

Musical chairs on Fallen Leaf Lake board

Fallen Leaf Lake will not have an election next month because El Dorado County Board of Supervisors filled two positions via appointment.

Larry Calof and Steve Malley were the only two to apply for the vacancies on the board. The county had the option to make the appointments or go through with an election. This expedited matters and saved the district money.



It's not just the water that is turbulent at Fallen Leaf Lake. Photo/LTN file

But now there is another opening.

The Fallen Leaf Lake Community Services District board was supposed to meet Jan. 26, but board member Wanda Kownacki resigned via email the day before. She has not returned a call from *Lake Tahoe News*.

Her departure left only Tom Bacchetti and Stephanie Neidig on the board at the time, so the meeting could not be conducted. Calof and Malley were appointed Jan. 29.

A special board meeting has been called for March 9. At that

time it is hoped people will have applied for Kownacki's seat and the four board members can make an appointment.

An item from the January agenda moved to March's docket centers on the possibility of forming a citizens' advisory committee regarding the ongoing issue of who has the right to vote at Fallen Leaf Lake.

– Lake Tahoe News staff report

Growth in pharmacy, retail spark CVS earnings

By Tess Stynes, Wall Street Journal

CVS Caremark Corp.'s fourth-quarter earnings rose 2.6 percent as the company reported revenue growth in its pharmacy-services and retail drugstore operations.

For the year, the company raised its forecast for per-share adjusted earnings from continuing operations by 2 cents and now expects \$3.86 to \$4.

CVS's retail pharmacy business gained customers last year in the wake of a contract dispute between rival Walgreen Co.'s and pharmacy-benefits manager Express Scripts Holding Co. that has since been resolved.

A wave of major generic drugs introductions is having a mixed effect on the industry. Though the copycat drugs carry higher margins than branded products, they command lower prices, hurting sales revenue.

CVS Caremark reported a profit of \$1.13 billion, or 90 cents a share, up from \$1.1 billion, or 81 cents a share, a year earlier. Excluding debt-extinguishment losses, acquisition-related charges and other items, adjusted earnings from continuing operations were \$1.14. Revenue increased 11 percent to \$31.39 billion.

Analysts polled by Thomson Reuters most recently projected earnings of \$1.10 on revenue of \$31.13 billion.

Revenue in the larger pharmacy-services business climbed 17 percent to \$18.6 billion, reflecting new client starts, higher prices and growth of its Medicare Part D program. Pharmacy network claims processed rose 6.5 percent.

On the retail side, revenue increased 5.1 percent to \$16.3 billion. Same-store sales were up 4 percent from a year earlier, as pharmacy same-store sales also improved by 4 percent. Same-store sales in the front end of the store grew 3.9 percent.

Use of California fire fees questioned

By Kevin Yamamura, Sacramento Bee

Gov. Jerry Brown's administration for two years has devoted a share of new fire fees to a special unit that chases fire starters, a funding arrangement the Legislature's attorney considers illegal.

State leaders indicated in 2011 that they would use annual fire fees for preventive measures such as inspecting forest

homes and creating new fire maps. But Brown's Department of Finance said Monday that the state also has used the fees for wildfire investigations, which the state Office of Legislative Counsel deems unconstitutional, according to the nonpartisan Legislative Analyst's Office.

It is another questionable fiscal practice related to the CalFire's wildfire cost-recovery program after the department hid settlement funds for several years in a nonprofit account.

In the face of multibillion-dollar deficits since 2008, state leaders have pursued cash in aggressive ways. That includes imposing new fees and seeking compensation from individuals and businesses alleged to have sparked wildfires.

In 2011, Brown and Democratic lawmakers approved an annual fire fee on owners of roughly 825,000 rural properties, later set at \$150 per year. Because lawmakers passed the fee on a majority vote, rather than two-thirds, revenues must be spent in a way that directly benefits property owners. The state is expected to collect \$90.8 million in such fees next fiscal year.

The original legislation, Assembly Bill 1X 29, spelled out how the money would be spent, on such things as defensible-space inspections and education efforts for rural residents. It did not specifically mention funding wildfire investigation and pursuing costs from fighting fires.

