

Clarity lacking in why council wants to ax city attorney

By Kathryn Reed

It was a 3-2 vote in closed session earlier this month by the South Lake Tahoe City Council that put City Attorney Jacqueline Mittelstadt on non-disciplinary paid leave.

“You inquired about the hearing. All I can really say at this point is that I don’t feel my job in Tahoe will be complete until the truth is told,” Mittelstadt said Thursday.

Sources have told Lake Tahoe News that Mittelstadt has requested a formal hearing before the council. Mittelstadt did not elaborate about the hearing in her voicemail.

To this day none of the councilmembers is saying why he or she is dissatisfied with Mittelstadt. Mittelstadt and Assistant (now interim) City Attorney Patrick Enright came on board in June.

Councilman Hal Cole doesn’t return calls. Councilman Bruce Grego does, but connections were not made in time for publication. Councilwoman Kathay Lovell won’t talk about things that happen in closed session.

Mayor Jerry Birdwell sought legal opinion about disclosing information about the vote.

“My understanding is anytime a vote is made in closed session, it should be made public. I think to err on the side of good government, that anytime a vote is made in closed session it should be made public,” Birdwell said.

He said he voted against beginning the process to terminate

Mittelstadt. Councilman Bill Crawford said he was the other vote against the proposal.

Sources tied to the city tell Lake Tahoe News that a number of city employees have filed complaints with the Employer's Resource Management Association – known as ERMA complaints.

If an employee has filed an ERMA complaint, it must be resolved before that employee could be fired.

It has not been decided if the council does fire Mittelstadt, if a second attorney would be hired.

For now, Mittelstadt is being paid more than \$10,000 a month with taxpayer money to do nothing per the council's request – the same council which hired her on a 5-0 vote – and the same council that won't tell the public why this is happening.

The next City Council meeting is Oct. 6, so it's too soon to know what might be on that closed session agenda.