

Lukins Water Co. takes issue with SLT-STPUD agreement

To the community,

Lukins Brothers Water Company has been working with the city of South Lake Tahoe to secure funding for their system upgrades. Unbeknownst to them, the city was working with South Tahoe Public Utility District to take the system.



Since July 2009, the city on behalf of Lukins has been applying for grants. Lukins has also been researching various ways to fund this project.

Meanwhile, on Aug. 4, 2010, the city of South Lake Tahoe and South Tahoe Public Utility District entered into an agreement stating that any improvements done to Lukins system with public redevelopment dollars would be owned by South Tahoe Public Utility District, not by Lukins.

Also stated in this agreement is that the opinion of the city and South Tahoe PUD is, that it is in the best interest of current Lukins customers to have water provided to them by South Tahoe PUD.

This agreement was made without the knowledge or support of Lukins. An agreement like this is counterproductive to the collaborative partnership between the city, the California Public Utility Commission and Lukins that was established as part of the joint Stipulation from last year.

The joint Stipulation between Lukins Brothers Water Company, the city of South Lake Tahoe and the California Public Utilities Commission, gives the commission authority over the

city of South Lake Tahoe in matters regarding Lukins Brothers Water Company.

For more information, visit www.lukinswater.com or contact the office at (530)541.2606.

Jennifer Lukins, operations manager for Lukins Brothers Water Company

Kubby taking down signs posted illegally

Dear All,

It appears that someone is illegally posting our signs. For the past week, we've taken down signs, only to find them posted again. Furthermore, someone is nailing our campaign signs to telephone poles, something I specifically warned against to everyone we gave signs. None of my volunteers has any idea who is doing this.

Please accept my apology for this ongoing issue. We will continue to do our best to identify and remove any signs that are illegally posted.

Steve Kubby, South Lake Tahoe

Bring on the opinions – but keep it civil

Lake Tahoe News welcomes and encourages a lively, though civil, discussion as election season heats up.

Everyone's opinion is important and relevant. If you disagree with what is written, feel free to say so. But refrain from attacking the person who wrote about something you disagree with. Attack the words, not the messenger.

Plenty of decisions are going to be made by voters on the South Shore, and in California and Nevada. Be informed.

The author's name, hometown and phone number must accompany all guest columns and letters to *Lake Tahoe News*. The latter is used for verification, not publication.

The last day *LTN* will publish any letters/columns is noon Oct. 31. This gives people time to comment on whatever may be published at the last minute.

The goal is to have no political commentary published Nov. 2 – Election Day. So, please, get in your opinions prior to then.

And remember to vote.

Opinion: SLT cultivation ordinance is unlawful and

dangerous

Dear members of the South Lake Tahoe City Council,

Although I have publicly commended the council for the new cultivation ordinance, recent events have made me realize that this ordinance is clearly unconstitutional and represents a profound threat to the freedom and safety of city residents and their innocent family pets. I urge the council not to adopt this ordinance. If approved in its present form, I urge my fellow citizens not to obey any law that violates their constitutional rights.

The reason for my about face on this ordinance is based upon the announcement last Friday by United States Attorney General Eric Holder that federal agents will continue to raid, arrest and prosecute marijuana gardeners, even if Prop. 19 passes. In addition, Steve Cooley, who is currently in the lead to be elected as California attorney general, has publicly stated his belief that most, if not all, dispensaries are breaking the law by accepting money in exchange for marijuana and he has publicly promised to undertake massive felony prosecutions. "It's a target-rich environment," he proclaimed.

Now that the federal government and Cooley have gone on record that they will aggressively prosecute marijuana gardeners, regardless of what voters decide on Nov. 2, everything has changed. Such an openly hostile pronouncement, in the midst of an election, is an unprecedented attack on the very principles upon which this country was founded.

As a result of these direct threats by Holder and Cooley, it is clear that police and drug agents at the state and federal level will be targeting anyone who grows marijuana. Thus, any public disclosure that one is growing, such as is required to obtain a building permit, would create a real and appreciable hazard of incrimination, home invasions and felony

prosecutions against otherwise law-abiding citizens. Such complete lack of respect for civil rights and state law by the United States attorney general, as well as the likely California attorney general-elect, is not only deeply disturbing, it shows that the current SLT cultivation ordinance will expose our residents to severe and traumatic attacks by federal agents who refuse to recognize state law or obey the U.S. Constitution or Bill of Rights.

The legal consequences for those who are forced to incriminate themselves under the proposed SLT cultivation ordinance are extreme. Under current federal law, growing just 101 plants could force a cannabis grower to face a ten year mandatory minimum in sentencing. Furthermore, as was the case for Dr. Marion Fry in nearby Cool, Calif., the feds can add up how many plants one grows over several years and if that number exceeds 100, the feds can demand a 10 year mandatory sentence.

