Opinion: Can local lawmakers speak freely to voters?

By Peter Scheer

Local government, Republicans and Democrats agree, is the most democratic (with a small d) form of government. The closer government is to the people, the theory goes, the more accountable it is to voters and the more responsive to the public will. Congress is the most remote, hence least accountable; your local city council is the closest, therefore most attuned to your needs and interests.

Except in California and several other states where elected, local officials can find themselves in trouble for doing exactly what elected local officials are supposed to do. Things like communicating regularly with citizens; staking out clear positions on issues that constituents care about; listening to voters' complaints about the status quo and promising, if elected (or re-elected), to make specific changes.

These communications are the lifeblood of democracy. They enable voters to make meaningful choices among candidates, while providing elected officials the information they need to represent the people's interests. The resulting feedback loop between politicians and voters is political expression of the highest order, entitled to the fullest, most robust First Amendment protection.

And yet this paradigm of government accountability is under a cloud of uncertainty.

The cause: legal rulings that force legislative bodies to function like courts when they make decisions that are – to use the applicable legalese – "quasi-judicial" in nature. In such cases, the members of a city council, school board or

county board of supervisors must be impartial and unbiased, more like judges than legislators.

What does this mean for a newly elected (or re-elected) city council member? Suppose the council will decide whether to approve expansion of a controversial housing development. If the member told voters during the election that she opposed expansion (because that is what she believed), then she may be forced – on grounds of bias – to abstain from the vote and all deliberations.

The upshot is that her constituents will be disenfranchised, which is no small penalty.

This collateral damage to free speech rights might be tolerable if local officials at least had a clear understanding of when it's OK to act politically – that is, doing what voters want – and when, instead, they must act as disinterested judges, watching what they say and disregarding what voters say. But the fact is that the distinction between legislative acts and quasi-judicial acts is anything but clear.

Take, again, the real estate example. … If the proposed housing expansion comes before the city council as a zoning code amendment – ostensibly a legal change of general applicability but also necessary for the project to go forward – the council is probably free to proceed in legislative mode, taking politics into account and honoring members' election promises. On the other hand, if the issue comes up as a vote on an application for a permit or license, the council members probably have to put on their judicial robes (figuratively speaking), ignore what voters say, and exclude from the process those council members who have spoken out on the issue.

The line separating legislative from quasi-judicial decisions is barely discernible to lawyers who practice in the

government arena – much less to the amateur politicians who predominate on legislative bodies of cities, counties, school districts and the like.

Moreover, even in cases where the line is ultimately visible, elected officials may have no way of knowing, well in advance of the decision, whether the issue will be presented to the council as a legislative matter or a quasi-judicial matter.

Faced with this uncertainty, many council members do the only safe thing: They censor themselves.

Unsure whether they will have to act like judges on a particular issue, they will act more like judges than politicians on all issues. They will curb their interaction with voters. They will refrain from making political promises. When asked by reporters and voters to comment on a local controversy, they will resort to vague generalities, avoiding specifics at all costs.

The court rulings creating this uncertainty are not new. Some have been on the books for years. What is new is that lawyers representing local governments are relying on these rulings in their advice to local officials. Because their job is to keep their clients out of trouble, the lawyers are warning public officials to curb their comments, and their candor, about local issues.

The result is a cumulative weakening of democracy, and a diminishing of political discourse and debate on the local issues that citizens care most about.

Peter Scheer is the executive director of the First Amendment Coalition. The views expressed here do not necessarily reflect the views of FAC's board of directors.

Opinion: Library needs to upgrade wireless capacity



Steve Haerr of South Lake Tahoe uses the library's Internet. Photo/Denise Haerr

By Kay Henderson

Seven months ago, through the passage of Measure L, local residents voted to continue financial support of a key community resource, the South Lake Tahoe Library. Now we face our first major post-election challenge. There has been greatly increased use of our library's Internet connection due to people using our WiFi capability to access information via personal devices, such as phones, tablets, and laptops.

