Nevada bear hunt opponents file lawsuit

By Jeff Delong, Reno Gazette-Journal

Opponents of Nevada's first black bear hunt filed a lawsuit Tuesday in effort to block it.

The complaint, filed in Carson City District Court, seeks an injunction to prevent a hunt now scheduled to commence the third Saturday of August. Up to 20 bears could be killed by hunters under a proposal unanimously approved by the Nevada Wildlife Commission last December.

The suit contends the hunt illegally violated state administrative procedures due to insufficient noticing of December's hearing. It also contends the hunt fell under a January executive order by Republican Gov. Brian Sandoval that froze proposed regulations by state agencies, said Christine Schwamberger, an attorney representing the group NoBearHuntNV.org.

Read the whole story

S. Tahoe employee benefits may be decided by voters

By Kathryn Reed

Voters may have a chance to weigh-in on what they think employees in South Lake Tahoe should get when it comes to pensions and health care benefits.

An idea broached by Mayor Hal Cole earlier this spring came before the full council Tuesday. The five agreed if the necessary concessions the city needs from its seven bargaining units aren't achieved, the issues will go to the voters in February – when the presidential primary takes place.

In 2002-03, South Tahoe paid $1.1 million into the California Public Employees Retirement System. That figure is expected to increase to $4.7 million for the 2011-12 fiscal year.

While City Attorney Patrick Enright was quick to not single out South Lake Tahoe, saying other cities are in the same boat, he did point out employees in many other cities are making concessions, and where they aren't, that particular city is trying to take the upper hand.

The more than four time increase to PERS is the result of bad investments, more retirees and an increase in benefits for some retirees.

Most South Tahoe employees don't contribute a dime to their retirement. The city is paying its share as well as the employees'. It wasn't until a couple years ago public safety started paying a small percentage.

The employee share to CalPERS is 8 to 9 percent.

When Councilman Tom Davis, who was on the council for 12 years before being elected again in November, asked, "Why are we paying the 9 percent?" Enright said, "Because we agreed to it."

The "we" is actually the council. They make all the final decisions when it comes to voting on salary and benefits packages for rank and file employees.

But that 9 percent is just a pittance of what the city pays for employee pensions.

The city’s share for tier 1 fire employees in 2010-11 is 40.91 percent and will grow to 47.62 percent for 2011-12.

That means the city is paying more than 50 percent of a firefighters’ salary into the retirement system.

This type of compensation is similar for all employees in the city.

So, if someone has a salary of $60,000 — the city is paying another $30,000-plus into their retirement.

It has changed, though, to where there are two other tiers, meaning new hires don’t have it so cushy. Tier 3 firefighters this fiscal year have the city paying 17.36 into PERS and 22.19 percent for next fiscal year.

“Assume they retire at 50 and assume they live to 80, they will be paid out by the city for 30 years, when they worked 25, so they get more paid to them in retirement than they did on the job,” City Manager Tony O’Rourke said after the meeting of most employees. “And they are guaranteed cost of living adjustments.”

Public employees are guaranteed a set retirement figure based on years worked and their last highest salary.

This compares to the private sector that may rely on a 401(k) — which is not something employers have to offer — and Social Security. The normal range for an employer contribution to a 401(k) is 3 percent to 7 percent. Then the employee must also deal with the fluctuations of the stock market. Sometimes they have few if any options for where the money is invested.

On the public sector side it didn’t matter that CalPERS lost 30 percent in the market one year. Cities had to make up those losses. Cities is the same as taxpayers. The employees saw no loss, felt no financial burden.

Eleven percent of South Lake Tahoe's general fund goes to pension expenses, while another 18 percent is for employee health care.

As those costs rise, it cuts into basic services – like roads, upgrades to software that would allow the city to operate more efficiently, repairs to equipment that might put more snowplows on the road or even allow more employees to be hired to assist residents.

Also on the private sector side is Social Security. In the recent past, employees contributed 6.2 percent of their wages to Social Security. For 2011, that has dropped to 4.2 percent. Employers still pay 6. 2 percent. Self-employed people pay the combined amount.

When it comes to health benefits, anyone hired by South Lake Tahoe prior to 2008 who works for 25 or more years will receive health benefits for free for the rest of their lives upon retiring. So will their dependents.

It costs the city $1.9 million a year for the 130 retirees – a dollar amount that grows each year. The city pays about $15,000 per year on each retiree for health benefits. Of the city's retirees, 58 percent don't cough up a penny for health benefits.

On average, employees pay 4.6 percent of their health care costs, while the city is picking up 95.4 percent.

Even Councilwoman Claire Fortier chimed in how her monthly paycheck for being on the council amounted to about $1,000, while the health benefits were about $9,000. Though she didn't elaborate what time period this was for.