There are other serious consequences for anyone who incriminates themselves by obeying the new cultivation ordinance. That's because drug agents are notorious for shooting family dogs, even if the dog shows no aggressive behavior or is actually fleeing. Just ask Cheye Calvo, the mayor of Berwyn Heights, Md., about how SWAT team members burst into his home without knocking and shot his two dogs to death, as the dogs attempted to flee, all because a pound of marijuana was accidentally delivered to his home a few minutes earlier.

In *Leary v. United States*, 395 U.S. 6 (1969), the U.S. Supreme Court ruled upon the constitutionality of the Marijuana Tax Act. Dr. Timothy Leary, a professor and activist, was arrested for the possession of marijuana in violation of the Marijuana Tax Act. Dr. Leary challenged the act on the ground that the act required self-incrimination, which violated the Fifth Amendment. The unanimous opinion of the court was penned by Justice John Marshall Harlan II and declared the Marijuana Tax Act unconstitutional:

“Compliance with the transfer tax provisions would have required petitioner unmistakably to identify himself as a member of [a]...‘selective’ and ‘suspect’ group, we can only decide that when read according to their terms these provisions created a ‘real and appreciable’ hazard of incrimination.”

Even requiring growers to disclose their activity to landlords violates their Fifth Amendment rights. If property owners don’t want marijuana grown in their homes, they can say so on their leases and evict anyone who violates those terms.

Most legal medical marijuana growers want to comply with the law, but if that law requires disclosures of any kind, it is not constitutional and not legally binding.

Meanwhile, the City Council should seriously consider crafting a cultivation ordinance that makes it a crime for agents conducting a drug raid to shoot a family dog or discharge a weapon when children are present. In fact, the city should demand that no marijuana raid can be conducted by any drug agents, unless a real victim – who is not an agent or paid informant – actually files a real police report and an investigation shows actual violations of state law taking place.

In closing, I dare you to watch this deeply disturbing video of a drug raid showing agents shooting the family dog with a 7-year-old boy present – even though no drugs were ever found. This is exactly the kind of violent, dangerous, state-sponsored terrorism that the current SLT cultivation ordinance would unleash upon our otherwise peaceful and law-abiding community.

Let freedom grow,

Steve Kubby, South Lake Tahoe

Child care services reeling from state budget cuts

By Tina Barna

On Oct. 8, Gov. Arnold Schwarzenegger in his completion of the 2010-11 budget eliminated child care services for low income working families in Stage 3. This single act destroys California's 15-year investment in moving families from welfare to work and places thousands of California families on the unemployment and welfare rolls and leaves 122 El Dorado County children without access to safe quality child care.

The immediate impacts of these cuts will include:

- Placing 64 current families and – 26 more families throughout the rest of the fiscal year – who are currently working, paying taxes and contributing to the region's struggling economy to make difficult decisions between caring for their children or maintaining their employment;
- 42 percent of providers, including licensed family child care homes and child care centers throughout the state, losing payment for services, which places their businesses, already hard hit by El Dorado's struggling economy, at risk of closure;
- \$1.5 million of economic input will be lost to El Dorado County.

The massive elimination of child care services will result not only in lost employment for low income working parents and their child care teachers and providers, but also in endangered child safety and lost learning opportunities for

the 169 young children who will be terminated from their child care assistance programs beginning Nov. 1.

Child care providers are already struggling with high vacancy rates due to the high unemployment rate in El Dorado County. The loss of an additional 169 children from these programs will place many licensed child care programs in difficult financial positions and potential closure.

Further, these cuts will have a ripple effect of employers losing employees who are no longer able to come to work, closure of already struggling child care businesses which will impact all working families who depend upon child care services to go to work.

Tina Barna is director of Choices For Children.

Opinion: Proof in TRPA Charter change is possible

Dear Publisher,

I see there are several of your readers who allege the TRPA is “the law” and that we have no choice but to do as we are told. These comments also allege that I am wrong and don’t know the law. However, any eighth-grade student can read the TRPA Charter and determine that the TRPA does not have the authority it currently claims. Take a look at Article VI of the TRPA Charter and you’ll see that its powers are supposed to be “general and regional in application,” leaving the writing and enforcement of specific and local ordinances to local jurisdictions like the city of South Lake Tahoe:



Steve Kubby

“Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be **confined** to matters which are **general** and **regional** in application, **leaving to the jurisdiction** of the respective States, counties and **cities** the **enactment** of **specific and local ordinances**, and rules, regulations and policies which **conform to the regional plan.**” (Emphasis added)

What part of “whenever possible,” or “confined to matters which are general and regional,” or “leaving to the jurisdiction of ... cities,” does the TRPA, or my critics, not understand?