As a result, our library's Internet connection, put into place in the 1990s, is no longer adequate and service has become very slow.

We are not the only library facing this challenge. This past fall, I conducted a phone survey of the branch managers of other libraries in the Tahoe basin and Truckee. Across five counties and two states, demand for WiFi in our local

libraries has surged and managers have worked hard to meet that need. Some have succeeded and others are still working on the problem.

A common thread is that installing a fiber-optic line, which can handle the large amount of use in a library, is expensive.

Upgrading the Internet service at the South Lake Tahoe Library is badly needed.

As branch Manager Katharine Miller notes, “The library in any community serves as a key access point for information. We want people to have access to both physical books and online resources. To do that, we need to ensure the speed of our Internet service meets the demand of the public.”

South Lake Tahoe Friends of the Library is working to meet this need. On Jan. 20 at 6pm at the library, we will be looking at this issue. Heidi Hill Drum and Bev Ducey from the Tahoe Prosperity Center will background us on the work their organization is doing to determine needs and write grants to upgrade Internet and cell phone service throughout the basin. The branch manager will then discuss various options for improving Internet service at our library and possible means of funding. A question and answer session will allow audience members to get information on specific topics and share suggestions. Light refreshments will be served.

We invite all interested members of our community to attend.

Kay Henderson is past president South Lake Tahoe Friends of the Library.

Letter: Elks give back at Bread & Broth

To the community,

“The Elks are here to help the community,” said Roger Barragan, chairman of trustees for the Tahoe/Douglas Elks Lodge No. 2670.

Following through with his comment, Barragan and his fellow Elks member, Gail Bryan, joined the Bread & Broth volunteers on Jan. 5 to provide a hearty meal for the guests who attended the Monday evening dinner served at St. Theresa Church’s Grace Hall. Having hosted three Adopt A Day of Nourishment sponsorships in the past six months, the Elks volunteers jumped right in to help the B&B volunteers.

Barragan and Bryan bagged the fruits, canned goods and bread/pastries for the give-away bags and then manned the serving line, dishing out large helpings of baked salmon, pesto pasta with veggies and salads.

Bryan observed that it was a “wonderful experience for all concerned.” The dinner guests agreed as they came back for second servings and to-go containers to take home with them.

From taking young children on shopping trips at Christmas to sponsoring and volunteering at a Bread & Broth dinner, the Tahoe/Douglas Elks Lodge members are involved in improving the lives of many members of the Lake Tahoe South Shore community. B&B would like to salute the Elks Lodge for their generous hosting of the evening’s dinner and history of service to those in need.

For more information, go online.

Carol Gerard, Bread & Broth

Opinion: Report IDs true bully in EDC

By Larry Weitzman

El Dorado County's recently ousted Chief Administrative Officer Terri Daly may still be menacing the county.

It wasn't just enough that she, 1) hired the Assistant CAO Kim Kerr, who demonstrated her incompetence by violating the California Public Contract Law at least 36 times, and 2) created a deficit of more than $100 million during the the next four and a half years because of her hiring of 170 mostly unnecessary employees and awarding a 15 percent raise while squandering a $54 million General Fund surplus by the end of 2015. Rumor has it that she is still complaining to the current Grand Jury about something and if it's about a climate of fear within the county, she has no credibility. Daly was the ringleader of the "climate of fear."



Larry Weitzman

About a year ago Daly created a campaign against certain elected officials, especially the auditor, and that because of him the working environment for EDC employees had become a "climate of fear." Daly's campaigned with the prior Grand Jury to damage the auditor's re-election by claiming he was a bully

and trying to get the El Dorado County Charter changed (during the Charter Review Committee's existence and now disbanded for another five years) to eliminate elected officials, such as the auditor and tax collector/treasurer and make them all appointed (by Daly as CAO).

