Supreme Court strikes down DOMA, Prop. 8

The flag outside the Live Violence Free office in South Tahoe. Photo/LTN

The U.S. Supreme Court today on a 5-4 vote has ruled that the Defense of Marriage Act is unconstitutional, and on another 5-4 vote said California's Proposition 8 has no standing.

This means Proposition 8 is invalid and gays in California can marry. It is a California-only ruling.

The dissolution of DOMA means gay and lesbian couples who are legally married will be able to receive the same federal benefits as heterosexual married couples. This includes Social Security, disability, retirement benefits, worker's comp, family leave and filing joint federal income tax returns. There are more than 1,000 benefits that will be affected.

In California 18,000 couples married in the brief time the state allowed gays to married. Those couples will be granted federal benefits with DOMA going away.

Here is a copy of the DOMA court ruling. Here is a copy of the Proposition 8 ruling.

President Obama tweeted his approval of the ruling, saying, "Love is love."

— Lake Tahoe News staff report

Mammoth Mountain on quest to reinvent itself

By Aleksandra Gajewski, Mammoth Times

Mammoth Mountain Ski Area Chairman and CEO Rusty Gregory introduced the company's new executive management officials last week. With that announcement, he also launched the company's strategic plan to move forward on what he said was "Mammoth 3.0—catching the third wave."

Gregory said again that he will remain as the CEO of the company and the new leadership team will report to him.

The management team consists of Greg Dallas as chief operating officer of Mammoth and June Mountain Ski Areas; Erik Forsell as chief marketing officer; Mark Clausen as chief financial officer; and Ron Cohen as chief administrative officer.

A fifth officer, yet to be determined, will act as chief operating officer of hospitality.

With the new management team, Gregory hopes to go from a defensive attitude into an offensive one.

"We were doing the right thing playing defense," Gregory said. "But a new wave of opportunity is building."

In launching "Mammoth 3.0," Gregory said he and his team will focus on key strategies to market the ski area as "Southern

California's Mountain Home."

In achieving this rebranding, the executive management team and their respective departments will adopt a series of new (and some not so new) strategies.

The overall strategy will consist of five main objectives: to become the loudest and most active voice of any mountain resort community in the Southern California marketplace; to curate social experience and heighten social engagement; to focus on excellent service throughout each department; to maintain a rewarding and fun working environment; and to re-establish financial strength and stability.

Gregory said he is removing himself from day-to-day operations and will focus "exclusively on attracting investment capitol."

He said his focus will be on finding financial strength, stability, and paying off the remaining debt.

"We actually don't have too much debt, we just don't have enough operating income," he said. "This is the area I'm focusing on."

He said he wants to find investments that pay dividends back so he can have money for more investment into the company.

"We are not selling the company," Gregory said. "Some day, Barry [Sternlicht] will sell his interest – that's what private equity does.

"By the way, that's what all ownership does. Dave McCoy sold his interest in the company. Took him 60 years … and he deserved the big dollars he got out of it. Barry Sternlicht will deserve the value that we could create for him because we were able to use his investment in the company and we need to attract different investments.

"I have a proposal on my desk from a big, institutional company to give us $350 million. That would pay off all of our debt, leaving us something around $150 million to invest.

“Now, I’m not saying that I have finalized that deal, or that we want the terms of that deal, but that is what I’m doing.”

Gregory reflected on the ski area’s history and divided it up into parts (Mammoth 1.0 and 2.0). He reflected on the ups and downs in each time period, focusing on the last seven years.

After what he called Mammoth’s “best year (2005-06), the ski area, along with the town, experienced seven challenging years, each year bringing a new set (or a combined set) of unique obstacles.

“The last seven years have presented us with a series of hardships; drought, lawsuits, town bankruptcy, and global financial meltdown, and the ensuing recession have left their mark on all of us,” Gregory said.

Despite Mammoth Mountain paying off $50 million in debt, investing $70 million in capital, introducing air service (with seven flights a day at its peak), among other things, the morale of the mountain, the town of Mammoth Lakes, and the community as a whole was at an all-time low, he said.

“We feel like we hit the bottom,” Gregory said.

Why? According to Gregory, it’s because the community has been on the defense.

“This whole sentiment, this whole notion of playing defense comes from facing the challenges of shrinking resources and the hardships that we faced over the last seven years.

“It’s a natural human experience, intensified by a small, rural community that we’re in with a fragile economy, and by the politics that come from [living in a small town.]

