

Opinion: Grand jury needs to reprimand S. Tahoe City Council

To the community,

After watching the dysfunctional, capricious, dishonest and heartless tactics of the South Lake Tahoe City Council in attempting to gut Proposition 215 and target sick people, I believe the current City Council is a threat to the health and safety of the entire community and not just medical marijuana patients. Clearly, the City Council is continuing to engage in the same behavior that has already prompted the El Dorado Grand Jury to warn the City Council it is incompetent and probably guilty of criminal violations. As a result, serious questions exist regarding the legitimacy and authority of the current City Council to pass or enforce any ordinance.

Frankly, the South Lake Tahoe City Council's selection of Hal Cole as mayor is an insult to this community, since he is the single biggest reason we have a huge crater in the middle of town. It's now over five years since the \$400-plus-million convention center-retail-hotel complex that broke ground in 2006 has become a crumbling pile of concrete and rust. Not only has the City Council failed to address this problem, it appointed the guy responsible for this crater as their new mayor.

The real reason that this huge crater can't be fixed, is because the city never required a performance bond. In fact, then Mayor Hal Cole, who also served as the Redevelopment Agency board chairman, not only let the developer off the hook for the performance bond, Mr. Cole signed the contract first, even though the contract specified the developer must sign first. Why Mr. Cole suspended the performance bond and signed

first remains a mystery and is a matter that should still be investigated by the Grand Jury.



Worst of all, on July 10, 2006, Mayor Hal Cole told the public, "The developer is assuming all the risk."

Given that the city ended up with an enormous crater and no funds to fix it, Mayor Cole's comment was not only false and deceptive, his re-appointment as mayor has created an unacceptable level of mistrust in our City Council.

The grand jury was also quite clear about Councilman Bruce Grego. Here is what the Grand Jury had to say about Mr. Grego and the \$935.50 that was paid to him: "A member of the City Council requested reimbursement for legal fees paid to an outside law firm. The legal advice consisted of a legal opinion and preparation of a letter to the Fair Political Practices Commission. No contract had been signed and the City Council had not approved the expenditure in advance. The City Manager stated that he gave verbal approval for the expenditure. California State Law clearly states that government contracts for payment may not be backdated. All unusual expenditures should be approved in open session. The City's Purchasing Policy and Procedure Manual calls for the presence of written contracts when professional services are sought, and makes no provision for payment and reimbursement absent the presence of a contract."

Clearly, the grand jury has made a finding that Mr. Grego's reimbursement was in violation of California state law, yet Mr. Grego continues to insist he did nothing wrong and refuses to return the money.

In an editorial dated July 28, 2010, the Tahoe Daily Tribune

said, "The City Council's response to the critical and scathing El Dorado Grand Jury report is embarrassing and disheartening." The editorial then went on to point out that instead of accepting responsibility, the City Council adopted a response that was peppered with the phrases: "the city does not agree in part with the finding," "the city agrees and does not agree in part," and "the city does not completely agree with the statement," among others. That didn't fly with the Tribune, which reminded the City Council and the citizens of South Lake Tahoe, "The first step to solving a problem is admitting to having one."

It has been over a year and neither the City Council, nor Mr. Cole, nor Mr. Grego are willing to admit they have a problem and continue to insist that we should ignore the grand jury report and trust them instead. But the 19 distinguished members of the El Dorado Grand Jury, as well as the citizens of South Lake Tahoe have learned that they cannot trust the City Council, especially if Mr. Cole and Mr. Grego are allowed to remain on the Council.

The Grand Jury concludes its report with a stern warning: "This Grand Jury is of the opinion that an accusation for malfeasance or nonfeasance by this City Council may be appropriate... The Grand Jury only touched the 'tip of the iceberg' in its investigation and recommends that the citizens of South Lake Tahoe get involved with their City government. It is up to the citizens to establish the kind of governance they desire, to exercise their democratic right to vote, and get a City government that works for the common good and in an efficient manner for its citizens."

The South Lake Tahoe City Council has not heeded any of the warnings of the El Dorado County Grand Jury and continues to violate the law. It is time for the grand jury to revisit this issue and open up a new investigation.

Steve Kubby, South Lake Tahoe