I obtained from the county counsel the almost complete 931-page Van Dermyden Maddux Climate Assessment survey in which Daly attempted to use as evidence of the auditor's bullying.

But something was wrong with Daly's claims and conclusion. The summary of the Van Dermyden survey said the auditor had a 92 percent employee satisfaction rating, while the county average was 60 percent. The auditor had the highest satisfaction score of all departments with more than eight employees.

While the Van Dermyden summary said there was retaliation and bullying within EDC, the survey summary wasn't specific as to who was to blame. But that didn't stop Daly from claiming it was the auditor. Daly lied. In fact, if you read the 931-page report, you will learn the problem was anything but the auditor. It was Daly.

While not reported in the summary, there were four departments that received satisfaction scores of 100 percent, Air Quality (8 respondents), Risk Management (3 respondents), Clerk of the Board (1 respondent) and Elections (3 respondents). On the flip side, even the Board of Supervisors staff had low marks with only 33 percent of the reporting employees saying they were very satisfied or satisfied with their employment with EDC.

So, you have a complete understanding of the survey results, 55 percent of BOS employees said they were neutral and 11 percent say they were very dissatisfied.

Is there a "climate of fear" in El Dorado County and if so where was it prevalent? No matter what the Van Dermyden says about El Dorado County, we will never be able to judge the

results completely because we have no baseline. And Van Dermyden refused to release any data from other jurisdictions with which to compare.

However, in examining the Van Dermyden study, it points to three departments, the CAO's office, Kerr's Community Development Agency and the Information Technology Department which was run by a Daly minion which had a dissatisfaction rating two and a half times the county average (41 percent). That's right, the "climate of fear" had nothing to do with the auditor, it had everything to do with the CAO and her handpicked ACAO Kim Kerr.

Starting with the CAO's office, question seven of the study asked: "If an incident occurs in your department, do you feel comfortable reporting?" Title and names were redacted, but you can take a guess. There were 11 responses with one saying "our TITLE, NAME" the another comment was "relationship between the TITLE, TITLE and TITLE." I'll bet I can name two of the redacted parties. Two more of the 11 comments said "get thrown under the bus" and another was "no one acts on it."

These are just a few of the remarks for question seven from the CAO's section of the study. However, question 12 tells us another story about the county's problems, the hiring of 170 county employees, most of whom were unnecessary.

Q12 asked: "What concerns do you have about the workplace?" One employee in the CAO's office put it this way, "We do all the difficult work for the county and make the least amount of money in our department. Also there are redundant positions that duplicate what we do … and they get more money…."

It was Daly who went on a hiring spree for her department, adding 18 new analysts, administrators and fiscal techs in the last two years at a cost of almost $2 million annually. Daly left EDC facing a five-year deficit of ore than $100 million.

Overall, within that two-year period she hired or allowed to

be hired an additional 150 employees. That is what happens when at least three blind mice are on the Board of Supervisors.

If Daly were such a wonderful person, you would think her overall satisfaction rating for the CAO's office would have been off the chart. It wasn't. It was about average for the county with a satisfied rating of 62 percent, 19 percent neutral and 19 percent dissatisfied. The overall county averages were 60 percent average, 23 percent neutral and 17 percent dissatisfied.

But when we get to the Community Development Agency which the ACAO, Kim Kerr, ran it makes the CAO's employees remarks to question seven look like child's play. Overall the CDA had a 56/22 percent satisfied/dissatisfied rating from 156 respondents. But it is the responses to Q7 that are so telling. Half of the 42 responses used the word retaliation, bullying, belittling, reprisal, repercussion, and in some cases words to that effect. Many used a combination of the words. It just supports the fact that if there is a bully in El Dorado County, it lived in the CDA.

Fifty-six percent of the respondents in the CDA said the reason for leaving EDC employment would be the "challenges with culture or climate of department."