In the private and public sectors, the employer and employee each pay 1.45 percent of the employees' wage for Medicare.

South Lake Tahoe spends 78 percent of its general fund on employee related expenses. In the five-year budget plan that was adopted earlier this year, that percentage is slated to drop to 74.

To get there, the city is asking employees to change their contract. The miscellaneous/public works employees' contract is up this fall, while the other six expire in a little more than a year.

Jere Copeland, who represents some of the unions, said June 7, "The best route is to bargain with your unions."

While that was the overriding sentiment of the council, they still took the step to place the CalPERS and health care contributions on the February ballot if the unions don't come through as needed.

For the 2011-12 budget, the council is banking on $1.5 million in employee concessions. If that doesn't happen, more jobs and more services will be cut.

Meeting between city staff and employee groups are scheduled this month.

If the two sides don't come to an equitable agreement, then language will be drafted for voters to decide what city employees should get for compensation regarding benefits. If the unions don't agree to it, the city has the power to impose the will of the voters.

Ex-Block owner expected be in

S. Tahoe jail by end of June

Eneliko “Sean” Smith, who is in custody on DUI charges in Las Vegas, waived extradition June 6. He should be in South Lake Tahoe by the end of the month.

Local officials want him because he has failed to pay the city what its owed based on a court settlement from delinquent transient occupancy taxes.

Eneliko Smith

Smith had been operating the now defunct Block hotel and Cedar Lodge in the Stateline area.

The Block is owned by BMR Funding LLC and the Cedar Lodge is now owned by First Credit Bank.

The city has liens on both property for delinquent TOT. When either site is sold, the city would get its money when the title is transferred. This is in addition to what the court has ordered Smith to pay.

– Kathryn Reed

$5,000 recovered in S. Tahoe bank robbery

By Kathryn Reed

It was an unlucky day for a Danville resident who allegedly robbed the El Dorado Saving Bank on Emerald Bay Road in South Lake Tahoe.

Although Kyle Facchain, 26, got out of the bank with $5,000 in cash, he never got out of the parking lot, according to officers. This is because members of the South Lake El Dorado Narcotics Enforcement Team were in the area doing surveillance – not on Facchain, but he soon became their focus.

Jeff Catchings, SLEDNET commander, said he and his guys saw Facchain driving with rubber gloves, back into a parking spot, put on a hat, sunglasses, and stuff a duffle bag under his sweat shirt before walking into the bank about 4pm June 7.

“We took the keys out of his car,” Catchings said. The suspect had left his vehicle running. “As he came back, we had our gear on and arrested him.”

As the suspect was going back to his vehicle he was ditching his clothes. Underneath what bank employees saw was a business suit, Catchings said.

“He knew what he was doing. This didn’t appear to be his first time,” Catchings said. Though, he also said he isn’t aware Facchain has any priors.

The rental vehicle Facchain was driving had false plates over the original ones, according to Catchings.

A handgun was recovered from the vehicle.

Facchain was booked into the El Dorado County Jail. South Lake

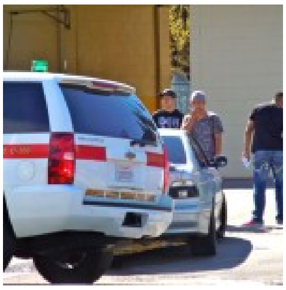
Tahoe police detectives are handling the investigation. The FBI has also been called in, as is protocol with bank robberies.

Catchings wouldn't say why SLEDNET was in the area to begin with.

South Tahoe fire chief involved in accident

South Lake Tahoe Fire Chief Lorenzo Gigliotti was rear-ended in his city vehicle about 4:30 Tuesday afternoon.

He was on Highway 50 stopped at the light at Tahoe Keys Boulevard headed west when he was hit by a driver in a BMW Alpina. The accident was in front of the old Broc's Puppies store.



Occupants of the BMW that hit the fire chief's vehicle wait to be questioned by police.

Photo/LTN

Gigliotti would not estimate for *Lake Tahoe News* how fast the driver had been going upon impact.

No one was injured.

The chief's SUV had scratches on the back bumper. The BMW's front end was a mess, with its coolant puddling on the highway.

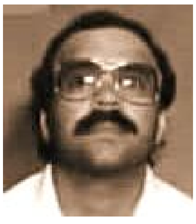
— Lake Tahoe News staff report

Blacklisted man gets 8-20 years for craps cheating

By Francis McCabe, Las Vegas Review-Journal

Already blacklisted from casinos, Brent Eli Morris was sentenced to eight to 20 years in prison on Monday for cheating at craps.

Morris was arrested Sept. 22 after he was spotted playing craps at Caesars Palace.



Brent Eli Morris

A District Court jury convicted the 54-year-old in March of two counts of felony commission of a fraudulent act in a gaming establishment or cheating.

