

# SLT-Conner settlement agreement released

By Kathryn Reed

The 11 main items in the settlement agreement between South Lake Tahoe and City Councilwoman JoAnn Conner essentially return certain policies to what they were prior to the brouhaha that became public last year and then document long-standing protocols.

Six employees brought harassment and bullying allegations against Conner. But Conner is not their boss, so the typical employee-employer rules didn't apply. City Manager Nancy Kerry in trying to protect those employees who work for her took action to stop Conner from being able to interact with them and all employees. This happened a year ago.

Kerry, who has levied bullying accusations against Conner, could sue the councilwoman. Conner is Kerry's boss. But Conner would likely enjoin the city and therefore Kerry would essentially be suing the city, with the taxpayers picking up the bill. At this time Kerry has chosen not to do so, but there is nothing in the agreement that would prevent her from doing so in the future.

After Kerry disabled Conner's card key to city offices and instituted a policy that Conner must only communicate with her or the city attorney, the remaining four councilmembers censured Conner last fall. This is essentially a slap on the wrist saying they don't like her behavior.

When it came time for committee assignments Conner's council colleagues voted to keep her off almost all of them.

Conner soon sued the city and named Kerry in the court filings. Part of what she wanted a judge to rule on was the

censure. El Dorado County Superior Court Judge Steve Bailey said no way, the council has a right to make such a decision.

Conner initially said her constitutional rights were jeopardized. This allegation is not addressed in the agreement. (The agreement came out of a mediation session in June.)

Eventually all of the councilmembers turned in their card keys, so there has been equality for months even though this item is in the settlement.

Also in the agreement is how the mayor runs the meeting. That's been the case for 51 years.

The agreement says Conner can go to pre-agenda meetings. That has always been the case, but for the last year she has chosen not to.

How committee assignments are handled is spelled out in the agreement. Again, this has been the policy for years and is nothing new.

Also not new is how agenda packets are distributed.

The big thing Conner got is to be treated like all the other councilmembers.

In the agreement she is now able to email staff directly. For the last year her emails from her personal and city accounts were routed through the city manager. As with all councilmembers, she now must copy the city manager on the emails.

The major win for the city is Conner agreed to dismiss the lawsuit with prejudice. This means Conner cannot sue the city again on the same grounds.

While Conner signed the eight-page document on Aug. 18, and Mayor Wendy David and Kerry did so Aug. 16, it was not

released until Aug. 24.

Part of the agreement is that none of the parties in the suit may talk about it to anyone, nor may they comment about it on social media or blogs. The exclusion did not include commenting on news sites, just that they can't talk directly to a reporter.

Here is a copy of the settlement.

All of this cost Conner about \$30,000. It took nearly \$100,000 out of the General Fund for the city to defend itself. Conner usually bills herself a defender of the "little people" – that's her phrase, and she has been fiscally conservative until this case.

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## **Kirkwood faces fine in wetlands contamination**

**By Drew Bollea, CBS-13**

The largest mountain resort company in the country is in violation of the Federal Clean Water Act, according to a California state agency. Now, Kirkwood Mountain Resort staff is in the process of cleaning up a mess made over the winter.

According to public documents from the Central Valley Regional Water Quality Control Board, Kirkwood Ski Resort, which is owned by Colorado-based Vail Resorts, is being investigated for contaminating sensitive wetlands and the Kirkwood Creek.

The investigation began in late April after an anonymous complaint made its way to the Central Valley Water Quality Control Board. Investigators surveyed the area and found that

over the winter, large piles of asphalt grindings had been dumped onto multiple parking lots at the Kirkwood resort. A common practice to provide traction when the snow piles up.

For 49 days, the Water Board says crews removed snow from parking lots with plows and blowers, thus spreading the asphalt material into places it shouldn't be.

**Read the whole story**

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## **Drought costing Calif. farmers \$600M this year**

**By Associated Press**

California's drought is costing farmers an estimated \$603 million this year, although the impact is far less than a year ago, according to a study released by UC Davis.

The latest annual survey by UC Davis researchers shows that the reasonably rainy winter has eased the effects of the drought, even though considerable shortages persist in crucial areas of the San Joaquin Valley.

"The drought continues for California's agriculture in 2016, but with much less severe and widespread impacts than in the two previous drought years, 2014 and 2015," the researchers wrote.

Researchers said farmers have fallowed 78,780 acres this year because of water shortages. That compares with an estimated 500,000 acres last year. The idled acreage has cost farmers \$247 million in crop revenue. It also deprived the rural economy of an estimated 1,815 farm jobs that otherwise would

have been created, the study said.

