

Children's memorial caught in legal quagmire

By Kathryn Reed

It was a bit like a memorial service at the South Lake Tahoe City Council meeting this week. Somber faces, regret, apologies. And all because children died before their parents.

People who spearheaded and funded the replacement of the children's memorial log made some mistakes. Mistakes that amount to thousands of dollars.

The council is involved because the five electeds are also the five board members of the Great Ideas For Tahoe nonprofit. GIFT is the nonprofit in which people were donating money to for the memorial log to be replaced. But the problem is that like with all nonprofits there are strict guidelines about how money can be spent.

However, the memorial committee, which was completely separate from the city, thought the ceremony for the re-dedication of the memorial could be paid for with the donations sent to GIFT. Not so. All that legally could be paid for was the replacement of the log.

South Lake Tahoe City Attorney Tom Watson on Aug. 20 told the council the other caveat is that no expenses could be paid that were not approved in advance. He said the board could face civil and criminal infractions if it were to approve the expenses that were submitted after the fact or for items that didn't involve refurbishing the log.

The amount being questioned is \$3,665.40. A third of that is for the video that was produced. Some is for the program, some for the porta-potties.

“How could we have had the beautiful celebration without a podium and camera?” Sue Hrbacek-Miller asked the council.

It was her son Rory’s death on Feb. 2, 1991, that led her to create the memorial that is on Highway 50 at the corner of Wildwood Avenue. The initial tree was dedicated in 1994.

Ken Curtzwiler, Tom Incopero and Randy Mundt – all who have lost children – all spoke about the need to have compassion, understanding and to understand the intent of those involved.

Ultimately it was Councilwoman Angela Swanson who suggested a compromise. With the quick thinking of City Attorney Watson it was agreed that the money requested would not be paid out, but that staff would look at the possibility of refunding money donated to GIFT that is sitting in the account for the log replacement.

This idea will be refined and brought back to the council for a vote.

If money is refunded, no one who donated cash will be reimbursed because of legal reasons. And those who might be given back money could decide if they would want to give money directly to the children’s memorial committee so those who put out money for the Aug. 9 ceremony could be reimbursed.