation should be the priorities.

The agency is taking its mission to the five counties and one city in the Lake Tahoe Basin to get their blessings, so to speak. South Lake Tahoe was the latest stop. While the council voted 5-0 to approve the narrowed scope, Councilman Bruce Grego did so reluctantly.



TRPA's  
Regional Plan  
update's  
primary issue  
is now lake  
clarity.

Photo/Kathryn  
Reed

Grego has issues with emphasizing limiting vehicles miles

traveled as a way to improve lake clarity when public transit on the South Shore sputters at best. He also doesn't see cyclists using bike trails in winter.

Councilwoman Angela Swanson said some say "re-scoping is a failure in the process."

To that, Harmon Zuckerman said, "I think the failed effort was in the overly broad scooping plan in the first place."

He said between 80 and 85 percent of the Regional Plan is working. That's why fewer items need to be scoped – or changed. The idea is to make it a true update instead of a completely new document.

Zuckerman was hired away from Douglas County by TRPA to work exclusively on bringing the overdue Regional Plan to fruition.

He made a somewhat brief presentation to the South Lake Tahoe City Council on Aug. 2, having made a longer one to the TRPA Governing Board on July 27.

A third issue city staff wants TRPA to address is streamlining the permitting process.

Zuckerman said that's possible. With so much built out, it may be logical to have local jurisdictions do all the permitting, he said.

Mayor Hal Cole brought up the issue about the historical designation criteria when most of the town was built more than 50 years ago. Zuckerman said instead of scrutinizing every 50-plus-year-old building, TRPA would look at the historic resources map for direction.

Councilman Tom Davis vented his frustrations about land use issues such as a new drive-through not being allowed.

"We want a paradigm shift to work with our partners," Zuckerman said.

While he wouldn't promise drive-thoughts would be allowed, he did say the discussion could be had for the first time in years.

### **In other action:**

- The council waffled on what to do about taking the employee pension question to voters. With California moving the state primary back to June, this means no February election. That is the month the council wanted to ask voters their thoughts. The council individually chastised the employee groups – except the firefighter association – for not coming to the table. If by the Aug. 23 meeting concessions are not made to close a more than \$3 million budget gap, more staff will be added to the nearly 17 percent unemployment number in South Lake Tahoe, according to city officials.
- The council said at the Aug. 23 meeting definitive priorities will be laid out for the proposed capital improvement program. No vote was taken this week, but the council is leaning toward approving a \$10 million certificate of participation (which doesn't require voter approval) to fund two years of road and other improvements.
- Bids for Al Tahoe Erosion Control Project 2 were denied because the city admitted the documents it sent out were incomplete.
- The council members voted against three items related to work on the Upper Truckee River restoration because they would rather have the city resolve differences with the contractor than pay under protest.
- The Tourism Improvement District agreement was extended to Dec. 17, 2019.
- The city got out of the business of patrolling the Village Center parking lot, aka Crescent V.

- The council decided to revisit in six months the idea of becoming a charter city. The majority of those who spoke against the idea were carpenters because of the threat to the elimination of prevailing wage criteria.
  - The workshop that ended about 8pm was about redevelopment. The consensus was to bring an ordinance to the Aug. 23 meeting to keep the Redevelopment Agency, with a special meeting five days later to approve it before the Sept. 1 state deadline. The Aspens project remains up in the air. At issue is the state wanting to dissolve redevelopment agencies. A lawsuit by the League of California Cities would stop that from happening.
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# **Amazon dispute puts California tax board in spotlight**

**By Dale Kasler, Sacramento Bee**

George Runner thinks California's new Internet sales tax law is a terrible idea – and he's one of the people in charge of enforcing it.

The former state senator sits on the State Board of Equalization, the agency that oversees the collection of sales tax in California.

The board, which normally labors in obscurity, has been thrust into one of the hottest political dramas of the year: the fight between California and Amazon.com over Internet taxes. And the five people who govern the agency can't agree on the

tax, either.