Next and hardly last in the EDC misery index is Information Technologies. Another handpicked Daly loyalist, Kelly Webb, who was recently dismissed from the job as department head, ran this department. Webb never met the minimum job qualification requirements, but small things like that never bothered Daly. IT had 29 respondents and not only did it have the highest score for dissatisfaction at 41 percent, it had the lowest score for satisfaction at 27 percent.

As to Q7 there were 13 responses with retaliation used or described at least eight times. But that is only the half of

it. Q12: “What concerns do you have about the workplace?” had some telling remarks. The first one said, “Mgmt is not qualified. TITLE (redacted) not following county policy….” A second more telling remark was: “The department is being managed by people who are not technically qualified, but have been placed in management positions thru favoritism by the TITLE (redacted) and are now running the department into the ground.” It is obvious that the redacted title belonged to the CAO.

Here is another IT respondent’s statement: “The management in my department actively engages in discrimination, harassment and retaliation against employees and is condoned by the TITLES (redacted name).”

And the auditor is the bully? As you can see, the three departments directly involving Daly and her minions, Kerr and Webb are the worst in the county. And Daly as you can see is not only a liar, but knew her largest impediment in her attempted coup of the county was the auditor. Daly already had the BOS eating out of her hand. That is why she wanted him gone. The auditor was the only remaining watchdog and check on Daly. One of the main functions of the auditor is the county fiscal watchdog.

Writer’s note: The report as received from the County counsel redacted in its entirety question 11 from the entire report from each department: “What would you consider your greatest workplace challenge or difficulties?” The comments were so voluminous that they took up five pages in the CAO section, 12 pages from the CDA section and three pages from IT section. Most of the other 34 questions took one page. I am sure they were devastating regarding Daly and Kerr and because of that they were impossible to redact. Also questions 34: “Is there anything that was not included in your responses that you would like to add with respect to workplace culture?” and Q35: “Please provide any general topic area you would like to discuss such as retaliation, harassment, equal employment

opportunity issues, culture, workplace civility, etc." were fully redacted from all 931 pages as for the same reason, too many names made it impossible to redact. The county says it does not have those pages. You can bet Daly and Kerr were liberally named. The entire 931 pages should be posted on the Internet. I hate to break bubbles, but the BOS has the ultimate responsibility.

Larry Weitzman is a resident of Rescue.

Opinion: Expand free education to everyone

By Michael Hiltzik, Los Angeles Times

President Obama's proposal unveiled Thursday to provide free community college education to all "responsible" students is garnering immense attention. That's as it should be, although the details still need to be fleshed out and individual states will have to agree to shoulder a share of the costs.

But the proposal fails to address one glaring flaw in the nation's overall system of public higher education: It should all be free. That's the way it is in Germany, for instance, where there is a long tradition of low-cost university study. In 2014 the last German state holding out against free university education threw in the towel; now anyone, including foreign students, can study at a German university at public expense.

Free higher education to qualified students was also the rule in California, where the University of California had no tuition for state residents until Gov. Ronald Reagan demanded

it in the early 1970s. Once the door was cracked open for tuition charges, it swung wide; a Berkeley or UCLA education was pegged at $12,192 for state residents in 2014-15, plus myriad other fees.

Read the whole story

Opinion: ‘Speech should be free regardless of how many people want to support it’

By L.V. Anderson, Slate

It’s hard to know how to respond to the horrific murders of much of the staff of Charlie Hebdo earlier this week. For the past few days, social media has seen an outpouring of grief and condolences, of cartoon tributes to the controversial magazine, of the #JeSuisCharlie hashtag.

But if you felt like you wanted to do something to take a stand against terrorism instead of just emoting on Twitter, some commentators had a suggestion: Subscribe to Charlie Hebdo.

These reactions echoed a sentiment widely shared last month, after theaters began backing out of plans to screen “The Interview” in light of threats from the group that hacked Sony.