"Legislative counsel doesn't think this fits into the definitions of what the fees can be used for," said Lia Moore, a resources specialist with the Legislative Analyst's Office, which received a verbal opinion late last week from attorneys who serve the Legislature.

Department of Finance spokesman H.D. Palmer said the last two state budgets have used a share of fire fees to pay for Cal Fire's 24-person Civil Cost Recovery Program, including retroactively for 2011-12 because property owners didn't start

paying until late 2012.

State leaders consider the \$3.7 million program a revenue driver for the state, recouping \$25.9 million in 2011-12.

Palmer said collecting wildfire damages – which can range from tens of thousands of dollars for individuals to millions of dollars for deep-pocketed companies – serves as a deterrent. As such, he said it is a fire-prevention program because it protects rural homeowners from future fires.

“If you’re looking at a fine in the tens of thousands, if not hundreds of thousands, you’re going to think twice about letting that chain drag from that truck,” Palmer said.

The Office of Legislative Counsel found at least three legal problems with this approach, Moore said: AB 1X 29 specified other ways in which the state would spend fire fee money; the deterrence effect is not a direct benefit to fee payers; and collecting money from alleged fire starters benefits the overall state rather than fee payers alone, as the constitution requires.

In his January budget proposal, Brown asked lawmakers to permanently add 10 staff positions to the Civil Cost Recovery Program and fund them with fire fee revenues. That drew criticism from Republicans.

What they did not know is that Brown had already funded the cost-recovery program the last two years with fire fees.

The Legislative Analyst’s Office also was unaware of that funding arrangement.

When asked Monday about Brown’s proposal to broaden the use of fire fees, Palmer said the state had done so in two prior years.

He said the administration can determine what falls within the bounds of fire prevention under AB 1X 29.

State Sen. Jim Nielsen, R-Gerber, who represents vast sections of forests in Northern California, called the administration's deterrence argument "baloney."

"The whole purpose of this tax, and it is a tax, is simply to get more money for government," Nielsen said.

The Howard Jarvis Taxpayers Association filed suit in October challenging the fee as an illegal tax. The group's president, Jon Coupal, said he was unaware the state was using the fees for wildfire investigations.

"Wow," he said. "If anything, I think they've just made our case easier for us if that's where they spend the money."

Upper Truckee Marsh comment period opens

The 60-day comment period for the Upper Truckee Marsh project opens Feb. 7.

The California Tahoe Conservancy is putting forward four alternatives for the South Shore property, with a fifth being sticking with the status quo. No preferred alternative has been designated.



Upper Truckee River from the Cove East side. Photo/LTN file

(More about the project may be found in this Oct. 26, 2012, *Lake Tahoe News* article.)

The draft environmental documents are on the CTC's website. People have until April 8 to direct comments to Scott Carroll – scott.carroll@tahoe.ca.gov.

There will be two workshops about the project on Feb. 27 – 1:30pm and 6pm – at Inn by the Lake in South Lake Tahoe, along with another March 28 at 6pm in the Aspen Room at Lake Tahoe Community College.

The Advisory Planning Commission of the Tahoe Regional Planning Agency is scheduled to discuss the project on March 13, with the Governing Board taking it up March 27.

No date is being projected as to when the final EIR/EIS would be released. The soonest any work would begin is 2015.

– *Lake Tahoe News staff report*

Teaching kids how to cope with exam stress improves grades

By Annie Murphy Paul, Time

The sophomore sat paralyzed as the minutes ticked by. One hour later, time was up for the exam in a statistics class at the University of Nevada, Las Vegas, and he turned in his work: it was completely blank, save for his name.

As any parent or teacher knows, tests can create crippling anxiety in students, and anxious kids can perform below their true abilities. But new research in cognitive science and psychology is giving us a clearer understanding of the link between stress and performance and allowing experts to develop specific strategies for helping kids manage their fears.

