

SLT's censure of Conner challenged in court

By Kathryn Reed

JoAnn Conner is seeking legal action to have the censure imposed by her City Council colleagues be overturned. She is also asking to have a court rule that the ban on her speaking to city staff is illegal.

Her attorney, Jacqueline Mittelstadt, on Dec. 9 filed the paperwork in El Dorado County Superior Court in South Lake Tahoe. An administrative writ and complaint for declaratory release were filed, with the city expected to receive the paperwork on Friday.

The City Council, anticipating the filing, has called for an emergency closed session meeting for Dec. 11 at 2pm to discuss the matter. The council will likely have to hire outside legal counsel because City Attorney Tom Watson would be a witness in the case. This may mean altering the budget to contend with the unexpected litigation.



JoAnn Conner

Watson did not return a phone call.

Mayor Wendy David said she had not seen the court filing and therefore could not comment.

Mittelstadt, who at one time was the city attorney for South

Lake Tahoe, said the main issues at stake involve censure, Conner's ban from talking to city staff, and the right to public records.

Her first allegation is that the censure imposed Oct. 19 is unconstitutional and that it violated city protocols.

"No. 1 they need to follow the law. If nobody does, there is no accountability. There needs to be accountability," Mittelstadt told *Lake Tahoe News*. "If we don't do this, they will never change their behavior."

She believes how the city went about imposing the censure is not legal.

In September City Manager Nancy Kerry put out the mandate that Conner not be allowed to talk to staff because she was allegedly creating a hostile work environment and that some employees had filed grievances against the councilwoman.

Mittelstadt said no proof of these grievances has ever been shown to Conner. She cited cases where all of this information would not be protected under the personnel umbrella, as the city contends it is, and that some emails should be public record and that other personal information could be redacted.

Plenty of examples can be found as to when Conner acted unprofessionally – with the Dec. 7 City Council meeting an example. The way she interacts with people and then expects her business to be treated differently than others was on full display Monday. But none of this is illegal.

Members of boards she has been on and others she has worked with as a council member have cited publicly their inability to work with her. While her behavior may be offensive, it has not been proved to be illegal.

According to Mittelstadt, the city hasn't even proved Conner's behavior is hostile as defined by law.

The city claims Conner has left a paper trail of her abusive nature. *Lake Tahoe News* through the Public Records Act obtained emails between Conner and Kerry. There is nothing provided in those emails that points to Conner being particularly difficult nor were they offensive.

While the city in the past has claimed Conner was creating a hostile work environment, Mittelstadt says that is not the case.

“They are willy-nilly preventing a public official from engaging in free speech,” Mittelstadt said.

Anticipated storm closes DCSD lake schools

Zephyr Cove Elementary and Whittell High schools are closed today.

The district office said this is because of “concerns about afternoon blowing snow, snow accumulations and safe travels from school.”

In Tahoe Truckee Unified School District all schools are open except for Donner Trail Elementary/Donner Summit.

All other districts/schools at the lake are open as usual on Dec. 10.

– *Lake Tahoe News staff report*

U.S. share of forest products declining globally

By Sarah Farmer, Southern Research Station

Although the United States leads the world in production and consumption of forest products, the U.S. share of the global forest products market has declined precipitously since the 1990s.

The declines are a result of decreases in U.S. construction and paper manufacturing, according to a new study by U.S. Forest Service Southern Research Station (SRS) economists recently published in the Journal of Forestry. The study evaluated the extent of U.S. declines as compared with those of other major producing countries from 1961 to 2013.

The U.S. global share of industrial roundwood peaked at 28 percent in 1999. By 2013 it was 17 percent.

“The declines are related to a combination of cyclical factors and long-term trends,” says David Wear, SRS economist and lead author of the study. “The decline in solid wood products output is linked to low construction levels, while the decline in pulp, paper, and other wood products is connected to the offshoring of U.S. manufacturing and growth in electronic media.”

In the period from 1960 to 2000, an average of 1.5 million new homes were built in the U.S. each year. A return to this level would bring the U.S. share of the global forest products market back up to prerecession levels of 22 to 24 percent. Allowing wood to be used in taller and larger structures would further expand the market for wood products. Industry groups – as well as the White House Rural Council – are encouraging the use of wood in tall buildings.

However, long-term trends in general manufacturing and the paper market will probably keep the U.S. market share from returning to the peak level of 28 percent. In particular, the paper sector is unlikely to recover to its 1990 levels.

The findings indicate that although government and industry decision-makers are not powerless in the face of changes outside the sector, options for interventions to slow or reverse the declines in production are limited, and it seems unlikely that most long-run trends can be interrupted.