In a separate trial immediately before the sentencing, Judge Jerry Tao found Morris guilty of four gross misdemeanors for entry into a gaming establishment by an excluded person. Tao also ruled Morris was a habitual criminal, a sentencing enhancement under the law that allows for a lengthier prison term.

Prosecutor Rob Stephens said Morris' method of cheating is known as "past post betting," meaning that after the dice had rolled, he slipped chips into winning areas on the table.

Morris was placed in the infamous Black Book, also known as the List of Excluded Persons, by the Nevada Gaming Commission in February 1994 after he served several years in the Southern Nevada Correctional Center at Indian Springs for cheating at a Lake Tahoe casino in 1989.

Read the whole story

Incline man gets 12 years in prison in eBay scam

By David Gardner, Daily Mail

An Incline Vilalge businessman has been jailed for 12 years after he was convicted of stealing $1.5 million from more than 250 customers in an eBay scam.

Darin French and his wife sold high-end home appliances on the Internet auction site and then kept the cash without sending out the products.

They used the money to finance a luxury lifestyle, buying a new $60,000 truck, a $50,000 Bayliner boat, a $5,000 stallion and tens of thousands of dollars worth of stocks and shares.

Prosecutors in Nevada said French, 40, and wife Jennifer, 38, set up an online business called 'Look What We Got' and advertised kitchen appliances by Sub Zero, Viking and Wolf at low, discount prices.

But although they shipped the first few stoves and refrigerators, they failed to send merchandise out to about 250 clients after receiving their victims' money.

They claimed they were authorized dealers, set up various eBay accounts and gave themselves fake positive feedback to make it appear they were trustworthy to potential buyers, according to prosecutors at Reno Federal District Court.

Read the whole story

Broc's Puppies store owner a no-show for arraignment

Dennis Franks, one-time owner of the now closed Broc's Puppies stores in South Lake Tahoe and Carson City, failed to appear for his June 6 arraignment in El Dorado County Superior Court.

A bench warrant has been issued and the case held over to June 23.

“If he fails to appear then, the warrant will go live,” Assistant District Attorney Hans Uthe told *Lake Tahoe News*.

Franks was supposed to originally appear in May, but at that time he told the court he had car trouble and could not make it.

Franks is charged with 65 felony counts of grand theft by false pretense, 27 felony counts of forgery, one felony count of grand theft and a slew of misdemeanor charges.

During the short time the South Lake Tahoe pet store was open numerous complaints were filed, Animal Control raided the shop, customers complained of buying sick dogs – some of which died, and others called it a puppy mill.

– Kathryn Reed

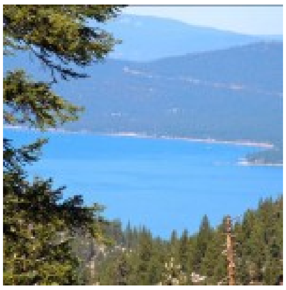
Nevada votes to pull out of TRPA; Sandoval ready to sign bill

Updated: 8:15am

By Anne Knowles

CARSON CITY – The legislation to withdraw Nevada from the Tahoe Regional Planning Agency passed in the Assembly early Tuesday morning and is on its way to the desk of Gov. Brian Sandoval, who is expected to sign the bill into law.

The bill passed 28 to 14. Before the vote, Assemblymen Pat Hickey, R-Reno, and Kelly Kite, R-Minden, voiced their support of the legislation, while Assemblywoman Peggy Pierce, D-Las Vegas, and Assemblyman David Bobzien, D-Reno, both urged lawmakers to reject it.



The Nevada side of Lake Tahoe is pulling out of TRPA. Photo/LTN file

"The bill does not do away with any environmental protections and gives Nevada the voice it deserves," Kite said.

"A lot has been said about giving Nevada a voice. But it now takes five Nevada votes to approve a project and (the bill) reduces it to four. I don't see how that's an increase in power," Pierce said.

Pierce said the bill would likely have "enormous, long-reaching consequences that the people who proposed this bill do not begin to understand."

Senate Bill 271 came up for a vote well past midnight, with less than half an hour left in the 2011 legislative session.

The bill calls for Nevada to pull out of the Tahoe Regional Planning Agency Compact unless certain reforms, including a change in the TRPA voting structure, are enacted. An amendment to the bill was added that requires the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System to prepare a report on the TRPA and to assemble a delegation to meet with California legislators to negotiate changes at the agency. The amendment also gives the oversight committee the authority to submit a bill draft request to the 2013 legislative session preventing Nevada’s withdrawal from the Compact.

“We hope that passage of the bill will bring the two states to the table to seriously review policy differences on the future of Lake Tahoe,” TRPA Executive Director Joanne Marchetta said in a statement released at 8:10 this morning. “It’s important to note the final version of the bill took a more measured approach to bring policy issues to the fore and TRPA looks forward to working with Nevada lawmakers in the next few years to address the key points of the legislation.”

