

SLT's censure of Conner challenged in court

By Kathryn Reed

JoAnn Conner is seeking legal action to have the censure imposed by her City Council colleagues be overturned. She is also asking to have a court rule that the ban on her speaking to city staff is illegal.

Her attorney, Jacqueline Mittelstadt, on Dec. 9 filed the paperwork in El Dorado County Superior Court in South Lake Tahoe. An administrative writ and complaint for declaratory release were filed, with the city expected to receive the paperwork on Friday.

The City Council, anticipating the filing, has called for an emergency closed session meeting for Dec. 11 at 2pm to discuss the matter. The council will likely have to hire outside legal counsel because City Attorney Tom Watson would be a witness in the case. This may mean altering the budget to contend with the unexpected litigation.



JoAnn Conner

Watson did not return a phone call.

Mayor Wendy David said she had not seen the court filing and therefore could not comment.

Mittelstadt, who at one time was the city attorney for South

Lake Tahoe, said the main issues at stake involve censure, Conner's ban from talking to city staff, and the right to public records.

Her first allegation is that the censure imposed Oct. 19 is unconstitutional and that it violated city protocols.

"No. 1 they need to follow the law. If nobody does, there is no accountability. There needs to be accountability," Mittelstadt told *Lake Tahoe News*. "If we don't do this, they will never change their behavior."

She believes how the city went about imposing the censure is not legal.

In September City Manager Nancy Kerry put out the mandate that Conner not be allowed to talk to staff because she was allegedly creating a hostile work environment and that some employees had filed grievances against the councilwoman.

Mittelstadt said no proof of these grievances has ever been shown to Conner. She cited cases where all of this information would not be protected under the personnel umbrella, as the city contends it is, and that some emails should be public record and that other personal information could be redacted.

Plenty of examples can be found as to when Conner acted unprofessionally – with the Dec. 7 City Council meeting an example. The way she interacts with people and then expects her business to be treated differently than others was on full display Monday. But none of this is illegal.

Members of boards she has been on and others she has worked with as a council member have cited publicly their inability to work with her. While her behavior may be offensive, it has not been proved to be illegal.

According to Mittelstadt, the city hasn't even proved Conner's behavior is hostile as defined by law.

The city claims Conner has left a paper trail of her abusive nature. *Lake Tahoe News* through the Public Records Act obtained emails between Conner and Kerry. There is nothing provided in those emails that points to Conner being particularly difficult nor were they offensive.

While the city in the past has claimed Conner was creating a hostile work environment, Mittelstadt says that is not the case.

“They are willy-nilly preventing a public official from engaging in free speech,” Mittelstadt said.