Runner, a Republican from Lancaster, is rooting for a ballot referendum Amazon is pushing to overturn the tax. He says the tax hurts the business climate, and legislators who pushed it “should be ashamed to appear in public.”

Democratic board Chairman Jerome Horton calls Amazon “morally wrong” and predicts the online retailer from Seattle will get clobbered at the ballot box. Other board members have weighed in on both sides of the issue.

Board officials say the philosophical split won’t undermine the board’s ability to administer the new tax. But the schism does create something of a spectacle: dueling press releases from board members and tart exchanges at board meetings.

**Read the whole story**

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## **Fuels project may land South Lake Tahoe in court; forces changes in fire department**

**By Kathryn Reed**

MEYERS – South Lake Tahoe has someone new heading up fuels reduction projects – and it wasn’t by choice.

Marty Scheuerman is now the division chief in charge of that aspect of the fire department, with Division Chief Ray Zachau being relieved of that responsibility.

The billing quagmire surrounding the Lake Christopher fuels

reduction project that could be settled in court led to the change.



Dave Mercer  
and Ray Zachau  
at the Lake  
Christopher  
project in  
April.

Photo/LTN file

“It’s not necessarily a decision made exclusively by South Lake Tahoe,” Police-Fire Chief Brian Uhler told *Lake Tahoe News*.

He added, “The change in assignment was necessary to move things forward.”

Uhler and Scheuerman were attending their first MAC – Multi-Agency Coordinating Committee – on Thursday. The half-day session at Lake Valley Fire Department was about all things fire.

This group of mostly fire chiefs from the basin as well as state and federal land owners came together shortly before the 2007 Angora Fire, but solidified their roles after that destructive wildfire.

Working collectively is a key component of what MAC is about. That is why others influenced what transpired within South Lake Tahoe Fire Department.

(Zachau did not return a phone call.)

Andrew List, executive director of Nevada Fire Safe Council, told the more than two-dozen people at the meeting that contracts are between NFSC and the contractor. Jurisdictions have no authority to authorize expenditures.

"We think he may have a legal issue with the city of South Lake Tahoe," List said of contractor Dave Mercer.

Mercer cleared the area via helicopter in the spring when everything was so wet. The timber was soaked, weighing more than anticipated. It was so heavy the contractor had to get a larger helicopter to do the work.

All of this led to additional costs to the tune of \$170,000 in order to complete the fuels reduction project.

"The problem with this is its 75 percent over and the bid was already 15 percent higher than the low bidder," List said. It was also a do-not-exceed contract.

Instead of Mercer going back to the nonprofit Fire Safe Council to explain the situation and ask for a change order, he received a verbal OK from Zachau to go forward.

List told the fire management contingency in the room that this should "serve as a warning" to them to follow procedures.

Because potential litigation is involved with Mercer wanting to be paid Uhler would not comment further.

Zachau, though, in a July 21 *Lake Tahoe News* story expressed concerned the NFSC is moving beyond what he sees as its charter to act as a financial agent for the fire districts into more of a technical role managing the projects.

"They've hijacked the process," Zachau told *Lake Tahoe News* for that story.

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# S. Tahoe sex offender on probation for latest infraction

Joseph Scanio, 69, has made his last legal visit to the South Lake Tahoe Ice Arena.

Part of the deal Scanio agreed to when he pleaded no contest Thursday to not complying with the city's sex offender law was to not visit the entire city recreation complex or nearby library.

In an unsolicited guest column Scanio sent to *Lake Tahoe News* in May he took no responsibility for the actions that led to him being sentenced Aug. 4 to three years probation.



Joseph  
Scanio

Scanio's disregard for the law goes well beyond the recent infractions. He spent time in prison after pleading guilty in October 2006 to possession of child pornography.

The federal investigation into whether he violated parole is ongoing.

— Kathryn Reed