

Opinion: Upcoming Fallen Leaf election in doubt

By Mike Kraft

The small community of Fallen Leaf Lake near South Lake Tahoe is in crisis. After over a year of tension within the community regarding the replacement of the 14-year concessionaire that ran the store/cafe and marina, a recall was filed on April 10, 2010. The recall was aimed at Directors Mike Kraft and Eric Thaden from a group of citizens upset that Fallen Leaf Landing had been replaced with a new concessionaire. The new concessionaire was contracted with a higher base payment to the Community Services District and an open book policy to allow the Fallen Leaf Lake CSD to review the complete financial records of the store/cafe and marina. Fallen Leaf Landing was not willing to enter into a contract with the CSD that required an open book policy with respect to the operation of the store/cafe and marina.

At the time the recall was filed there were approximately 135 registered voters within the district. Shortly after the recall was filed a large push to register additional voters came from a group of community members who supported the recall. When community members who did not support the recall found out about this, they too started recruiting additional voters. The voter registration quickly grew to nearly 470 people within the small summer cabin community. There are actually 22 people registered to vote at one summer cabin.

After discussions with the secretary of State and El Dorado County offices regarding the requirements to legally participate in the voting process, I sent a letter to the community to inform everyone of the requirements to legally participate in the voting process within the community. Per the legal requirements stated in the California Elections Code

349, 2000-2035 it became apparent that only a few members of the community are legally able to participate in the voting process. One of these members is Director Eric Thaden who lives at Fallen Leaf Lake.

Over the past year or so six people related to the Fallen Leaf Lake CSD have resigned stating harassment among other things from those supporting the recall. On Aug. 6, 2010, a citizen of the community sent a letter to the El Dorado County Elections Department/William Schultz, El Dorado County Counsel Louis Green, El Dorado County District Attorney Vern Pierson, Secretary of State-Elections Department/Debra Bowen, and copied El Dorado County Supervisor Norma Santiago challenging the eligibility of the candidates currently running to fill the one empty board seat left by the resignation of then board President Dana Clark in January 2010 and the two seats to challenge myself and Thaden in the recall election. A response was received from the El Dorado County District Attorney's Office referring the matter to the county Elections Department. No other responses have been received.

On Aug. 20, 2010, I resigned. I am unable to legally participate in the voting process in the community; therefore I could not meet the requirements of the CSD bylaws to be registered to vote within the district in order to be on the board. On that same day the treasurer/secretary submitted her resignation to the board effective Sept. 30, 2010.

The El Dorado County Elections Department was asked to postpone the election until the eligibility of who can and cannot be a candidate as well as who can and cannot vote is resolved. To date they have taken no action. How can the community of Fallen Leaf Lake get a fair election in the middle of this chaos? Only two directors remain, Eric Thaden and Jennifer Hall Thorton. The ability of Thorton to legally vote within the district is in question as her stated legal address is Los Gatos. If prosecuted, this case would be similar to the recent case involving Ed Jew, San Francisco

supervisor. Jew was found guilty of several felonies that included perjury and filing of false documents. Another similar case is the case of Cameron Bros. Construction Co. Quo Warranto Opinion No. 05-1012 identified in which Clayton Isemann was found to be unlawfully holding the position of director on the Borrego Springs Park Community Services District because he does not reside in the district.

What will El Dorado County do, will they prosecute or let it slide? To date no action has been taken by El Dorado County. The election is scheduled for Aug. 31, 2010.

Fallen Leaf Lake Community Services District website.

Mike Kraft was president of Fallen Lake Community Services District