Farmers also have had to spend an additional \$303 million pumping groundwater to make up for the diminished supplies of water from the Central Valley Project and State Water Project, the study said. With indirect costs thrown in, the researchers estimated the total economic impact at \$603 million.

That's still a sharp contrast from last year, when UC Davis said the drought took a \$2.7 billion bite out of the farm economy.

Farming has come under scrutiny during the drought because of its intensive water use. Agriculture consumes 80 percent of the state's "developed" water – that is, water not dedicated to the environment. When the environment is factored in, farming's share is estimated at about 40 percent.

Despite the hardships of the drought, farm revenue in California actually has increased. That's due in part to high commodity prices and farmers' decisions to draw heavily on groundwater to limit fallowing. Farmers generated \$54 billion in revenue in 2014, the last year for which statistics were available. That was a 5 percent increase over 2013.

Farm employment jumped by 7 percent last year, an addition of 30,000 jobs, despite relatively heavy fallowing. A major reason for the increased employment: Farmers have been switching to more labor-intensive crops, such as almonds and pistachios.

Farm groups, however, have said the drought has taken its toll because growers have had to spend more money for their water, cutting into profits.

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# Calif. firefighters stretched thin as blazes sweep state

By Don Thompson, AP

California's state fire department is stretched thin just as the bone-dry state enters the peak of its wildfire season, with vacancy rates exceeding 15 percent for some firefighters and supervisors. The vacancy rate is more than 10 percent for some fire engine drivers, according to statistics provided to the Associated Press.

A five-year drought and changing weather patterns have transformed what once was a largely summertime job into an intense year-round firefight, said CalFire spokeswoman Janet Upton.

"It's not the old days where we were a seasonal department with a season that lasted a few months," she said. "It's an increasingly challenging job, no thanks to Mother Nature and climate change."

The shortage means that the state firefighting department is forced during weather conditions fanning large blazes to keep firefighters on duty for long hours as they do backbreaking, dangerous work trying to put out massive wildfires that have become bigger and more frequent in recent years.

Nearly 25 percent of departing employees over the last two years have told officials they quit for better-paying jobs with other firefighting agencies, according to the statistics provided to the AP by CalFire.

The union that represents the state firefighters who fight fires outside urban and suburban areas blamed low pay, as more than 100 members, families and representatives of other unions protested in Sacramento on Monday.

Union and department officials said California has enough state firefighters to keep the public safe – at the expense of firefighting men and women who frequently work for weeks without days off without seeing their families.

“We’re short-staffed, we’re stretched thin, we’re in these epidemic fire conditions,” said Patrick Walker, 40, a CalFire captain in San Diego County.

He worked 47 straight days fighting one large fire last year and said he worked three weeks with no break this year, most of it fighting a Monterey County fire that has burned more than 134 square miles.

“With the pay inequities, the shifts we work and the turnover, we’re running less and less people,” Walker said. “There may be a concern where the public is at risk due to the long hours.”

Union members are seeking a mid-contract pay raise that would give compensation above the \$60,000 a typical firefighter is paid each year in salary and overtime. Fire captains typically make more than \$85,000 and the salaries of battalion chiefs exceed \$98,000.

A 2014 study by the state’s human resources department found state firefighters receive one-third less in pay and benefits, on average, than their counterparts at fire departments for 18 California cities and two counties surveyed.

The state firefighting department is responsible for preventing and fighting wildfires over terrain that covers about a third of California – more than 48,000 square miles spanning the Sierra Nevada foothills and the coastal mountain ranges from Santa Barbara to the Oregon border.

The federal government primarily handles firefighting at higher elevations, while local agencies are responsible for urban and suburban firefighting.

The department's survey of departing employees supports the union's complaint that there is a sizable exodus for better-paying jobs, although state officials could not immediately say if vacancy or departure rates were higher than in previous years.

State firefighter union president Mike Lopez said firefighters received a 4 percent increase last year after the minimum wage paid to entry-level firefighters rose to \$10 an hour.

But the union wants the state to shorten the standard 72-hour work week that includes overtime and increase pay to bring state firefighters closer to the 56-hour standard workweek for urban firefighters.

Negotiations for higher state firefighter pay broke down about four months ago after Gov. Jerry Brown's administration made a last offer that the union rejected as unacceptable. Lopez declined to reveal the offer, which he said was not disclosed to the union's membership.

Administration spokesman Brian Ferguson called firefighters "everyday heroes," but added in a statement that "the state must balance the needs of many different bargaining units and the overall state budget."