These potential solutions are reasonably simple, inexpensive and, as recent studies show, effective. Some of them work for a broad range of students, while others target specific groups. Yet they're mostly unfamiliar to many teachers and parents who remain unaware that test anxiety can be so easily relieved. The Laurel School, an all-girls private school in Shaker Heights, Ohio, is mounting an all-out campaign against the fears that tests induce. Lisa Damour, a consulting psychologist at Laurel and the director of its Center for Research on Girls, runs student workshops on test anxiety, counsels students about their worries and even hands out pencils with motivational messages on big exam days. "Our efforts to help students manage their test anxiety have definitely made a difference," she says. "The girls—and their teachers—tell me they perform better on tests when they use the techniques we've taught them."

Such interventions may be needed more than ever. In the 12

years since the passage of the No Child Left Behind Act, frequent high-stakes exams have become the norm at every public school in every state in the country. Standardized testing programs cost states a total of \$1.7 billion yearly, according to a recent report from the Brookings Institution. Poor performances on these exams can have severe consequences: students with low scores can be held back, teachers whose students do poorly can be fired, and schools with below-average overall results can be closed entirely. "Schools and teachers are under a lot of pressure to meet standards, and that pressure gets passed on to students," says Nathaniel von der Embse, a psychologist at East Carolina University who studies tests and their stresses. "The prevalence of test anxiety has definitely risen along with the use of test-based accountability."

What's worse, this anxiety can expand over time into any situation in which a student is conscious of being evaluated—from a class presentation to a college-admissions exam like the SAT—and can lead to diminished self-esteem, reduced motivation and disengagement from school. It affects students of all ages and ability levels, according to Mark Ashcraft, chair of the psychology department at UNLV, who taught the student who turned in the blank statistics exam. "Test anxiety can have very long-term effects, affecting an individual's entire life," Ashcraft notes. "People who feel anxious about math tests, for example, may avoid taking math and science classes in high school and college and cut off promising career paths as a result."

How do you ease those concerns? Much of what researchers have found to work has to do with helping students get out of their own way. Most students with test anxiety manage to get something down on paper, but their capacity to think clearly and solve problems accurately is reduced by their nervousness, says Sian Beilock, a cognitive scientist at the University of Chicago and the author of *Choke: What the Secrets of the Brain*

Reveal About Getting It Right When You Have To. Students taking an exam must draw on their working memory, the mental holding space where we manipulate facts and ideas. “When students are anxious, their worries use up some of their working memory, leaving fewer cognitive resources to devote to the test,” Beilock explains.

One method that proved successful in a recent trial is to have students spend 10 minutes writing about their thoughts and feelings immediately before taking a test. The practice, called expressive writing, is used by psychologists to reduce negative thoughts in people with depression. Beilock and her colleague Gerardo Ramirez tried this intervention both in Beilock’s lab, on college students placed in a testing situation, and in a Chicago school, where ninth-graders did the exercise before their first high school final. In both cases, students’ test scores “significantly improved,” according to an article Beilock and Ramirez published last year in the journal *Science*.

While one might imagine that writing about a looming exam would only heighten anxiety, Beilock says the opposite was the case. “Writing about their worries had the effect of offloading them onto the page so that the students had more cognitive horsepower available to apply to solving problems on the test,” she explains. For both groups, Beilock and Ramirez reported in *Science*, “one short writing intervention that brings testing pressures to the forefront enhances the likelihood of excelling, rather than failing, under pressure.”

Apprehension about tests can be especially common among minority and female students. That’s because the prospect of evaluation poses for them what psychologists call stereotype threat—the possibility that a poor performance will confirm negative assumptions about the group to which they belong. (Among the specious, anxiety-inducing tropes: girls can’t excel in math and science, and blacks and Latinos aren’t college material.) This additional layer of anxiety can lead

such students to perform below their capabilities. "Girls and black and Latino students are often dealing with a double dose of test anxiety," says Stanford University psychologist Gregory Walton. "The nervousness everyone feels when they're being evaluated, plus the worry—conscious or not—that a poor performance will prove that the negative assumption about their group is correct."