“All of that pervades our existence.”

3 El Dorado County women face federal fraud charges

Three El Dorado County women were indicted Tuesday on federal fraud charges.

Teresa Marie Marty of Pollock Pines, Rebecca Bandera-Marty of Shingle Springs, and Pamela Harris of Placerville face charges of conspiring to defraud the Internal Revenue Service. In addition to the conspiracy count, Marty is charged with 33 counts of false claims against the United States, and Bandera-Marty is also charged in 16 of these counts.

According to the indictment, in 2008 and 2009 the women filed at least 250 false individual federal income tax returns claiming more than $60 million in false federal income tax refunds for clients in 26 states. In response to the false returns, the IRS erroneously issued more than 40 tax refunds, totaling more than $8 million, including a false refund for $277,832 for Marty’s tax return.

Marty owned the tax preparation business Advanced Financial Services in Placerville. Bandera-Marty is her daughter-in-law. Both were licensed tax preparers. Harris was their office manager.

If convicted, Marty, Bandera-Marty, and Harris each face up to 10 years in prison for the conspiracy charge. Marty and Bandera-Marty also face up to five years in prison for each false claim charge.

— Lake Tahoe News staff report

Feds spend more on cleanup than preparing for disasters

By Neela Banerjee, Los Angeles Times

WASHINGTON — Federal spending on community preparedness for extreme weather events is a fraction of the amount paid to clean up damage from storms, tornadoes and drought, according to an analysis of federal data.

The report by the Center for American Progress, a left-leaning Washington think tank, estimated that from 2011 to 2013 the federal government spent about $136 billion on weather-related disaster relief and recovery, compared with $22.4 billion on 43 preparedness programs.

A growing body of climate science indicates that the warming atmosphere increases the likelihood of extreme weather-related events. In January, the draft National Climate Assessment, issued every four years by a federal advisory group, predicted more of the heavier rains in the Northeast, Midwest and Plains that have overwhelmed storm drains and led to flooding and erosion; sea level rise that has battered coastal communities around the United States; and drought that has turned much of the West into a tinderbox.

Some states and localities have launched their own efforts to reduce the impact of weather-related disasters. This month, New York City announced a $20-billion plan to protect against severe storms, including protecting the shoreline, buildings and the electricity infrastructure. Forty-five localities including Atlanta, El Paso and Dubuque, Iowa, launched Resilient Communities for America, in which they share practices and resources to better adapt to such disasters.

New York and New Jersey will be able to rely in great part on federal disaster funds allocated after Superstorm Sandy. But other places have to scramble for much of their funding, local leaders and the Center for American Progress say.

Preparing for disasters is costly, the report notes. For instance, the town of Edna, Texas, built a hurricane shelter big enough to protect its 5,500 residents from 300-mph winds. The project cost $2.5 million, 75% of it provided by the Federal Emergency Management Agency, which plans to invest about $680 million to build similar facilities in 18 other states.

The report found that of the $22.4 billion set aside for 43 federal programs aimed at building disaster resiliency, $12 billion went to Agriculture Department programs that foster sustainable agriculture and protect water resources from drought and floods. The remainder went to departments including Defense, Commerce, Homeland Security and Interior.

Funding for two Interior Department wildfire management efforts were cut for fiscal years 2011 through 2013. The study found that during those years funding for preparedness programs not in the Agriculture Department fell about $160 million.

The report recommends that a comprehensive assessment be undertaken to get a picture of local preparedness needs. It also recommends that a dedicated fund be created to support community resiliency projects, financed by a small increase in the royalty rate that companies pay for extracting fossil fuels from federal lands and waters.

Oven fire at Red Hut causes minor damage

The original Red Hut in South Lake Tahoe is shut for the day.

An early morning blaze on Tuesday started in one of the ovens. Firefighters said flames were as high as 5 feet at times.

An employee of the restaurant on Lake Tahoe Boulevard told *Lake Tahoe News* they hope to be open on Wednesday. It will depend what inspectors say.

Workers were busy cleaning up the mess left from fire extinguishers.

The fire was reported about 5:30am June 25.

Minimal damage was caused by the fire and no injuries were reported.

— Lake Tahoe News staff report

Incline pilot dies in Oregon plane crash

By Argus Observer

ONTARIO, Ore. — An Incline Village man had just left the Ontario Airport Sunday morning and was flying around the Owyhee Dam, when the propeller of his single-engine plane hit a power line, shearing off one of the blades.