State firefighters' duties have changed as they try to protect an increasing number of rural homes built in the midst of tinder-dry brush and trees, a problem that continues to grow, said UC Riverside Professor Richard Minnich, who studies fire ecology.

"Maybe people are leaving because it's too damn dangerous," he said. "In urban firefighting, not only are the hours more reasonable but they're also looking mostly at single structure events."

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# Calif. Supreme Court lets teacher tenure ruling stand

By Howard Blume and Joy Resmovits, Los Angeles Times

Monday was the end of the line for a landmark California case challenging tenure and other traditional job protections for teachers – and the teachers won.

The outcome left some union opponents looking for a different battlefield in the ongoing wars over public education, while others said they should try the courts again.

The case, Vergara vs. California, was closely watched across the country as a test of whether courts would invalidate employment rights of teachers on the argument that they violate the rights of students.

The assault on these protections is part of a broader approach to reforming education that would make schools more like the private sector, which relies on competition, measurable results and performance incentives.

**Read the whole story**

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## Every federal agency must

# consider climate change

**By Chris Mooney, Washington Post**

In the past several weeks alone, the Obama administration has made multiple moves to fight climate change. The administration announced new steps to help fill U.S. roadways with electric vehicles. It ruled that greenhouse gas emissions from aircraft endanger human health and welfare. And on the international stage, it moved the world closer to a deal to phase out super-polluting HFCs, chemicals in refrigerants and other industrial substances that warm the climate.

But as Obama's term dwindles, the act isn't over – the White House released yet another policy to fight climate change, one with potentially far-reaching consequences. The White House's chief environmental office, the Council on Environmental Quality, finalized a six-year process of shaping how the government's agencies, across the board, will factor climate change into their decisions.

The council's new guidance involves what activists and environmental lawyers know as "NEPA" – one of those exceedingly wonky policies that is nevertheless critical to how the modern federal government functions. NEPA is short for a foundational 1969 environmental law, the National Environmental Policy Act, that required federal agencies to consider environmental consequences of their actions – all kinds of actions, ranging from granting a permit to drill on public lands to building a new road or bridge.

**Read the whole story**

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# Reno Arch may get a makeover for \$175,000

By Associated Press

Reno officials are mulling options to makeover the downtown arch at a cost of about \$175,000.

Improvements under discussion include programmable letters and lights and new electrical wiring.

Spokesman Matt Brown said Reno officials are reviewing project options. There is no project timeline and officials have yet to hold a meeting to get public comment.

Assistant Reno City Manager Bill Thomas says residents will be able to provide input.

The current Reno arch was installed in 1987, with previous versions going back to 1927.

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# Loop road question to remain on ballot

By Kathryn Reed

Voters in South Lake Tahoe will have an opportunity to weigh in Nov. 8 on the controversial loop road.

Jason Collin, a candidate for City Council, lost his challenge Aug. 22 to have the initiative removed from the ballot. However, the case is not over.

El Dorado County Superior Court Judge Jim Wagoner ruled that Collin and his attorney did not provide enough reason to remove the question, and essentially said the voters have a right to cast a vote. If voters approve the measure, there will be a hearing before Wagoner on Dec. 5 to determine how to go forward. It could go to trial to determine the legal validity of the question.

(Wagoner heard the case because Judge Steve Bailey recused himself.)

Local residents brought forward the initiative that, if approved by voters, says the City Council cannot approve the loop road without a preferred alternative being OK'd by the voters. The loop road would reconfigure Highway 50 near the state line.

Named in Collin's suit were the city, Bruce Grego, Bill Crawford and Laurel Ames. Originally John Cefalu was a defendant, but his name has since been removed because he is not actually on the ballot measure filing because there could only be three names.

Joseph Bochner represented the three individuals in court on Monday. While Crawford told *Lake Tahoe News* he is not a defendant in the case, Grego described himself as a defendant. They are listed as "parties in interest", which gives them legal standing.

Neither City Attorney Tom Watson nor Collin returned a call.

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# Calif. crime measure triggers fewer arrests

By Don Thompson, AP

A 2014 California voter-approved initiative that reduced penalties for certain drug and property crimes has led to the lowest arrest rate in state history as police frequently ignore those illegal activities, experts say.

Proposition 47 lowered criminal sentences by reducing them from felonies that can bring long prison sentences to misdemeanors that instead bring up to a year in jail.

Recent state Department of Justice statistics show the number of felony arrests plummeted 28.5 percent last year, while misdemeanor arrests rose about 9 percent over 2014. That resulted in 52,000 fewer arrests overall and the lowest arrest rate since record-keeping began in 1960.