One of Walton's colleagues at Stanford, psychology professor Geoffrey Cohen, devised an intervention aimed at reducing stereotype threat. Like Beilock and Ramirez's exercise, it asks students to write briefly, but in this case participants are instructed to choose something they value and describe why it matters to them. "Music is important to me because it gives me a way to express myself when I'm mad, happy, or sad," one participant wrote. One study showed that this values-affirmation exercise shrank the performance gap between white and black students by 40%. In another, it erased the gender gap in test scores in a challenging college physics course, raising the women's average grade from a C to a B—higher than the average male student's grade.

Embracing a positive stereotype can also help, a phenomenon psychologists call stereotype lift. Kaitlin Pethel, a 17-year-old senior at the Laurel School in Ohio, often gets nervous before tests. But she tells herself that there are plenty of reasons for her to feel confident, with the help of a special test-day pencil handed out by her school. Wrapped around the pencil is a small piece of paper that lists some encouraging facts: "Girls get higher grades than boys," for example, and "Girls from single-sex schools outperform boys and girls from coed schools on standardized tests." "Reading over those statements is reassuring," Kaitlin says, "because it reminds me that if I've studied hard for the test, there's no reason I can't do well."

These measures may not be enough for everyone. Students who have taken steps to psychologically prepare for tests but

still suffer severe anxiety at the prospect of them should consult a mental-health professional.

One step all students can take to improve their performance on tests is to change how they study for them. "Many students have every reason to be nervous before an exam, because they haven't prepared adequately and don't know how to do so," notes Damour, the psychologist at Laurel. "Then they sit down to take the test, and they freak out because they've never practiced doing what the test is asking them to do." Reviewing class notes and textbooks can familiarize students with the material on a test, but it doesn't help them take the exam. Damour suggests viewing a test more like a play, with the preparation as a dress rehearsal that replicates the format and time limit of the exam. "You would never just read over your lines and then show up on the opening night of the school play, right?" she says. "It's the same thing with a test. To be ready for it, practice doing what you'll have to do in the test-taking situation."

Even little kids aren't immune to test anxiety. Researchers have seen evidence of it in students as young as first- and second-graders. Their worries tend to manifest in nonverbal signs that adults may miss, says psychologist Heidi Larson: stomachaches, difficulty sleeping and a persistent urge to leave the classroom to go to the bathroom. "I had one mother tell me that her son had no problem with tests," recalls Larson, a professor of counseling and student development at Eastern Illinois University. "Then a week later she came back and said that her son had burst into tears the night before the big end-of-year exam, saying that he was afraid he wouldn't be promoted to the next grade."

Larson designed an intervention especially for younger students involving breathing and relaxation exercises and examined its effectiveness on a group of third-graders. "We had students lie on mats on the floor of their classrooms. They closed their eyes, and we asked them to focus on their

breathing, then on tensing and relaxing groups of muscles in their legs, arms, stomachs and so on," Larson recounts. "Some of the kids became so relaxed they fell asleep!" A control group of students at another school received no such training. A study published in the Journal of School Counseling in 2010 reported that the relaxation intervention had "a significant effect in reducing test anxiety."

"We all stress out about tests," says Zach Bennett, a seventh-grader at Charleston Middle School in Illinois who took part in the study. That was three years ago, but when Zach starts to get anxious about a test these days, he still remembers to focus on his breathing the way Larson taught him. "It helps make the nervousness go away," he says, "and it helps me to realize that the test is really no big deal."

Saturday mail delivery to be discontinued

By CBS-DC

WASHINGTON – The U.S. Postal Service is discontinuing delivery of first class mail on Saturdays by Aug. 1. Priority mail and packages will still be delivered six days a week.

The move is expected to save the financially struggling agency roughly \$2 billion annually.

While delivery of traditional mail has declined steadily, the shipment of packages has risen by 14 percent since 2010, the *Associate Press* reports.

Under the plan, which will be formally announced later today,

Saturday delivery to post office boxes will continue. In addition, those post offices currently offering Saturday hours will continue to operate on a six-day schedule.

The Postal Service has long eyed five-day mail delivery, but has been unsuccessful in changing operations until this point. It is not immediately clear how the agency will cease Saturday deliveries without congressional approval.

Nearly 7 in 10 Americans are in favor of the move as a cost-cutting measure according to an *AP* report.

