

Opinion: Anti-paid parking advocates lay out process

Publisher's note: *The Tahoe 4 Tahoe Committee sent this letter Feb. 2 to the City Council to outline the process that was followed to bring the parking initiative to the voters of South Lake Tahoe. The council on Feb. 4 will discuss the election process for the parking initiative.*

Dear Mayor and Council Members,

The following is a time line of the steps that were taken to advance the parking initiative that has been approved for the ballot:

On Nov. 6, 2013, Tahoe 4 Tahoe submitted to City Clerk Susan Alessi a Notice of Intent to Circulate Petition. By law the city clerk refers the request to the city attorney so a title and summary can be provided. City Attorney Tom Watson responded to T4T on Nov. 14 in part: "The City Attorney's Office has reviewed the notice of intent to circulate petition and attached text of the Initiative. It is the duty of the city attorney to review the text for compliance with California law. If the text is proper and appropriate following that review, the city attorney should provide a ballot summary and title, allowing the circulation of petitions. Following our review we are not able to provide a ballot title and summary".

On Nov. 17, 2013, T4T requested to meet with the city attorney, Tom Watson, to obtain clarification of the issues raised in the Nov. 14 rejection letter.

On Nov. 19, 2013, T4T received a letter from Tom Watson, city attorney, stating in part: "We respectfully decline as there is no assistance this office can provide your organization. The role of the City Attorney's Office is not to provide legal

advice to private individuals and groups. Our role is to provide an objective review and summary of initiatives.”

On Dec. 2, 2013, T4T received a phone call from Tom Watson inviting us to meet with him.

On Dec. 3, 2013, T4T met with Tom Watson, city attorney, at the city offices. The more than one-hour meeting was productive and we were each given a letter (dated Dec. 2, 2013) from Tom Watson at the start of the meeting. This meeting was recorded by T4T. That letter states in part: “This correspondence is to outline the issues that this office observed with the proposed initiative in our review in order to prepare a ballot measure summary. My job as city attorney is to assist both the public and the council navigate through the initiative process so that if the voters so enact, the initiative can be effective and without further challenge by legal process.”

On Dec. 4, 2013, Tom Watson was on local TV discussing the initiative for paid parking with Austin Sass on the High Sierra Report. Tom Watson described what a city attorney is and does: “Let’s at least identify what the city attorney is and his role. My role is I work directly for the City Council. I am not a staff member although I am an employee of the city. As a result I have the ultimate responsibility to be the chief legal officer for the city and I’m accountable to both the council and the people so when I made this decision (to reject the first petition) it was entirely in my purview. I would advise them that this was happening, but I don’t consult or ask their opinion or to generate some sort of consensus. The advantage of the city attorney is I am not political so I am trying to do what I believe is in the best interest of the citizens of this community by giving them the opportunity to vote on an initiative that is clear, understandable and gives a clear choice, yes or no.”

On Dec. 9, 2013, T4T submitted a rewritten and revised notice

of intention to circulate petition initiative.

On Dec. 11, 2013, T4T received the title and summary from the city attorney giving the group official permission to proceed with the gathering of signatures with the intent of qualifying the initiative for the ballot.

On Jan. 15, 2014, 1,422 petition signatures were delivered to the city clerk, Susan Alessi, who hand delivered them to the El Dorado County Elections Department.

On Jan. 23, 2014, the El Dorado County Recorder Clerk certified that the signatures were sufficient to qualify the initiative for the ballot.

This committee undertook the monumental task of bringing a voter initiative to the ballot knowing we had the guidance and approval of the city attorney.

At the Feb. 4th City Council meeting you will be tasked with options as outlined by the Election Code or seek some form of legal challenge against the voters.

City Manager Nancy Kerry and City Attorney Tom Watson are recommending an impact report be commissioned at a cost of \$25,000-\$35,000.

This overview is respectfully submitted in the belief that the responsibility of elected officials is to the citizens.

No one should be afraid of the outcome because South Lake Tahoe belongs to the people that live here.

Sincerely,

Tahoe 4 Tahoe Committee