"It's really driven by changes in drug and property arrests," said Public Policy Institute of California researcher Magnus Lofstrom, who studies the issue. "I think it's quite clear that Prop. 47 is the major contributor to the changes we've seen."

Last year's decline in arrests, with the fewest felony arrests since 1969, is part of a long-term decline dating to the 1980s that has been spurred by the law as well as crowded jails and fewer police, Lofstrom said.

It's too soon to say whether the changes are helping spur rising crime rates, though Lofstrom and other researchers are watching the relationship closely.

Law enforcement officials said drug offenders may now commonly be cited and released, or ignored because there may be little

penalty if they are arrested. There were about 22,000 fewer drug arrests last year.

"The de facto decriminalization of drugs may have an impact," said Kern County Sheriff Donny Youngblood, president of the California State Sheriffs' Association. "We do know that there's a lot less arrests being made, which means there are a lot more people on the streets using drugs."

Multiple courts reported an increase in failures to appear for misdemeanor arraignments since Proposition 47 passed, the Judicial Council of California found in a survey of 40 of the state's 58 county superior courts.

"If people aren't showing up in court, if they're not going to go to drug court, we're going to see what we're seeing, which is increased crime rates in our communities," said Ventura Police Chief Ken Corney, president of the California Police Chiefs Association.

State Department of Justice figures show violent crime jumped 10 percent last year over 2014. Property crimes also increased, including a nearly 12 percent increase in shoplifting and nearly 11 percent increase in thefts, two crimes affected by Proposition 47.

But participation in drug courts has rebounded as counties adapted to Proposition 47 by including it in sentences for those charged with misdemeanors or drug-related crimes such as stealing to support their addictions, said Santa Clara County Judge Stephen Manley.

"I think it's been a fairly dramatic response to getting treatment to the people that need it the most," said Manley, president of the California Association of Drug Court Professionals.

Mel Sargent, 66, and Caroline Sargent, 54, even married on the day they graduated from an 11-month drug court program in

March. Sacramento County probation officers bought them wedding rings.

"Before it was always the 'war against drugs'," Sargent said. "We got to see the other side, the more human side of the probation department and the judiciary."

The initiative has also led to fewer plea bargains, probably because suspects have less incentive to accept plea deals without the threat of a felony conviction or prison time, the Judicial Council found.

It reported that prosecutors also seem to be filing more charges for felony drug sales, identity theft and robbery now that drug possession, writing bad checks and check forgery were reduced to misdemeanors.

"Some DA's offices have tried to charge their way around Prop. 47, no question about it," said John Abrahams, co-chairman of the California Public Defenders Association's legislative committee.

But California District Attorneys Association chief executive Mark Zahner said law enforcement officials may now simply be targeting more serious criminals.

Lenore Anderson, who led the drive to pass Proposition 47, was pleased by reports that there may be an overall improvement in the justice system, even if the initiative is requiring some adjustment.

Law enforcement should accept that drug and property crimes still can bring appropriate punishment, while the changes leave more resources for serious felonies, said Anderson, president and executive director of the reform group Californians for Safety and Justice.

"My highest hope is that we start to really see some innovation that we haven't seen in the past," Anderson said.

For instance, this year's state budget includes \$15 million for police to experiment with using case managers and diversion programs to help prostitutes and low-level drug dealers instead of putting them in jail.

Without help, "they're released in a short period of time and go right back to the same situation," said Sen. Loni Hancock, D-Berkeley, who pushed for the funding.

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## **Realtors in Tahoe seek out Las Vegas buyers**

**By Buck Wargo, Las Vegas Review-Journal**

Call it the northern invasion.

Northern Nevada Realtors in the Lake Tahoe and Reno area are aggressively reaching out to their counterparts in Las Vegas with marketing in Southern Nevada to find buyers for luxury vacation properties.

One of the newest properties on the market on the Nevada portion of Lake Tahoe is a \$35 million home of Mark Mastrov, the founder of 24 Hour Fitness and co-owner of the Sacramento Kings in the NBA.

The 13-acre property known as the Pines has 13,000 square feet with five bedrooms, a guest house, a caretaker house, lake frontage, a boathouse, and three-hole golf course, said Cheryl Luther, a Realtor with Chase International, which is listing the property. The land was developed in the mid-1930s as a summer retreat for the Scripps Howard newspaper family and is one of the largest privately held estates in Lake Tahoe, she

said.

With an elevation of more than 6,000 feet, Lake Tahoe cooler and easier to get to than other destinations such as Big Bear and Mammoth.

**Read the whole story**