

# Defensive response to grand jury report by South Tahoe

By Kathryn Reed



South Lake Tahoe City Council members had almost nothing to say before the city's response to the scathing grand jury report was voted on. The written response by City Manager Dave Jinkens agrees with little that the independent panel chastised the city about and instead gives a flimsy defense to many accusations.

Before Councilman Bill Crawford had to leave the July 27 special council meeting, he said he considered the report and response to be the same – "vague."

The vote was 3-1 to accept the response as written by Jinkens and prepared with City Attorney Pat Enright. City Councilman Jerry Birdwell was the dissenting vote, though he said nothing at the meeting.

Afterward he told *Lake Tahoe News*, "No. 1, I think the grand jury report was correct. I saw no need to answer and argue about the report. I accept the report and as I have previously stated, I take it as constructive criticism and that we need to do better."

He said he is trying to do what he can to make the council run as smoothly as possible. Birdwell points to his stance on the issues involving Johnny Poland, the city cop who successfully fought his termination case, and former City Attorney Jacqueline Mittelstadt, who resigned after the city tried to

fire her, as proof he was right.

Birdwell is good with how he is conducting himself on the council, but agrees with the grand jury there that there is plenty of room for improvement.

Jinkens read part of his staff report into the record on Tuesday, saying, "I am proud of the work of city government as a whole and city employees to deliver efficient, effective and a high quality of service to the people of South Lake Tahoe each and every day of the year. Employees are our greatest resource and we must work with them and the community in a positive and constructive manner to address the pressing needs of our community."

Click on response to read the city's unedited and therefore not quite final version to what it will submit regarding the 2010 El Dorado County Grand Jury report.

The response defends the reimbursement for outside legal counsel to Councilman Bruce Grego, even though the grand jury questions it.

In the 20-page response *LTN* learned "the city manager is 'technically' the director of finance" and the city manager is the personnel officer.

It addresses the nepotism issue by giving only estimates of how many married couples work in the city (seven) and how many family members (eight) work for the city. This doesn't include council and commission members.

Even with 30 of the 195 full-time employees related, this would represent more than 15 percent of the workforce having a perceived conflict. And that's just the number the city admits to. It doesn't include those who are engaged or living together.

The city's response says, "The statement of the grand jury

gives insufficient information to determine if alleged concerns by complaining parties are on a city-wide basis or in one or more city departments. In order to properly evaluate this statement, more information is needed and requested about the situation.”

But the city won't reveal to *Lake Tahoe News* who all is related by blood and marriage between full-time and part-time employees, council members and commissioners, and only gives estimates in its response. How can the city know if there is problem, if it doesn't know who is related and therefore who is reporting to whom?

Instead of addressing the issue internally, it has put the onus back on the grand jury – a body that is seated for one year.

This theory seems to contradict a segment of the city's response under “overview and comments” that says, “The City Council, city manager, city attorney and all department heads have a duty to ensure that the workplace is productive and devoid of illegal harassment and discrimination of any kind.”

While that statement is a fact, many city workers who have spoken to *Lake Tahoe News* say it is not a policy that is practiced.

The response in another section further says, “The city will review within the next six months its existing nepotism policies in the personnel rule and MOU from a legal perspective and with representatives of recognized employee associations to determine if changes are needed and the city manager will report his findings to the City Council.”

Considering there will be a new city manager in 10 days and the council will be changing by at least 40 percent in five months, it's hard to know if there will be follow through on the above statement.

At one point the grand jury calls the council "bush league". To this the response begins, "The city is unfamiliar with the term 'bush league'."

The 1982 dictionary at the offices of *Lake Tahoe News* defines "bush-league'" as, "of or pertaining to a bush league; mediocre; second-rate."