

Gay marriage ban falls in Nevada

By Dan Levine, Reuters

SAN FRANCISCO — Legal momentum for extending U.S. marriage rights to same-sex couples accelerated on Tuesday as a federal appeals court in San Francisco struck down bans on gay matrimony in Idaho and Nevada a day after the U.S. Supreme Court let stand similar rulings for five other states.

The 9th U.S. Circuit Court of Appeals in San Francisco ruled the bans in Idaho and Nevada violated the constitution and said they cannot be enforced, adding to a mounting list of states where same-sex unions are now legal.

The ruling binds all states in the court's region including three that do not permit gay marriage, Arizona, Montana and Alaska, putting the United States on track for legalized gay marriage in 35 states.

Legal pressure mounted for further expansion of marriage rights in the wake of Monday's Supreme Court decision that ended bans in five states but left intact 20 others.

[Read the whole story](#)

Brown signs bill to fix fire fee

By Capital Press

SACRAMENTO – The more than 800,000 rural California residents charged \$150 per structure for fire prevention will get some relief in certain cases.

Gov. Jerry Brown signed legislation that reduces the penalty for late payments from 20 percent to 10 percent per month and waives the fee for homeowners who lose their residence to a wildfire or other natural disaster.

Assembly Bill 2042 was authored by Assemblyman Brian Dahle, R-Bieber, and passed unanimously in both legislative chambers.

“Like most north state residents, I’d rather see the fee simply repealed,” Dahle said in a statement. “In the meantime, this bill reforms some of the worst aspects of the fee. In particular, it was egregious that the law taxed homeowners who’d lost their homes to fire.”

Farm groups and rural residents have complained vociferously about the fees, which were enacted as part of the 2011-2012 state budget package to offset costs to CalFire.

Read the whole story

California water officials not conserving

By Lance Williams and Katharine Mieszkowski, Center for Investigative Reporting

RIVERSIDE, Calif. – Mike Soubirous is a prodigious water user, pumping more than 1 million gallons per year at his lushly landscaped home on a hot, windy Southern California hilltop.

Soubirous also is a member of the Riverside City Council, which in July voted unanimously to impose tough new water conservation rules in this desert city of 317,000.

Yet as California's drought worsened from 2012 to 2013, he consumed enough water to supply eight California households – more than any other top water official in the state, records show.

Soubirous knows he should cut his water use to set a good example, he told The Center for Investigative Reporting. But he has a 1-acre lot with cascades of flowering shrubs and a weeping willow tree, and summer temperatures hit 100 degrees. Conservation isn't that simple, he said.

"Do I have to sell my house to set that example, or do I have to just abolish all my shrubs?" Soubirous said. "I don't know what to do. I don't know how I can reduce my water rate."

Like Soubirous, many of the local officials urging the public to save water during California's crippling drought actually are profligate water users themselves, a CIR investigation has found.

Water bills obtained via the state's Public Records Act show that in 2013, nearly half of the officials who supervise the state's biggest water agencies used more water than the typical California household.

And water officials tended not to cut back as the drought persisted. Even as their agencies scolded ratepayers on conservation, 60 percent of these officials used more water in 2013 than they had in 2012, records show.

Some officials used extraordinary amounts.

In addition to Soubirous, two other officials – a Fresno city councilman and a member of Riverside's utilities board – pumped more than 1 million gallons in a single year during the

drought, records show.

In 2013, eight other officials used more than 1,100 gallons per day. That's triple the state's average. Among them was Randy Record, chairman of the board of the Metropolitan Water District of Southern California, which recently launched an advertising blitz to persuade 19 million people to save water.

Fifteen additional officials used double the statewide rate. One was Ashley Swearengin, Republican candidate for state controller and incumbent mayor of Fresno, where residents are allowed to water lawns twice a week now and not at all in winter.

As the drought has worsened, local agencies have kept up a steady public relations drumbeat, urging Californians to take shorter showers, limit car washing and even tear out their lawns in the name of conservation.