The elected officials of South Lake Tahoe have the legal authority to override the TRPA enforcement codes, to ignore its BMP requirements, and to tear up TRPA red tags, so long as the City Council is prepared to uphold the Constitution and protect its residents from such overregulation and illegal abuse.

Steve Kubby, South Lake Tahoe

Searching for candidates to

move Lake Tahoe forward

Who and what to vote for?

Those are questions Californians who vote by mail are asking themselves now, Nevadans who vote early will soon answer and everyone else will decide Nov. 2.

On the South Shore, three seats are open on the South Lake Tahoe City Council and the two Douglas County Commission incumbents are being challenged. El Dorado County voters must decide on a sheriff – someone from within or an outsider. U.S. senators in both states will be voted in. California and Nevada will have a new governor. Propositions line the ballot.

Lake Tahoe News on Oct. 12 finished publishing profiles of 12 of the 14 candidates in the South Shore races. Two of the 10 City Council candidates did not return the questionnaire.

The answers are there to compare one to another. It's time for you to evaluate them. But first it's important to know what you want in a candidate.

Lake Tahoe News believes there are more important issues than legalized marijuana and the number of dispensaries in South Lake Tahoe. State and federal law can handle some of that. And if it's a legal way for the city and business owners to make money, what's the harm? People seem to forget 24-hour drinking is next door in Stateline, prostitution is a short drive away and the Stateline casinos practically promote sex at the nightclubs. Morality can't be the issue.

Pot has been a huge issue here long before people tried to sell it legally. Ask any police officer. Where was the outrage before it became legal?

The questions that need to be asked and answered are: What can be done to change how easy it is to get a prescription for

medical marijuana? Is it better for the people who are going to smoke pot without a true medical need to get it at a collective where the goods are not laced with anything than on the street? Could the pot clubs reduce crime? With the El Dorado County District Attorney's Office not prosecuting people with a minimal possession of marijuana, is it better for law enforcement to know pot users are off the street so they can deal with more serious offenses? How much money can the city make off this enterprise?

It's time the discussion of local elections centers on real issues. What about the 25 percent of South Lake Tahoe's children living in poverty? Not a single official from the city of South Lake Tahoe was at the Oct. 8 Poverty to Prosperity forum. Shame on them. Let's hope whomever the new three electeds are for the city will want to be part of that discussion and part of the solution.

People talk about wanting recreation to be the focus of the future. Great. But has any one of them spoken to the U.S. Forest Service to know the fed's recreation sites are tapped? Have they been at a ski resort in Lake Tahoe on a Saturday?

Recreation – define it – all you candidates who mouth off about it. Be specific what you want and how you will achieve it. What are you going to do that others haven't done or aren't doing?

Lake Tahoe News is a huge supporter of recreation. It is fantastic Amgen is bringing the Tour of California cycling event to the basin in May 2011. Kudos to the visitors' authorities on both ends of the lake to make this a reality.

And hats off to the Lake Tahoe Unified School District board for voting to revamp the football field so it will have lights and be able to attract outside entities to use the site.

Two thumbs up to Douglas County and others for the Stateline-to-Stateline bike trail that is in the planning stages.

This election (or any other for that matter) is not about voting for friends. It's about voting for the person who can achieve the goals you deem important. It's looking at track records. Now is not the time to elect people who need a learning curve. The South Shore, California, Nevada and the United States need to right the listless ships of bureaucratic and political morass that have bogged each entity for years.

Locally, *Lake Tahoe News* is supportive of the candidates with vision, ones who have experience with finance, who can work together as a team, who aren't afraid to go against the status quo, who are about substance and not hot air.

We need people who call Lake Tahoe home, but who also have experience from elsewhere to bring depth and perspective to decisions. Living here for decades does not make someone more qualified than someone who has been here less than a decade. On the flip side, being here for years does not make someone a good ole boy.

It's easy to talk a good game, especially for people with a communications or marketing background. But talk is cheap. The South Shore deserves more. We deserve more than going to meetings and putting colored sticky dots on poster boards at endless meetings and to have nothing come of it. (Think TRPA Regional Plan.)

Government will never solve what ails society. But it can help or hinder the process. City councils, county commissions, Congress – they are there to set policy. What kind of policy do you want? Who running for office will help you get what you want and what is best for your town, your state, the country?

Then look in the mirror. What are you doing to help yourself, your town, your state, your country?

If you want Tahoe to look better, what does your home and business look like? If you want less poverty, are you able to hire more people? Or pay people more? Charge a fair price and

not one to rape tourists and in turn send locals off the hill.

We are all in this together – at the local, regional, state and national levels. It's time to play nice and learn the definition of compromise to take off the tarnish that befalls the Lake Tahoe Basin in order to make it shine like the jewel it should and can be.

Your vote is that important.