“However, the overall timber supply in the U.S. has grown in the last several decades,” says Wear. “In the longer run, the strong resource endowment and expanded timber supply could be the groundwork for growth of the U.S. market share.”

20 people own as much wealth as half of all Americans

By Joshua Holland, Nation

The 400 richest Americans now have more wealth than the bottom 61 percent of the population, a report released last week by the Institute for Policy Studies (IPS) reveals.

According to “Billionaire Bonanza: The Forbes 400 and the Rest of Us,” just the 20 individuals at the top of the pile—a group that could fit into a Gulfstream G650 luxury jet, according to the study’s authors—now control more wealth than the bottom half of the population. That’s 152 million people living in 57 million households.

And there’s a stark racial divide at the top. The 100 richest

households own more assets than the entire African-American community (there are just two black people on the Forbes 400 list, one of whom is Oprah Winfrey). And just 182 individuals on the Forbes list have more assets than America's entire Hispanic population.

But Chuck Collins, director of IPS's Program on Inequality and the Common Good and a co-author of the report, tells the *Nation* that their study likely underestimates the scope of the problem. "Our wealth data is a tip of the iceberg," he says. "So much wealth among the über-rich is hidden, either in offshore tax havens or in these loophole trusts where money is shuffled around into private corporate accounts or between different family members, and it disappears from taxation or any sort of oversight or accountability. So there's a huge amount of escaped wealth that isn't even factored into these statistics."

Read the whole story

Poll: Nev. Latino voters care about immigration, economy

By Megan Messerly, Las Vegas Sun

Latino voters are one of the fastest growing voting blocs in Nevada – 15 percent of the electorate in the state, up from 5 percent in 1994. Presidential candidates swooping into the state on both sides of the aisle have made plays for the Latino vote – hiring staff to specifically focus on the community, offering bilingual phone banks and playing up issues important to Latino voters.

Although Latino voters care a great deal about immigration policy, a recent study from the National Council of La Raza found that the economy was almost equally important for them heading into the 2016 election, said the organization's deputy vice president Clarissa Martínez-de-Castro.

The poll, conducted for NCLR by Latino Decisions, surveyed Latino voters in early- to mid-November, zeroing in on voters' thoughts. The survey looked at responses from about 1,200 registered Latino voters across the country and took an extended look at voters here in Nevada. (The poll was conducted from Nov. 4-14 and has a margin of error of 6.2 percent, meaning that 19 times out of 20, the survey would return results within 6.2 percentage points of those that were observed.)

Read the whole story

Nev. gaming wants to influence presidential candidates

By J.D. Morris, Las Vegas Sun

Which presidential candidates would be willing to meet with casino employees? Which would take a stand against illegal gambling? And what would their approach be to the daily fantasy sports industry?

The American Gaming Association is trying to find answers to these and other inquiries by getting presidential candidates to fill out a questionnaire. The Washington, D.C.-based casino

industry trade group said today that responses to the questionnaire will influence a voter guide it plans to distribute to some 1 million casino employees in 40 states.

As part of the association's Gaming Votes initiative, the questionnaire marks another attempt to ensure casino-related issues are accounted for during the 2016 campaign.

Read the whole story

Utilities may use drones to inspect power lines

By Mary Esch, AP

BLENHEIM, N.Y. — U.S. utilities see great potential in the use of remote-controlled drones to do the often-dangerous work of inspecting power lines and transmission towers but strict regulations have so far slowed adoption of the technology.

The remote-controlled devices make the work of linemen safer, more efficient and less expensive, according to the Electric Power Research Institute, which last month put on a three-day workshop to help nearly a dozen utilities choose the best machines for the job. Miniature helicopter-like drones, some equipped with cameras and other sensors, conducted demonstration inspections of transmission lines at a hydroelectric plant in the Catskill Mountains.

"We want to start using drones next spring when the inspection season begins," said Alan Ettlinger, research and technology director for the New York Power Authority, who attended the workshop.

Utilities spend millions of dollars inspecting power lines, which are often in hard-to-reach places. The industry has been interested in the potential use of drones for years, but has been slower than European companies to adopt the technology because of U.S. regulatory restrictions.

While hobbyists can fly drones without certification, the Federal Aviation Administration requires special certification for commercial users. There are numerous conditions and limitations: The drone operator needs a pilot's license, the aircraft must weigh less than 55 pounds, flights can go no more than 200 feet above the ground, and the drone must be operated in the pilot's line of sight.

The FAA treats the operation of drones like any other aircraft for safety reasons and commercial operators face strict rules for getting permission to use them, according to the agency.