This summer, the state told local agencies to enforce tough new rules: Ratepayers can face \$500 fines for offenses such as permitting excess runoff from outdoor watering or cleaning sidewalks with hoses. Around the state, according to news reports, neighbors have begun reporting neighbors for wasting water.

When contacted, some water officials bemoaned how much they were spending on water and blamed undetected sprinkler leaks, overzealous gardeners or heavy use of the family swimming pool. All said conservation is important. All vowed to do better.

But not all are following their own water rules. Last month in Riverside, an NBC Los Angeles crew collaborating with CIR on this story witnessed sprinklers running seven nights in a row at Soubirous' home. Yet in July, Soubirous joined the council in forbidding watering more than four times a week. When asked about it, he acknowledged he might have unintentionally overwatered.

Trent Orr of the Earthjustice environmental law firm in San Francisco said the officials were “blatantly defying” the conservation ethos they impose on ordinary citizens.

“You should be leading by example,” Orr said, “not telling the little people you regulate that they need to tighten their belts while you proceed as if nothing had happened and in fact use more water.”

Water bills for most Californians are confidential. But bills for officials who set water rates and policies are public under the state’s open records law. CIR obtained more than two years’ worth for the elected and appointed officials who oversee 22 of the state’s biggest water agencies – about 150 officials in all.

For comparison, a 2011 study commissioned by the state Department of Water Resources found that occupants of a single-family home in California use, on average, 361 gallons per day – or nearly 132,000 gallons a year.

North and south, Californians use about the same amount of water indoors, the study found. But Southern Californians use far more outdoors to keep their landscaping lush and swimming pools full. Overall, Northern California households use about 295 gallons per day, while Southern Californians use 523 gallons, according to the study.

CIR’s analysis found a similar variance: Water-guzzling officials were concentrated in the drier, thirstier parts of the state – the Central Valley and hot inland areas in Southern California. Bay Area officials used far less: 255 gallons per day – slightly below the Northern California average.

In the Central Valley, where summers are scorching, water officials included in the CIR analysis averaged 855 gallons per day in 2013. The Central Valley’s average use was less than 565 gallons. Because cities in the region have been slow

to install residential water meters, bills weren't available for many officials.

Fresno City Councilman Oliver Baines said a horrendous malfunction in his sprinkler system made him a million-gallon user in 2013, the first year that water meters kept track in his west Fresno neighborhood.

Baines' first metered bill showed he used 4,000 gallons per day that month – about 11 times the state average. The city, which says it has the lowest water rates in California, charged him \$182.43 for that water.

One year and 1.24 million gallons later, Baines finally solved what he called a “freak situation” involving his sprinklers: In the middle of the night, water would stream from defective sprinkler heads, flooding the yard. The ground became so saturated that a sinkhole opened up behind his house, he said.

After repairs, Baines used 149 gallons per day in March. But the memory still rankles.

“Well, you know, I apologize,” he said. “Clearly, I am not a model of water usage.”

Nobody in the valley rivaled Baines, though. Swearengin, Fresno's mayor, averaged 850 gallons per day in 2013. She didn't respond to a request for comment.

In Southern California, water officials averaged 541 gallons per day, exceeding both the state and regional rates. Officials in coastal cities tended to have far lower water bills than those in hotter inland areas.

Riverside Councilman Soubirous was the only official to use 1 million gallons in successive years, but he was not the only mega-user in the Inland Empire city, which has outlawed watering between 10 a.m. and 6 p.m.

Andrew Walcker of the city Board of Public Utilities used 1

million gallons in 2012. In September 2012, he pumped 6,000 gallons per day – enough water for 16 households.

Walcker's 2-acre property once was a grapefruit grove. Starting 18 months ago, he said he began a landscape makeover, installing a state-of-the-art sprinkler system and pulling out 12,000 square feet of lawn.

Water bills show Walcker's use dropped by 35 percent in 2013 and is on a pace to drop 50 percent this year. Nevertheless, in June, he used more than 1,500 gallons per day, triple the Southern California average.