The plane, an EA 300LT, went into a flat spin and crashed about 11am, about 2 miles below the Owyhee Dam, killing its pilot and sole passenger, 52-year-old Edward Wilson Claugus.

Edward Wilson Claugus of Incline died June 23 flying near the Oregon-Idaho border. Photo/Troy Colson/KTVB-TV

Claugus had a hangar at the Ontario Airport, according to Malheur County Sgt. Rich Harriman.

Harriman said investigators found a piece of the sheared-off propeller blade some distance from the crash site.

Witnesses said they had seen Claugus flying around the area on Saturday, and that he had landed at Pelican Point that day.

The Federal Aviation Administration is investigating.

The dam is on the Owyhee River south of Ontario near the Idaho border.

State turns off El Dorado County elevator until bill paid

An elevator at El Dorado County offices in South Lake Tahoe was shut down because no one paid the bill to keep it running.

"The elevator was shutdown June 13 for a day while invoices for permits from 2010 and 2011 were corrected," Judi McCallum, who is Supervisor Norma Santiago's assistant, told *Lake Tahoe News*.

An employee of the California Division of Occupational Safety and Health showed up to turn off the elevator at the Takela Avenue office.

Mike Applegarth, principal analyst with the county, said the county paid its bills in 2010 and 2011, but did so late. The shutdown was for not paying the late fees.

According to Applegarth, the invoices did not get paid because they were not going to the correct location. This in part had to do with the county reorganizing its departments.

A county employee paid the $460.90 penalty to get the elevator running again, which allowed the person on the top floor in a wheelchair the ability to leave the building.

— *Lake Tahoe News staff report*

County reluctant to separate mental health from Tahoe senior center

By Kathryn Reed

While seniors and mental patients continue to co-mingle at the South Lake Tahoe Senior Center, the electeds finally have a meeting on the books to discuss who uses that site.

South Lake Tahoe Councilmembers Tom Davis and JoAnn Conner are the city's committee dealing with the situation. They will meet with El Dorado County Supervisor Norma Santiago next week.

The only correspondence the city had received from county CAO Terri Daly as of Monday was the letter dated May 15 in which she said the city had no right to kick a county agency out of a county-owned building.

"Please be advised that the county intends to continue occupancy and use of the building in accordance with the Facility Use Agreement. However, in the spirit of cooperation and being mindful and sensitive to the concerns raised by the senior groups, the county will attempt to look at other potential sites for the Mental Health Wellness Center," Daly wrote in that letter. "Frankly, I feel that by remaining we are subjecting the clients of our wellness center to unjustified and disrespectful mistreatment."

The city and county have an agreement regarding that building that dates to 1968. It's been amended a couple times. The changes in the late 1980s say the building is for the sole use of the seniors and if the city were to use it for anything else, the city would be in breach of contract. The county apparently doesn't have to abide by the same criteria.

Former City Manager Tony O'Rourke signed a deal in 2012 without council's approval to allow mental health to occupy part of the building. The council earlier this month refused to ratify that agreement, which essentially voided it. The county contends the council never had to approve it so therefore it is enforceable.

The problem is the two populations play together as well as the city and county. Space used by the seniors has been taken over by mental health. Items the seniors have paid for have been damaged and stolen. Seniors have repeatedly testified at council meetings and to city staff that they feel threatened and that their sanctuary is anything but that now.

Another issue is the county has not been paying its utility bills for the site. Daly didn't respond to an email about the senior center and county Auditor Joe Harn said he didn't know anything about the bill until contacted by *Lake Tahoe News* on June 24. He did say he would pay the bills as soon as the city sends him the bills directly.

The county owes more than $9,000 for utilities from 2012. The county said it shouldn't have to pay all of that so the city said it would reduce it to about $4,900. That invoice was submitted on Dec. 4, 2012. The next invoice will be for more, according to city officials, because it will include 2013 expenses.

Acceptance of gay marriage grows as court takes time to

rule

By Jennifer Medina, New York Times

LOS ANGELES — Less than five years after California voters approved a constitutional amendment banning same-sex marriage, the fate of that referendum — and the ability of thousands of gay men and lesbians to marry — is expected to be decided by the United States Supreme Court this week.

But even as the decision is awaited, there is not much apprehension here, in the current epicenter of the fight over same-sex marriage.