Error by ex-South Lake Tahoe employee may lead to designated open space being built on

By Kathryn Reed

A July 1981 agreement to keep a South Lake Tahoe parcel designated open space may go by the wayside to get the city out of a lawsuit that resulted from a former employee wrongly granting a building permit for the site.



While Deputy City Attorney Nira Feeley pleaded her opinion to the council on Tuesday, the electeds weren't so sure her idea was the best one.

On the request of newly sworn-in Councilwoman Brooke Laine,

the five agreed to delay their decision. A special meeting has been called for Feb. 11 at 9am to discuss just this matter. If the agreement is not signed by Feb. 20, either party may pull out of the deal. The plaintiff has until March 5 to dismiss the suit against the city.

If the council doesn't agree to the deal, the case goes back to court.

To date all the legal fees have been in house. City Attorney Patrick Enright didn't have an accounting of how many hours have been spent on it, but quite a few, he said. It has been an ongoing legal matter since the current property owners sued the city in 2009.

Thang D. Vu and Jennifer Khuu bought the 1348 Wildwood Ave. property in 2002 from Chris and Kathleen Muller.

It was the Mullers who in 1981 entered into an agreement with the city granting "an open space easement on, upon, over, across, above, and under the subject property and relinquishes to the public in perpetuity the right to construct improvements thereon."

There were three ways the city could renege on the deal as outlined in the contract if it had written consent from the California Tahoe Regional Planning Agency (CTRPA) or its successor agency:

- That no public purpose described in subdivision (b) of Section 51084 of the Government Code will be served any longer by keeping the subject property as open space and that finding is concurred in by the CTRPA or any successor agency.
- That the property is to be purchased in fee by governmental agency or its agent.
- That the CTRPA regulation authorizing this dedication is declared invalid or unenforceable by a court of competent

jurisdiction.

Feeley in her report Feb. 5 to the council cited the first bullet point in her arguments – that the settlement is in the best interest of the city as a whole.

Joel Jacobs, deputy attorney general representing the state, told the council his office supports the settlement agreement.

The settlement proposal has Vu and Khuu being able to build a single family structure and then having to buy another parcel somewhere in the Lake Tahoe Basin and have it retired.

(Neither spoke at the council meeting nor did anyone representing them.)

In September 2007, then city building official Ron Ticknor issued a building permit. Vu started building. In February 2008, Ticknor told Vu the permit was suspended. In April 2008, Ticknor asked the California Natural Resources Agency to abandon the open space easement. The state agency denied the request. In August 2008, Ticknor revoked Vu's permit.

The Vu's sued. The city prevailed in a demurrer. In 2010, Vu appealed. The appellate court reversed part of the trial court's ruling and sent the case back to the lower court. The case is in trial court and will stay there unless the settlement agreement is signed.

Neighbors are irate the couple might be allowed to build on the property. Jerry Goodman told the council Vu knew all along he could not build. He is upset someone with money is presumably able to buy their way around the law.

"Ethically and morally you don't have a choice on this," Goodman told the council.

Goodman's attorney, Jeff Rahbeck, cited California law as to why the property should remain open space.

Letters from seven other people who are against allowing the building to continue were entered into the record and two other people spoke against the staff's recommendation.

The city staff report has the property info.

In other council action:

- On a 4-1 vote, with Mayor Tom Davis dissenting, the council agreed to designate areas in the city as paid parking zones.
- On a 3-2 vote, with Davis and Councilman Hal Cole saying no, money has been allocated to purchase the parking kiosks.
- On a 4-1 vote, with Davis in the minority, Peckham and McKenney has been hired for a fee of \$45,000 to bring forward city attorney, public works director and administrative service director candidates.
- Deferred amending the contract with the ice rink operators for four months. This is the length of Tahoe Sports Entertainment's temporary alcohol permit.
- A special meeting is set for March 12 at 6pm to discuss the loop road.

Poll: Americans want government out of their lives

By Aaron Blake, Washington Post

Americans have a very special message for the federal government: Don't tread on me.

That's the takeaway from a new poll from the Pew Research Center in which, for the first time in at least the last two decades, a majority of Americans say Washington actually poses a threat to their "personal rights and freedoms."