The other big Riverside user was utilities board member Nick Ferguson. He used enough for six households in 2012 and slightly less in 2013.

Ferguson declined to be interviewed, but his bills may continue to decrease. In May, according to a news release, he won a \$10,000 Waterwise Landscape Makeover contest sponsored by the city and the Greater Riverside Chambers of Commerce. His prize: a turf-free front yard.

Big water bills also prevailed on the board of the Coachella Valley Water District, which supplies desert resort cities and golf courses near Palm Springs.

Water board President John Powell Jr. used 1,800 gallons per day in 2013 at his home on an Indian Wells golf course, slightly more than in 2012.

In an interview, Powell blamed his landscaper for favoring a green lawn over water conservation. Recently, Powell said he took drastic action: He locked up his irrigation timer to prevent overwatering.

He said he also replaced lawns with rock and artificial turf. He expects big savings. But through Aug. 27, his water use was down 4 percent from 2013, records show.

Fellow Coachella board member Peter Nelson used 1,500 gallons per day last year, a 10 percent increase over 2012. Nelson says a big water bill seems unavoidable in his home near the Palm Royale Country Club in La Quinta, where his son hosted his water polo team for weekly swim parties in the family's pool.

Also struggling to conserve water is Record, a Riverside County rancher and local water district official who was elected chairman of the Metropolitan Water District of Southern California in May.

For years, the consortium of 26 Los Angeles-area water agencies has promoted water conservation. Now, facing cutbacks from Northern California, it has redoubled its efforts. In May, Record and other Metropolitan Water District officials held a news conference to warn that if voluntary conservation measures fall short, water rationing would begin.

At his ranch house on the outskirts of San Jacinto, Record has a history of letting the water flow: In both 2012 and 2013, he used enough water to supply four families, with a summertime spike.

But this year, in the name of conservation, he told CIR that he has dramatically cut back, turning off the sprinklers for a "big part of our lawn."

The result: In August, Record's water bill was half what it was a year ago. But he still used 1,300 gallons per day – more than twice the Southern California average.

In the Bay Area, where summer nights can be cool and foggy, local water officials don't use much water: 70 percent were under the state average in 2013.

The region's biggest user was Martin Koller, vice president of the board of the Alameda County Water District. He used 604 gallons per day, double the regional rate. Koller said nine

members of his extended family live with him, and his wife operates a day care center for 14 children out of the home. "That's taxed our water usage," he said.

Otherwise, Bay Area officials dominated the list of water misers among their peers.

The most miserly official in California was Eric Mar of the San Francisco Board of Supervisors, who lives in a condominium in the Inner Richmond district, part of the city's fog belt. He used 45 gallons per day in 2013 – about enough to fill a bathtub.

San Francisco Mayor Ed Lee was not far behind: He used 53 gallons per day at his Glen Park home.

The mayor believes "conservation is a way of life," said spokeswoman Christine Falvey, and he's often out of town on official travel.

As a result, Lee had some extraordinarily low bills.

In July, he used 24 gallons per day – enough to wash a load of clothes. In March 2013, he used 12 gallons per day – the equivalent of one six-minute shower. And in December 2013, after trips to China and India, the mayor's bill was even lower: zero gallons.

Actually, the zero is a billing anomaly, said Tyrone Jue, spokesman for the city Public Utilities Commission.

In San Francisco, water use is rounded off on monthly bills, he said. Customers get zeros when they don't use enough water to make the meter tick – 748 gallons in a billing period. Their minimal use is carried over to the following month's bills, Jue said.

There's no way the mayor went an entire month without using a drop of water, Jue said. "Essentially, it is normal," he said of the bill.

Kingsbury Grade opening early

Kingsbury Grade is scheduled to reopen Oct. 7 at 6am.

Construction will continue for the next weeks. Motorists should expect construction-related traffic delays of up to 30 minutes over the next few weeks. Construction is scheduled to resume in spring 2015.