Proponents now say they have little doubt that even with the worst outcome from the court — upholding the ban — California voters would legalize gay marriage if the measure made it on the ballot again. That level of confidence is evidence of how the cultural and political landscape has shifted here, but also of the lessons learned from the unexpected defeat of five years ago. Even opponents of same-sex marriage, looking at many of the same polls, say they would have a far more difficult battle if California voters were given another chance to vote on the issue.

In the four years since the legal challenge to the state's constitutional amendment, Proposition 8, was first filed, gay marriage has become legal in eight more states. Last year, President Obama became the first sitting president to speak out in favor of same-sex marriage, and voters in Maine, Maryland and Washington approved same-sex marriage proposals.

Many prominent Republicans — most recently Senator Lisa Murkowski of Alaska — now say they favor same-sex marriage, a significant change from just several years ago.

A poll from the Pew Research Center last month showed that 51 percent of Americans supported same-sex marriage, up from less than 40 percent in 2009. Several polls show overwhelming support from young people; a recent Field Poll in California showed that 78 percent of voters under 39 favor making gay marriage legal.

“There’s no other social issue that you could compare that has had this pace of progress,” said Chad Griffin, the president of the Human Rights Campaign and founder of the American Foundation for Equal Rights, which filed the legal challenge against California’s constitutional amendment in 2009. “When we filed the case, there was far less national support for marriage, but now we’ve had the single greatest public awareness campaign we’ve ever had. It has woken up the world and infused some incredible fuel for the movement for equality.”

Couples all over the state, almost unconcerned with the law, say they are simply waiting for the time when they can have a state-recognized marriage, drawing up wedding plans that they hope to put into action soon.

“We’re going to live our lives the same way anyway — if they say no, we’re still going to be together and create a family,” said Katie Woodrick, a 33-year-old teacher. She proposed to her partner, Suzanne Murphy, 34, three years ago, though they have held off getting married until the case is decided. “But until it’s legal, I worry it will feel fake or pretend. We want the recognition that we’re not different from anyone else, that this is a normal thing to do and that we’re accepted.”

In many ways, the preparations for the decision are heading down two tracks: Countless same-sex couples are taking steps to plan weddings, while public officials are preparing for the possibility that they will have to return to the ballot as early as next year.

“There is no doubt that if we need to put this back on the ballot, we will and that would absolutely favor marriage equality," said Gavin Newsom, the state's lieutenant governor and former mayor of San Francisco, who was a prominent opponent of Proposition 8. "There is no real worse case here. If the court rules to uphold Prop. 8, there will be such a backlash that it would galvanize everyone in the state."

Still, some advocates caution against too much optimism, pointing out that in 2008, polls initially showed that voters were against Proposition 8. But it passed with 52 percent of the vote.

"We were the underdog the last time around, too," said Frank Schubert, a political strategist who spearheaded the fight against the gay marriage ban in California and several other states. While same-sex marriage proponents would most likely have a significant financial advantage, he said, a win would be far from inevitable. "If we win in the courts, then all of the sudden it's a replay with the wind at our backs. People haven't changed their beliefs; some of them have just been cowed into silence."

Many advocates say the most important changes have come from one-on-one conversations — that having gay neighbors, co-workers or family members has changed the minds of many people once opposed to same-sex marriage.

"The level of visibility we have now is just tremendously different," said Lorri L. Jean, the chief executive of the Los Angeles Gay and Lesbian Center. "But the last thing we should say is that this is a slam dunk. If the decision comes our way, it is going to be a death knell for the other side, but we are still going to have a lot of things left to fight for."

Last summer, Jason Rodich, 31, a rabbinical student at Hebrew Union College in Los Angeles, married his longtime partner, Fran Benjamin, 26, in their hometown, Minneapolis. The Jewish ceremony had no legal standing, but the two wear rings and refer to each other as husband. Since the Minnesota State Legislature legalized same-sex marriage last month, the couple has considered returning home to get legal status. But with both of them in graduate school here, they are eagerly awaiting the Supreme Court's decision on the state's same-sex marriage ban. As they have begun to look for jobs, they are limiting their search to states with strong protections for gay parents.

"We never thought about waiting for a legal piece of paper, but right now there is a whole patchwork of laws we have to consider," Rodich said. "Things have changed, yes, so I would like to think it is inevitable. Legal status would make it clear we are welcome. It is deeply important to our generation and everyone who comes after us."

Colo. fires have officials thinking how to pay for future ones

By Jenny Deam, Los Angeles Times

JEFFERSON COUNTY, Colo. — As five major wildfires rage at the onset of a fire season far from over, many in this state are saying the time has come to consider toughening building regulations and shifting some fire protection costs to those who live in danger zones.

