

# SLT city attorney may keep her job



Jacqueline  
Mittelstadt

**By Kathryn Reed**

Jacqueline Mittelstadt's resume does not need updating – at least for two weeks.

The South Lake Tahoe City Council in a series of open and closed sessions that were interrupted by several breaks finally told the nearly full house at 2:58pm Tuesday that the whole matter had been continued to Nov. 3.

Ironically, that is Election Day. Fortunately for these five, none of their names is on the ballot. But people are keeping an eye on what's going on, with possible ramifications next year when Councilmembers Jerry Birdwell, Kathay Lovell and Bill Crawford's terms expire.

Clearly, negotiations between the city and Mittelstadt are under way – something that has not happened in six weeks. It's unknown if the outcome will result in a buyout, reorganization in the city attorney's office or some other resolution.

Mittelstadt continues to be on paid administrative leave, making \$10,000/month. It's the taxpayers of South Lake Tahoe who are paying for her to sit at home and do nothing, all at

the direction of the City Council on Sept. 8

Later Tuesday in another closed session the council postponed discussing City Manager Dave Jinkens' role as it relates to his handling of personnel matters.

Mittelstadt and Jinkens' futures seem to be intertwined. What was predicted to occur Tuesday with the city attorney losing her job and Jinkens' being secure might take a 180-degree turn next month.

However, Councilmen Hal Cole and Bruce Grego don't see it that way.

"I don't see a nexus between the two, but maybe I'm naive," Cole said Tuesday night.

Grego said the perception of the two being linked is because "some on the council who have strong feelings about the city manager."

Before Tuesday's meeting Cole said clarity would come out of the hearing. But the change in tactics by the council when members realized Mittelstadt's case was stronger than they'd realized, proved clarity would remain elusive.

If Mittelstadt retains her position, one she has had since June, it's possible the public will never know why Councilmembers Cole, Grego and Lovell voted to begin the dismissal hearings.

"I don't agree with a lot that has been said," Grego told *Lake Tahoe News* late Tuesday in regards what the media is reporting. "I can't be specific." He feels stymied by not being able to speak about litigation and personnel issues.

It's possible Grego may find himself in the hot seat. Those in legal circles have said the California Bar Association should be notified about Grego's "unprofessional" conduct at Tuesday's meeting when he told Mittelstadt's attorney, "I

object to your presence” as well as his reportedly more egregious and unethical role in negotiating a quid pro quo between Mittelstadt and Jinkens.

Grego objected to Mittelstadt’s attorney, Tim Bricton of Bricton & Cohn of San Diego, representing her because he wrote a couple briefs for the council this summer in regards to the ATM case. His firm was hired because neither Mittelstadt nor Patrick Enright, the other city attorney hired at the same time as Mittelstadt, has experience in federal court. His contract expired before he started representing Mittelstadt.

Grego’s outburst and beliefs were quickly dismissed, including by Birdwell, who is a former judge.

The other issue involving Grego has to do with Jinkens allegedly saying he would make the Aug. 10 complaint filed by Finance Director Christine Vuletich against Mittelstadt and Enright go away if the city attorney would ensure Vuletich continued to report to him and not have it changed so the council is her boss.

Grego is adamant he was not a party to any quid pro quo actions, even though he had to have the phrase explained to him.

“That’s absolute fantasy that somehow I was negotiating ... that I would trade one issue for another. Whoever said it doesn’t know what they are saying or they are lying,” Grego said.

Mittelstadt was not available for comment after the meeting, nor was her attorney.

If one were keeping score on Oct. 20, it would appear the council and their attorney, Dick Whitmore of Liebert Cassidy Whitmore of San Francisco, lost round one.

This is based on previous comments by councilmembers to *Lake*

*Tahoe News* that everything would be resolved at this meeting and the public would understand. The public is no more enlightened about what is going on at city hall than it was at the start of the day.

The council says it wants transparency, but just the opposite is occurring. Without full disclosure of what is going on, the public is starting to call the whole affair a "cover-up" – and wonder what it is the council has to hide.