Since the project's start in May, nearly four miles of roadway have been reconstructed, including excavation of nearly 24,000 cubic yards of old road and placement of 21,000 tons of asphalt. Thus far, 5,900 linear feet of storm drain pipe have also been installed. More than 8,000 linear feet of curb and gutter work have also been put in place.

The \$15 million project is aimed at reconstructing pavement on Kingsbury Grade to a 13-inch depth from just east of Daggett Summit to the intersection of Highway 50 at Stateline.

In virtual mega-drought, Calif. avoids defeat

By Bettina Boxall, Los Angeles Times

A few years ago a group of researchers used computer modeling to put California through a nightmare scenario: Seven decades of unrelenting mega-drought similar to those that dried out the state in past millennia.

“The results were surprising,” said Jay Lund, one of the academics who conducted the study.

The California economy would not collapse. The state would not shrivel into a giant, abandoned dust bowl. Agriculture would shrink but by no means disappear.

Traumatic changes would occur as developed parts of the state shed an unsustainable gloss of green and dropped what many experts consider the profligate water ways of the 20th century. But overall, “California has a remarkable ability to weather extreme and prolonged droughts from an economic perspective,” said Lund, director of the UC Davis Center for Watershed Sciences.

The state’s system of capturing and moving water around is one of the most expansive and sophisticated in the world. But it is based on a falsehood.

“We built it on the assumption that the last 150 years is normal. Ha! Not normal at all,” cautioned paleoclimate expert Scott Stine, a professor emeritus of geography and environmental science at Cal State East Bay.

“The weather record that we tend to depend on in California for allocating water ... is based on about 150 years of really quite wet conditions when you look back at, say, the last 8,000 years or so,” Stine said.

He found evidence of two extreme droughts in ancient tree stumps rooted in the state’s modern lake beds. The trees could have grown only when shorelines beat a long retreat during medieval mega-droughts lasting a century or more.

Read the whole story

9th Circuit hearing Whittemore appeal today

By Associated Press

SAN FRANCISCO – Lawyers for a former lobbyist are going before a federal appeals court in San Francisco to try to overturn his conviction for carrying out a scheme to raise money illegally for Senate Majority Leader Harry Reid.

Federal prosecutors and lawyers for Harvey Whittemore, a one-time Nevada political powerbroker who headed a billion-dollar real estate company, each get 20 minutes on Monday to argue their case before the 9th U.S. Circuit Court of Appeals. The 9am hearing was scheduled to last an hour.

Whittemore's lawyers wrote in their appeal that he violated no laws because he didn't force anyone to give any money to Reid. They also argue placing limits on the amount of money he can contribute to candidates is a constitutional violation of his right to free speech – an argument the U.S. Supreme Court has rejected in other cases as recently as April.

Whittemore, 61, began serving a two year prison term in August at a minimum-security prison on the central California Coast on three felony counts related to violations of campaign-contribution laws.

A federal grand jury in Reno indicted him in June 2012 after FBI agents testified that they caught him trying to skirt contribution limits by using family members and employees as "straw donors" to hide the true source of \$133,000 he funneled to Reid's re-election campaign in 2007

A district court jury found Whittemore guilty in May 2013 of making excessive campaign contributions, making contributions in the name of another and causing a false statement to be made to the Federal Election Commission. The maximum penalty for the three counts combined was up to 15 years in prison.

Reid, D-Nev., was not accused of any wrongdoing, although he was forced to amend his FEC reports for 2007.

Assistant U.S. Attorney Steve Myhre said Whittemore wrote checks only to workers at his real estate company – \$5,000 if single, \$10,000 if married – whom he knew would not refuse the request partly because they were highly dependent on him financially. In each case, they contributed the maximum \$4,600, leaving \$400 to keep for themselves.

Whittemore's lawyers said the checks were "gifts" with no strings attached, and that he merely suggested they consider contributing to one of the most powerful members of Congress in a position to best represent Nevadans.

Dominic Gentile, Whittemore's lead defense counsel, wrote in the appeal that U.S. District Court Judge Larry Hicks erred when he failed to instruct the jury to consider whether Whittemore illegally made contributions "in the name of another" or provided them with the money unconditionally.