After the deadly 2012 Waldo Fire — at the time the most damaging in state history, with 346 homes lost and two deaths — Gov. John Hickenlooper convened a task force to begin to look at ways to restrict or at least rethink how to build on forestland.

Then the 2013 fire season arrived. The Black Forest Fire ignited on June 11, eclipsing the Waldo Fire in its devastation: 509 homes destroyed, 16,000 acres scorched, two dead — a new “worst in history” record.

“This has become the new normal for Colorado,” said a weary Skip Smith, head of the Department of Forest, Rangeland and Watershed Stewardship at Colorado State University, about the worsening toll of wildfires.

A renewed sense of urgency has enveloped the task force members, who are intent on presenting their final recommendations to Hickenlooper, a Democrat, by the end of the summer.

In nature-loving Colorado — where residents relish their mountain views and have built dream homes and moved to subdivisions deep in the woodlands — many worry that firefighters may not be able to protect forest communities in the new age of heat and drought.

Some recommendations under consideration are unprecedented in Colorado, including assessing additional fire protection fees on residents in high-risk areas, changing insurance rates and enacting brush and tree clearance regulations and stricter building codes that require more fire-resistant materials.

One measure calls for mandatory disclosure of wildfire risks to homeowners. Many people in suburban subdivisions have told authorities they had no idea they lived in danger areas.

“It is not a question of preventing wildfires. There will always be wildfires. But how do you mitigate the risk and reduce the danger?” asked Barbara Kelley, director of the Colorado Department of Regulatory Affairs, who heads the task force.

“We really need to get moving,” she said, “I don’t want to be having this same conversation next summer.”

The task force includes a broad representation of public and private interests — fire officials, home developers, the insurance industry and politicians. More than 1.1 million people in Colorado live in “red zones,” areas at high risk for fire, according to Census data analyzed by I-News Network, a public service journalism organization. That represents roughly 1 in 4 Colorado homes.

If development continues at the current pace, the number of acres of new residential land in forested areas is expected to more than double to 2.1 million by 2030, said Joe Duda, deputy state forester.

“Years ago there were fires, but there were less people in the fire area so it was less critical,” he said, “If we don’t get our arms around this now, it is going to get away from us.”

As he spoke with the *Times* on Thursday night, Duda was packing for mandatory evacuation from the town of South Fork as the massive West Fork Complex wildfire was bearing down. On Friday, the town’s entire population of about 600 was ordered out, and officials worried it might not be saved. By Saturday, however, the blaze had slowed its course, easing fears.

Kelly says people who live in fire areas do not typically cause fires or increase their severity, but the resources needed to protect them is extraordinarily high.

She sees the fire protection recommendation as a question of paying your fair share: With the scenery comes responsibility.

Under the current system, there is no disincentive for residents to live in a fire zone, Duda said.

City and county governments often welcome plans for new development and have generally not considered the cost of protecting those homes against fire, he said.

The insurance industry often does not assess higher premiums for homes in fire danger areas, so all homeowners are subsidizing those in high-risk areas, according to testimony at a recent task force meeting.

As development creeps into forested land, thinning of trees and controlled burns also become less palatable to residents. A 2008 assessment of Colorado forests showed millions of acres of trees that were considered unhealthy but allowed to stand.

There is little doubt wildfire protection is getting more expensive, said Ray Rasker, executive director of Headwaters Economics, a nonprofit research group based in Bozeman, Mont., that studies environmental issues in the West.

Nationally, $3 billion is allocated to federal agencies to fight wildfires — three times the amount a decade ago, Rasker said. Of that, at least a third is going to defend homes.

During the same decade, the number of acres burned across the country doubled, mostly in the West, Rasker said.

Supporters of tougher regulations predict homeowners and some elected officials will push back on the task force's upcoming recommendations.

There is a long-standing tradition in Colorado and other Rocky Mountain states of local governments being reluctant to interfere with something as personal as where people should live. The joke is that "code" is a fighting word.

Rasker says one solution might be to shift some of the burden of protecting homes in forested lands — much of which now is borne by the federal government — to the local level. He said the staggering costs alone might be enough to put some teeth into building restrictions.

"Governments and people have to have the intestinal fortitude to do the right thing, and the right thing is not the easy thing,” Duda said. “We’re going to have to think differently.”