“I probably wasn’t even going to see ‘The Interview’ until theaters started pulling it, but now I will drive as far as necessary to watch it,” tweeted one typical would-be moviegoer, expressing a view that grew in popularity after

Sony (temporarily) suspended plans to release the film.

The impulse to support a piece of media that has provoked violence (or threats of violence) is understandable. If you want to stand up for free speech, buying a movie ticket or newspaper that you normally wouldn't buy seems like a simple, concrete way to take a stand against censorship. Subscribing to Charlie Hebdo might also feel like a satisfying way of thwarting the terrorists and those who share their goal of suppressing the magazine's influence.

Read the whole story

Letter: Community welcomes first baby of 2015

To the community,

A host of local businesses provided gifts to welcome the first baby born in 2015 at Barton Family Birthing Center. Brianda Torres, Daniel Molina, and big brother Noe Torres of South Lake Tahoe welcomed Jayden Daniel Molina Torres on Jan. 1 at 3:06pm.

Every year, the community celebrates this milestone by donating gifts and gift certificates for the first baby's family. We wish to thank the following local businesses for their partnership and contributions.

To kick off the celebration, Thran's Flowers delivered a "Baby Bouquet" and SouthTahoeNow.com created a personalized baby announcement. Hard Rock Café Lake Tahoe, Tahoe Valley Pharmacy, and Toy Maniacs generously donated a mix of toys and

baby products. El Dorado Savings Bank started a savings account for Jayden and Earth Smart Diaper Service and Raley's provided the family with everyday items to help during the transition.

Other local businesses gave gifts for the whole family. For a special time out on the town, Happy Hearts Childcare Services provided babysitting hours and Beach Hut Deli, Beach Retreat & Lodge Tahoe, Ernie's Coffee Shop, Hard Rock Café Lake Tahoe, Harrah's/Harveys Lake Tahoe, and Roundtable Pizza offered dining and entertainment gift certificates. The city of South Lake Tahoe Rec Center, Elevated Fitness, and Kahle Community Center all gave unique fitness opportunities. In addition, Linda LaFavor Coyle of Beauticontrol, Paradise Beauty, and Tahoe Nails & Spa supplied pampering gifts for mom.

Staff from Barton Health also joined in on the donation fun. The Auxiliary Gift Shop, Hospital Foundation, Human Resources, and Public Relations contributed an assortment of goodies. Cathy Vogelgesang, one of Barton's Auxiliary volunteers, captured the winter spirit and knit an infant-sized beanie.

On behalf of Jayden and his family, we wish to thank all contributors. The total value of this year's donations equaled $1,950.

Molly Hucklebridge and Sue McLaughlin, Barton Health public relations

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Editorial: Mental illness

shouldn’t be a death sentence

Publisher’s note: ***This editorial is from the Jan. 3, 2015, Sacramento Bee.***

Parminder Singh Shergill offered his life in service to his adopted country. As an infantryman in Iraq during the Gulf War, the India-born veteran served on the front lines.

By the time he got home to Lodi, he was suffering from severe post-traumatic stress and mental illness. And by the time, almost a year ago, that two Lodi police officers pumped 14 bullets into the 43-year-old man in a raving standoff mere steps from his mother’s doorstep, his delusional run-ins with the authorities included 10 calls, mostly from his relatives, asking for help during his psychotic breaks.

His death is a tragedy, and far too familiar to the families of people who suffer from serious mental illness. It’s a tragedy, too, for the experienced police officers who killed him, and who, despite being cleared this week of criminal conduct, surely will be haunted forever by what they did.

And what makes it especially awful is that it’s a kind of tragedy we could prevent, if we wanted. A report released last year by the Treatment Advocacy Center and National Sheriffs’ Association estimates that half of the people fatally shot by law enforcement officers in the U.S. suffer from mental illness.