"Mr. Whittemore engaged in two perfectly lawful activities. He gave unconditionally of portions of his personal wealth to the object of his bounty. And he likewise exercised his fundamental First Amendment right to advocate and solicit support for the political candidate of his choice," he said.

Prosecutors described Whittemore as the "king of the hill" in Nevada political circles, "the ultimate insider" who had worked his way onto the short list of many U.S. senators and representatives as someone to call when they needed to quickly find donors.

Whittemore once hosted an event for ex-Sen. John Edwards, then a Democratic presidential hopeful, and a fundraiser at Reid's request for then-Senate Majority Leader Tom Daschle. He also helped arrange a reception attended by President Bill Clinton during an environmental summit at Lake Tahoe.

King Fire smoke drifting west

Smoke from the King Fire could be seen in Cool and Auburn overnight.

This is normal as the fire continues to burn within the interior. Smoke will settle with the cooler night air and follow canyons and drainages, and will lift and disperse as the day warms. It should become progressively lighter until the fire runs its course or enough precipitation extinguishes it.

The fire, which has consumed 97,717 acres, is 98 percent contained, with full containment expected this week. Crews continue to be sent home, however there are still nearly 2,000 personnel on the fire.

There will be a community meeting tonight at 6 at the Seventh-day Adventist Church in Camino.

– *Lake Tahoe News staff report*

King Fire proves stubborn, still burning

Firefighters are still working to completely contain the King Fire that is burning east of Pollock Pines in the Eldorado and Tahoe national forests.

It remains at 98 percent contained, with 97,717 acres burned. The estimated containment date has been pushed back to Oct. 8.

Extreme terrain is slowing containment, specifically in the Rubicon River Valley on the southwest flank of the fire. More than 2,000 are still working the suspected arson that has destroyed 70 structures, including 12 houses.

There will be a community meeting Oct. 6 at 6pm at the Seventh-day Adventist Church in Camino. Fire managers will provide current information on the status of fire suppression and repair. The Burned Area Emergency Response (BAER) team will brief attendees on their ongoing assessment of post-fire conditions and potential post-fire issues.

– Lake Tahoe News staff report

Adelson reiterates disdain for Internet gambling

By J.D. Morris, Las Vegas Sun

Sheldon Adelson continued his crusade against online gaming,

passionately opposing its legalization during an appearance at a major gaming industry trade show.

Adelson, CEO of Las Vegas Sands, is arguably the loudest critical voice against legal gambling on the Internet. He made his latest remarks during a keynote discussion on the second full day of the Global Gaming Expo, or G2E.

Saying that “when you’re on the Internet, you cannot know your customer,” Adelson suggested that it’s easy for underage players to gamble online.

He was responding to questions from Roger Gros, the publisher of Global Gaming Business, who pushed back on the casino magnate’s objections. Gros said, “You know your customer better on the Internet than you do in person” in defense of online gaming’s ability to authenticate players’ identities.

But Adelson would hear none of it, especially when it came to the idea that online gaming should be legalized because it already happens.

Read the whole story

Calif. may ax high school exit exam

By Diana Lambert and Phillip Reese, Sacramento Bee

California students are getting better at passing the high school graduation exam, but the test may be on its way out.

The state is in the midst of an education overhaul as schools begin adopting Common Core State Standards, national

guidelines that proponents say focus more on critical thinking and problem-solving. California education leaders say an expected shift in classroom instruction and test methods will render the current exit exam obsolete.

State Superintendent of Public Instruction Tom Torlakson has proposed alternatives to the California High School Exit Exam that include scrapping it altogether, using parts of the Common Core test instead or relying on college entrance exam performance to determine eligibility for graduation. Lawmakers are expected to take up the issue next year, though state education officials say a new test is unlikely until July 2017.

The exit exam includes math problems at the sixth- through eighth-grade level, as well as an English portion that tests at the 10th-grade level. All high school students in California, with the exception of some disabled students, must pass it to graduate.

Read the whole story