Here is how the lawmakers voted.

This is the text for SB271.

Ordinance change brings S. Tahoe apartments to code

By Kathryn Reed

Starting July 1 more people in South Lake Tahoe will have a better chance of living in an apartment that meets some basic criteria.

This is because the City Council in December revised the multi-family dewelling ordinance to include complexes with eight or more units. Fifteen-unit complexes had been the minimum at the start, which was then reduced to 12 and now eight. One day it’s likely to include properties with four units.

All owners have been sent a letter saying the city is coming for a visit.

Health and safety issues were the impetus for the city to pass the original ordinance in 2004, with inspections staring in November 2005.

“The ordinance is intended to protect the occupant,” explained Bill Potts, senior housing inspector for South Lake Tahoe.

Mold at Bart's Apartments. Photo/South Lake Tahoe

Some nasty places have been condemned or overhauled in recent years. Bart’s Tahoe apartments on Ski Run Boulevard had five apartments closed on its initial inspection in February 2006.

“Cockroaches were so bad they jumped all over you,” Potts said of those 15 units. Mold was so thick it was like a layer of fur. Water damage was forcing ceilings to collapse.

The apartments reopened the next year after the owner practically started from scratch.

The city has the authority to close a structure for health and safety reasons. The landlord must pay for relocation costs and rent/utilities for two months.

The nearby Tahoe Forest Apartments at 1232 Ski Run Blvd.

(formerly Heavenly Valley Apartments) also experienced partially collapsed ceilings and signs saying "uninhabitable" on about half the units. The owner has since fixed up the place.

Obviously tenants know they are living in substandard units, but some fear rocking the boat, and language barriers and lack of knowledge about their rights contribute to people staying mum. Plus, South Tahoe renters are more transient in nature, and are often on a month-to-month lease.

"There is a clear link between local property managers – the quality is better compared to absentee owners," Potts said.

With the city inspecting the units each year, problems are going to be found out without anyone having to complain.

The other change with the revised ordinance is exemplary complexes will not have to be inspected annually, but instead on a three-year rotation if they are up to snuff.

The first apartment complex to qualify for the three-year inspection is at 3999 Cedar Ave. Owners Paul and Sharon Sterling will also receive a 50 percent reduction in the fees.

To achieve this classification properties must have three consecutive years of MFD certification, defensible space, TRPA's erosion control (aka BMP) certificate and a few other items.

"We think it's a great program," Sharon Sterling said. The Sterlings hope the ordinance changes will inspire other landlords to make necessary improvements, especially considering the number of children who reside in South Lake Tahoe apartments.

Tahoe Village Apartments on Cedar Avenue are the first to be on the three-year inspection cycle. Photo/LTN

The Sterlings bought the complex in 2000.

“I’ve been on hand for his inspections. He literally goes unit by unit,” Sterling said of Potts. “Ours was a 40-year-old old building when we bought it and it didn’t have a certain type of exit sign. It was small improvements like that he called out.”

It also helps that the Sterlings live at the complex.

“They have actually done many things at their building that go well beyond the basic requirements of the MFD program, including a couple of years ago full window change out to dual pane, installation of a radon reduction system, secured coded building entry and many other things,” Potts said. “They serve as a great example of how to do it right.”

Potts anticipates a handful more properties may qualify in the next year for the three-year inspection cycle.

He has a list of 59 items he looks for on the inside of a unit and 55 items on the outside. They range from making sure windows don’t have cracks to proper ventilation to plumbing and electrical issues. Exterior items include landscaping, fire alarms, handrails on stairs, and fences.

Potts has been in charge of the program since being hired by the city in September 2005. Part of what makes him qualified is having graduated from the Butte College Building Inspection Technology Program. He also is a certified property maintenance and housing inspector.

Property owners pay $50 per unit each year. With the new units coming online next month, it will bring the total to 1,335 in 75 complexes that fall into the city’s jurisdiction. This equates to $66,750 in annual fees.

The money is used to cover the cost of the program.

Owners pay for the fee when their annual business license fee is due in July.

Sierra Vista is the largest complex in the city at 94 units.

Potts said six properties from the beginning have never been certified.

“They are not willing to do all the things we are asking, but they all have made progress,” he said.

Landlords are supposed to make interior improvements 60 days after being notified of infractions and have 90 days for exterior issues. However, for the imminent violations, the problem must be rectified between 24 and 72 hours depending on what’s wrong.

For now, hotels that operate as long-term housing are exempt from the inspections.

“If hotels are incorporated into the program, they would have to meet a different standard because they are not built to be used as an apartment,” Potts said.