And it's not just tea party supporters, Republicans and gun owners.

Nearly two-fifths of Democrats (38 percent) say the government is a threat to them personally, as do 45 percent of non-gun owners.

Overall, the percentage of Americans who view the federal government as a threat has increased from 36 percent in May 1995 to 53 percent today. It rose late in the 1990s and then dropped again after 9/11, down to 30 percent.

Today, most Americans now feel at least somewhat scared of what the government could do to them, and 31 percent see Washington as a "major threat."

This is an important piece of data to keep in mind as Congress debates new gun legislation. While polls show broad support for expanding background checks and limiting the manufacture and sale of certain types of so-called assault weapons, the flip side of that is that many Americans are wary of their government going too far in restricting their constitutional rights – be it on guns or anything else.

And if gun rights supporters can convince the public (and members of Congress) that the legislation creates a too-powerful federal government that impinges on people's rights and freedoms, they may help reverse their early deficit in the polls.

The American public is very receptive to such a message.

Copper thieves hit Camp Concord, 2 Tahoe parks

By Kathryn Reed

Copper thieves stole an estimated \$50,000 worth of pipes from Camp Concord.

The January crime is similar to the thefts that occurred last fall at Emerald Bay and D.L. Bliss state parks.

The suspects, who remain at large, broke into the restrooms at the South and West shore facilities and took out the copper piping to presumably sell as scrap metal.



Copper theft is big business.

“Copper is becoming more valuable, and it is difficult to trace and identify. Most of the copper plumbing doesn’t have identifying marks, so it’s difficult to trace it,” El Dorado County sheriff’s Lt. Pete Van Arnum told *Lake Tahoe News*.

The price for scrap copper can change on a daily basis. In

California it can go for more than \$3 a pound. (South Tahoe Refuse does not buy scrap copper.)

The value increased about 50 percent from 2006 to 2011.

According to the U.S. Department of Energy, copper thievery is about a \$1 billion a year business.

A law that took effect Jan. 1, 2012, in California makes stealing copper with a value of more than \$950 grand theft. A felony conviction can come with a three-year prison sentence and \$10,000 fine.

Van Arnum believes the same person or people could be responsible for the thefts in El Dorado County.

"The method of operation was pretty much the same," he said.

The lieutenant said no other jurisdictions in the Lake Tahoe Basin have reported similar thefts.

His department is responsible for the Camp Concord investigation off Emerald Bay Road. State Parks has its own law enforcement team. However, the two do share information and work together when appropriate. The sheriff's office also works with the state copper task force.

"We know in the materials alone it will be about \$15,000 to replace what was taken. Because we have our own maintenance staff, the labor we did not cost into that. If we contracted out, it would be higher," Brian Barton, chief ranger for the Tahoe area said.

But the restrooms at the two parks have not been fixed because there isn't the money to do the work. Barton is hoping by the time the parks reopen at Memorial Day that the restrooms will be serviceable.

Barton said a material other than copper is being considered for the replacement pipes.

All of the locations that were hit aren't used in the winter, so the exact dates the thefts occurred is unknown.

"We don't know how they got in. We feel someone had a key to our gates because the gates were not damaged," Barton said. He said a current employee is not believed to be involved.

Anyone with information on any of these copper thefts is asked to call the sheriff's office at (530) 573.3000 or Secret Witness at (530) 541.6800.

NV Energy wants to charge analog customers extra fee

By Cy Ryan, Las Vegas Sun

CARSON CITY – NV Energy has filed with state regulators its proposed added rates for thousands of customers who want to retain their analog meters instead of switching to so-called smart meters.

The company is asking the state Public Utility Commission for permission to charge an initial one-time fee of \$52.86 for an

analog meter and a monthly fee to cover the cost of employees to read the meters.

The monthly fee would be \$8.82 in Southern Nevada and \$8.72 in Northern Nevada. The number of analog meters would be restricted to 12,000 in Southern Nevada and 4,500 in Northern Nevada.

NV Energy has installed smart meters statewide. The meters can be read remotely from a central location.

But some customers have complained that they do not want the new meters, citing, among other things, health concerns.

The rates must be approved by the PUC.