A smaller survey, done by the *Sacramento Bee* in August, found that of 30 fatal police shootings since 2012 in Sacramento, Placer, Yolo and El Dorado counties, seven listed the victim’s mental illness as a contributing factor.

Read the whole story

Opinion: Lead Safe Tahoe a success

By Janie Green

In 2009, South Lake Tahoe was awarded its first lead hazard control grant for $1.5 million that was funded through the Department of Housing and Urban Development. The Lead Safe Tahoe program was established so the city could assist members of our community in reducing their exposure to hazards from lead-based paint. In 2011, the city was awarded a second lead hazard control grant in the amount of $2 million.

The Lead Safe Tahoe program assisted qualified residents and had 581 homes tested for lead-based paint hazards and provided control work for 214 of these homes that tested positive for high levels of lead. This control work included stabilizing and repainting exterior and interior surfaces of these properties and replacement of trim, baseboard, doors and windows. The city also provided educational information to the residents and offered free testing of the children to check for elevated lead levels in their blood.

At the time the grant was started the community did not have any contractors or workers trained and certified to the standards required by HUD in order to perform the lead mitigation work. Through these grants, 244 members of our community were trained and certified for lead safe work practices including Supervisor Training, RRP (Renovation, Repair and Painting) and Abatement.

Although these lead hazard control grants have had a huge impact on the safety of our community members, lead hazards still exist in many of the buildings and homes. If your home

or other residential property was built before 1978, there is a chance it may contain lead based paint hazards. With the final grant closing, the city wanted to do something to continue to positively impact our community and has produced a 10 minute lead safe work practices video that will be available in English and Spanish on the city website. This video provides some basic information about lead based paint hazards and some instructional information for property owners on lead safe work practices. If you are a home owner doing small repairs or renovations around your home, this video could be beneficial for you to view.

The Lead Safe Tahoe program has also put together bags with some materials to assist you if you are doing small repairs. The Lead Safe Bags contain a copy of the lead safe work practices video on DVD, googles, HEPA-masks, disposable suit, shoe covers, disposable gloves, cleaning wipes, duct tape, a spray bottle, and lead based paint informational pamphlets. These bags are available for free starting Jan. 12, while supplies last, at the Development Services Building permit counter located at 1052 Tata Lane.

Janie Green is the Lead Safe Tahoe project manager.

Finally we would like to remind you that lead paint exposure can occur during any home renovations. We have provided you with some basic guidance and tools, in order to prevent exposing yourself or your family to these lead hazards. We recommend before starting any work, you have your home assessed by a professional Lead Inspector and Risk Assessor. If lead based paint hazards are identified use lead safe work practices or hire a licensed lead-certified contractor to do the work for you.

Letter: Casino workers help at Bread & Broth

To the community,

Bread & Broth would like to thank the Harrah's/Harveys' HEROs for Adopting a Day of Nourishment. HEROs is an employee based volunteer program at all Caesars casinos.

On Dec. 29, five local HERO team members participated in Bread & Broth's dinner serving over 120 meals to the evening's guests. Representing the local HEROs organization were John Guastella, games manager; Jeff Colameco, hotel manager; Brett Connors and Jackie Andrews, games supervisors; Dale Kawaratani, IT engineer; and Cathy Kawaratani, cashier.

Doing good work for their communities is strongly encouraged by the Caesars organization. The HERO volunteers brought lots of energy with them to help the B&B volunteers pull the dinner and food handouts together so the guests could enjoy the great beef/noodle stroganoff meal and the socializing that accompanies every dinner.

"Everyone was great. The volunteers worked hard and everyone was helpful. Everyone enjoyed the experience," said Colameco.

Thank you to Caesars for funding a B&B dinner and encouraging employees to volunteer in charitable causes that meet the needs of the community. As an all-volunteer, nonprofit organization, Bread & Broth is grateful for the support of our community in easing the burden of hunger experienced by many in our Lake Tahoe South Shore community.

Carol Gerard, Bread & Broth