Opinion: Consequences for not treating sick planet

By Scott McKain

When it comes to the health of the planet, I think of myself as a happy pessimist. After all, nobody gets out of here alive. There is no need to get cranky about it. But a recent scientific article in *Nature* magazine really shook me.

It also took me back to my days in the 1970s as a technician at Moss Landing Marine Labs on Monterey Bay.

My job was to take sea water samples around the bay and then analyze them for, among other things, phytoplankton.

These are the single-celled plants that are the basis of the ocean's food chain and the source of half the world's oxygen.

One voyage on the bay was special because our research vessel was to rendezvous with a small aircraft from NASA. Its representatives were working on instruments that could measure phytoplankton from overhead instead of directly from the water samples.

Read the whole story

Scott McKain is a member of the Douglas County (Ore.) Global Warming Coalition. He is retired from the Douglas County (Ore.) Health and the Building Facilities departments. He has a degree in oceanography.

Bijou thanks volunteers for working at the school

To the community,

Bijou Community School would like to thank the Rotary Club of South Lake Tahoe and the Rotaracts from LTCC for generously donating their time to help our parent volunteer group plant trees around Bijou's new field.

We would also like to thank Aspen Hollow for their generous donation of these trees.



Volunteers
work at Bijou
Community
School.

Photo/Kathy
Haven

It is wonderful to live in a community that is so giving. Thank you Rotary Club of South LakeTahoe, Rotoracts, and Aspen Hollow for contributing to our school.

Kathy Haven, Bijou school parent volunteer coordinator

Opinion: A plan to get locals back to work

By Steve Kubby

South Lake Tahoe is in the middle of an economic catastrophe. Unemployment is above 20 percent. Our construction industry is in collapse.

We need immediate action to create jobs in our struggling community.



We have thousands of homeowners and businesses who desperately want to make property repairs and improvements. People want to renovate or expand their homes and businesses yesterday, if not sooner. There is such pent up demand for construction, it's ready to burst like a dam and flood South Lake Tahoe with jobs and money.

But this can't happen with today's system.

Our city needs a simple and timely process to get building permits. Once we find a way all the pent up construction work can be authorized, we can unleash a flood of new construction jobs.

There is a catch. There's no way to get from here to there without taking on the Tahoe Regional Planning Agency and their mountain of red tape, bureaucratic delays, excessive fees and job-killing inefficiency.

I propose an emergency three-part plan to get our contractors, carpenters, plumbers, and electricians back to work. This is not rocket science. Our City Council must simplify and speed up the process of obtaining a building permit.

Here's how it would work:

1. The city of South Lake Tahoe must exercise its constitutional authority, as an incorporated city with elected officials, to issue its own building permits. The permit process should have a two-week approval deadline – if you haven't received your permit or an explanation for rejection (with the steps needed to get approval) in ten business days, approval should be automatic.

2. In lieu of the current TRPA fees, our city could collect permit fees no greater than half the TRPA charges. All revenues exceeding permit expenses will be held in reserve. The city will create a multi-million dollar legal defense fund in case we have to take TRPA on in court.

3. Any litigation against points one and two above would have to be initiated by TRPA, not the council. We would simply be exercising our constitutional authority as a City government. Since the burden of proof would be on the TRPA, this should be very expensive for them.

All of this can and should be avoided with a simple memorandum of understanding between South Lake Tahoe and TRPA. On the other hand, we need to be prepared to win in court, if TRPA refuses to be reasonable.

Of course the TRPA could always red tag construction. If that happens, you could just let our city attorney know about it

and he would be authorized to handle the matter at the city's expense. Our police and city staff will be instructed to ignore any TRPA citations. We have the constitutional authority to do these things and if the TRPA thinks otherwise, they'll find themselves in an expensive and difficult tenth amendment battle they can't win.

As George Washington famously reminds us, "Government is not reason, it is not eloquence, it is force. Like fire, it is a dangerous servant and a fearful master."

Tahoe residents know all too well the dangers of a fire raging out of control. Our city is in political flames that have cost us dearly. We let government get out of hand, burning a hole in the heart of downtown.

The time has come for the City Council to stop serving as a TRPA lapdog. Instead, our City Council must become a vigilant guard dog, ready to defend us from any further interference or harassment by the TRPA.

Let's bypass TRPA and give homeowners and businesses the opportunity to make reasonable repairs and improvements to their property. Once we open up the process of obtaining building permits, we'll automatically put our contractors, carpenters, plumbers and electricians back to work.

In less than a month we could be back on our feet with a booming construction industry with a fresh influx of money for our now struggling community.

Right here in South Lake Tahoe, let us redefine politics in a revolutionary return to common sense and smaller government. Let's return power to our local community and restore our constitutional rights. Government should be our servant, not our master.

Steve Kubby is running for South Lake Tahoe City Council.