Seven U.S. utilities have been granted FAA approval for testing drone technology in 2015. Consumers Energy in Michigan conducted a series of tests over the summer using its own eight-rotor drone and unmanned aerial vehicles operated by outside vendors to inspect wind turbines, utility poles and transformers. The utility is part of a UAV task force under the Edison Electric Institute, the association representing U.S. investor-owned electric companies.

"When you look at the amount of information we can gain to make accurate decisions about our systems, and look at the cost and time savings, this is a huge opportunity for us," said Andrew Bordine, a Consumers Energy executive.

The UAV system Consumers Energy uses starts at about \$10,000, Bordine said. Sensor attachments range from a few thousand dollars to upward of \$100,000, he said. But the cost savings are far greater than the investment.

Consumers Energy spends several hundred thousand dollars a year to send people out in the field to do mapping and

measuring of its electrical system, Bordine said. A UAV equipped with "lidar," the sensor technology used to develop driverless cars, can collect the same data and more at a small fraction of the cost and time.

"With wind turbines, you'll have a couple of guys hanging off the blades by a rope a couple hundred feet in the air to do inspections visually, at a cost upwards of \$10,000 per site," Bordine said. "We can get the same results with a UAV for \$300, without putting workers in danger."

The Bureau of Labor Statistics reports 17 fatal work injuries among utility workers in 2014, but doesn't specify the cause.

Other industries, including oil and gas drillers, pipeline operators, construction companies, and agriculture are also investigating the use of drones to make inspection and mapping tasks faster, more accurate, safer and less costly.

"The main advantage we provide in small unmanned assets is safety," said Mark Sickling, chief pilot for Cyberhawk, a drone company based in the United Kingdom that does aerial inspections for utilities and the oil and gas industry. At the workshop, Sickling demonstrated Cyberhawk's most popular drone, the eight-rotor G4 Eagle, which boasts "unprecedented flight and image stability."

The work done by Consumers Energy over the summer could also be done with a drone flying without direct human control using instructions entered into an onboard flight computer if the FAA allowed it, Bordine said.

"The FAA is looking at how to revamp its requirements to make the technology more accessible to more companies," Bordine said. "A goal for me would be to get FAA approval to work with a remote application and an autonomous flight."

UV light may be invasive weed killer at Tahoe



John J. Paoluccio uses weeds from Lake Tahoe to test his UV mechanism. Photos/Provided

By Kathryn Reed

Ultraviolet light might be the answer to ridding Lake Tahoe of milfoil and other invasive weeds.

In controlled lab tests the box like device has been effective at killing various weeds that are not native to Tahoe and that have become a problem.

John J. Paoluccio, president of Inventive Resources Inc., is

presenting his mechanism this morning to the Near Shore Agency Working Group at a meeting on the South Shore. Regulatory agencies will be there as well as scientists from UNR and UC Davis.

“TRPA is certainly open to looking at any and all potential approaches to fighting AIS at Lake Tahoe, but we will also look to our colleagues in the science and research community for their expert guidance to determine what tools will be the most effective on a location-by-location basis,” Tom Lotshaw with Tahoe Regional Planning Agency told *Lake Tahoe News*.

Paoluccio has used Lake Tahoe water and five species of plants from here to test his apparatus in his lab in the Central Valley. He’s been able to kill weeds at a depth of 30 feet.

“This technique can be turned on and off,” Paoluccio told *Lake Tahoe News*. “Herbicides are like a bowl. They will not be forgiving, especially if there is an accident.”

His firm’s main focus is water treatment devices, some of which are being used in the basin.

Paoluccio is hoping regulatory agencies will allow him to test his product before any chemicals are used in the lake. Lahontan Regional Water Quality Control Board has OK’d the use of herbicides in Lake Tahoe on a case-by-case basis.



Ultraviolet is John J. Paoluccio's answer to eradicating invasive plants from Lake Tahoe. Photo/Provided

The Tahoe Keys Property Association spent a quarter million dollars to study **long-term eradication plans**. Part of the plan includes chemicals. Today TKPOA spends about \$400,000 a year on a harvester that in part spreads the milfoil through the channels of the South Lake Tahoe neighborhood, never really doing anything more than mowing the spindly weed.

When the Keys did its study Paoluccio's technique was not part of the mix because it wasn't available.

However, Paoluccio has been working with ultraviolet light for about 10 years. His first creation was to use the light in caves to kill microorganisms that were degrading the rocks.

He then saw the Keys' harvester and figured there had to be a better way to do things in Tahoe. This led to the start of his experiment. As a second homeowner in Tahoe, the interest is also personal.

Paoluccio, who is a Lakeside Water District customer, has seen the milfoil choke that marina, just not to the extent of the Keys.

Lakeside Water District, which has 150 customers near the state line in South Lake Tahoe, is concerned any chemical application at the Keys would negatively impact its water supply. All of Lakeside's water is drawn from the lake.

