

South Lake Tahoe councilmember censured

By Kathryn Reed

On identical 4-1 votes Monday the South Lake Tahoe City Council ratified the city manager's decision to ban Councilmember JoAnn Conner from interacting with staff and agreed to censure her. Conner was the dissenting vote on both measures.

It took nearly 3½ hours to reach those conclusions Oct. 19.

Some in the city say the issues involving Conner started immediately after she was elected three years ago this November. Members of this council and previous ones have reached out to her individually and collectively to express their displeasure with her words and actions.

"I have witnessed her conduct for many years," Mayor Hal Cole said, intimating a pattern of negative behavior.

"I have personally seen Ms. Conner treat staff in a disrespectful manner. I have personally seen Ms. Conner treat citizens in a disrespectful manner during city council. I have personally seen Ms. Conner lose emotional control to the extent that I thought that she was not speaking in a logical or professional manner," Sass said. "I believe members of this City Council, including myself, are hesitant and uncomfortable working with Ms. Conner. It's my opinion that Ms. Conner poses a financial risk to our city as a result of potential litigation from city staff."

Councilmember Wendy David said, "The hostile environment you have created and cited has not only damaged our city, the city you were elected to serve, but has created fear, real fear of you and your potential retaliation and behavior."



South Tahoe Councilmember JoAnn Conner listens as her attorney Jacqueline Mittelstadt makes a point Oct. 19. Photo/Kathryn Reed

Lake Tahoe Community College President Kindred Murillo wrote a letter that referenced the hostility she incurred when giving a talk to the council. El Dorado County Supervisor Sue Novasel also wrote a letter. Neither she nor her assistant, Judi McCallum, will speak directly to Conner because of her language and demeanor.

City Manager Nancy Kerry said the only way Conner would speak of former Councilwoman Brooke Laine was to call her a c-u-n-t. F bombs, Kerry said, are standard from Conner.

It has gotten to the point that employees are scared of Conner, fearing for their jobs and that she will pull the funding for projects they are working on or ax money from their departments. This in turn impedes their ability to do their jobs.

Kerry early last month made the decision to ban Conner from talking to staff after at least six complaints were levied against the councilmember by staff to the city attorney.

Cole said in the weeks since that action was taken Conner's behavior – mostly through social media – borders on harassment and retaliation. That is what led him to seek censure.

Censure is not punishment, according to City Attorney Tom Watson, but instead is a statement saying certain behavior is not being condoned.

What wasn't agreed to between Watson and Jacqueline Mittelstadt, who represented Conner, is whether evidence needed to be presented to substantiate the censure and to what degree this was a judicial hearing. Watson said no evidence had to be given, that councilmembers need not answer questions and that it was not a judicial hearing in any sense. Mittelstadt disagreed.

When it comes to censure the city's protocols say, "A decision to censure requires the adoption of a resolution making findings with regard to the specific charges, based on substantial evidence, and approved by the affirmative vote of at least three council members."

What the attorneys vehemently disagreed about is whether that evidence had to be presented to Conner.

(Mittelstadt had been the city's attorney, having quit in 2010 after a brief, contentious tenure.)

City Councilman Tom Davis in particular said Conner was violating protocols of conduct. Such a protocol is not posted on the **city's website**.

"I find it ironic that in the very same hearing, the city councilmembers failed and refused to comply with the requirements of the very protocols they proceeded to censure another council member for allegedly violating," Mittelstadt told *Lake Tahoe News*.

Seven letters were read into the record, with one supporting Conner and six favoring the city's actions. Thirteen people spoke at the meeting – 11 for Conner, one for the city, and one person didn't take a side. About 60 people attended the meeting.

Many who spoke said the hearing should not be done in public. Legally it had to be. Many expressed support of Conner, saying she was the only councilmember who helped them. Some said the actions are violations of Conner's free speech rights.

At Monday's meeting Conner did not say a word publicly, but instead consulted with her attorney who was allowed to sit next to her. This pushed City Attorney Watson to a lower level sitting area.

Kerry told *Lake Tahoe News* it is the city's policy that Conner is entitled to have her attorney's fees for the censure process be paid for by the taxpayers. Any further legal fees would be her burden. It remains to be seen if Conner will sue the city.

"I believe that the action of the council (Oct. 19) is not legally defensible," Mittelstadt told *Lake Tahoe News* after the meeting. "I have to talk to Councilmember Conner as to what she wants to do."

Mittelstadt started the afternoon by saying she was seeking to have the entire matter delayed and for both sides to sit down to reach an agreement. The council didn't even vote on that proposal. Mittelstadt said she is still willing to get her client and city officials in a room to hash things out.