"What we are trying to do is slow down, if not stop permanently, the effort that is going on at the Keys to use herbicides," Andy Engelhardt, vice president of Lakeside Park Association, told *Lake Tahoe News*. His group wants to be the test site for Paoluccio's creation.

Paoluccio said to treat Lakeside Marina with his device it would take about 30 days, 10 hours a day.

The light damages the DNA and cell structure of the aquatic invasive weeds. This stops reproduction and eliminates the weed in a few days.

"The UV light is basically burning the plants," Paoluccio said.

A patent on the mechanism is pending.

It can be applied either by dropping a box like device that resembles how an umbrella works over the infested area or using a mat. The latter would be good to reach under docks.

Paoluccio said noise could be used to deter fish from that area so the light would not affect them. With the shield over the light, it would not be reaching beyond the designated area.

Before a pilot project were to be implemented Paoluccio said he would need to secure funding to build the appropriate mechanism.

Nev. judge denies counties' bid for sage grouse injunction

By Scott Sonner, AP

A federal judge in Nevada refused Tuesday to temporarily block new U.S. rules intended to protect the greater sage grouse, leaving the land use planning amendments intact at least until a trial expected to begin early next year.

U.S. District Judge Miranda Du said nine Nevada counties, two mining companies and a ranching operation challenging the regulations have failed to prove any irreparable harm that could be averted by immediately halting implementation of the regulations.

The lawsuit backed by Nevada Attorney General Adam Laxalt — over the objections of his fellow Republican Gov. Brian Sandoval — claims the restrictions on development were adopted illegally and would threaten the survival of miners, ranchers and rural economies across much of the West.

Du said opponents can argue their case at a trial. But she said the evidence presented during a three-day hearing in Reno last month, in general, is “too speculative” to meet the “extraordinary” legal standard required for a temporary injunction to halt the policy U.S. wildlife officials say is needed to ensure the hen-sized bird doesn't go extinct in the 11 western states where it lives in sage grouse habitat.

U.S. Interior Secretary Sally Jewell announced the new policies for U.S. Forest Service and Bureau of Land Management lands in September at the same time she decided against listing the greater sage grouse as threatened or endangered. She said the added protections were necessary to reverse the

department's decision in 2010 that the bird warranted protection under the Endangered Species Act.

The regulations establish buffer zones as large as 3 miles in diameter around sage grouse "leks," the traditional breeding grounds for the bird whose numbers have dwindled from 16 million to between 500,000 and 200,000 due in large part to wildfires, mining, livestock grazing and other development.

The case before Judge Du directly impacts only federal lands in Nevada and eastern California, but also carries ramifications for thousands of square miles of rangeland stretching from Oregon to the Dakotas.

Government lawyers say the counties and mining companies are misrepresenting and exaggerating the potential effects of the rules. They said the opponents are prematurely challenging the amendments, which they argue offer guidelines but no specific decisions on individual grazing mining or other federal permits.

During last month's hearing on the preliminary injunction, Du questioned whether alleged delays in approval of proposed development in Washoe, Elko Eureka and White Pine counties were directly related to grouse protection, or even out of the ordinary.

In her 16-page ruling issued Tuesday, she said most of the claims to date raise "only the possibility – not a likelihood – of irreparable harm," adding that the fears of one mining company trying to develop a gold mine in Nevada near the Idaho line are based on "hypothetical scenarios of adverse consequences."

Du said even witnesses for the counties and ranchers "conceded that the land amendments themselves do not modify grazing permits and current permit-holder have not yet been affected by those directives."

Outreach necessary before Liberty's rate increase OK'd

The California Public Utilities Commission on Dec. 7 told Liberty Utilities it must reach out to its ratepayers before the state would approve a hike in electric costs.

In May, Liberty Utilities filed a request with the CPUC for a 17.34 percent increase that the company wanted to be implemented starting Jan. 1. At the time Liberty said the general rate increase would increase revenue by \$13.571 million and would be used to recover costs associated with the distribution of power to its 49,000 customers.

Liberty services the California side of the Lake Tahoe Basin, Truckee, Alpine County and other locations.

An administrative law judge has ruled that Liberty must conduct public participation hearings.

"The purpose of the (hearings) is to make customers aware of the proposed revenue changes, and to solicit comments from the customers of the utilities about the impact the applications could have on them," according to the CPUC.

The hearings will be:

- Jan. 7 at 1pm and 6pm, North Lake Tahoe Event Center in Kings Beach;
- Jan. 8 at 1pm and 6pm, Lake Tahoe Airport, South Lake Tahoe.

– Lake Tahoe News staff report