

# Judge denies emergency stay in Conner case

By Kathryn Reed

Round 1 in the case of Councilwoman JoAnn Conner v. the city of South Lake Tahoe goes to the city.

Conner's attorney filed an emergency stay on Dec. 14. The hearing was before Judge Steve Bailey on Dec. 15 in El Dorado County Superior Court.



JoAnn Conner

Bailey denied Conner the emergency stay because Jacqueline Mittelstadt, Conner's attorney, could not prove Conner is not able to do her job. A stay is much like an injunction.

At the late afternoon Tuesday court session in South Lake Tahoe the judge said there was no evidence showing Conner was not getting the same information as other councilmembers and that she could get her questions answered if they were to be asked.

**Conner is suing** the city and City Manager Nancy Kerry, the latter who is actually Conner's employee. Conner believes Kerry has no right to keep her from **talking to staff** and believes the other councilmembers erred when they voted to censure her.

The city contends Conner receives the same correspondence and

materials the other councilmembers get, that she has declined the opportunity to meet with staff before the council meetings to go over the agenda, and that she can get her mail at city offices.

What changed earlier this fall is that Conner does not have a card key to get into the inner sanctum of city hall and she must go through the city manager or city attorney to speak to staff. In the city code it says councilmembers are not to go directly to staff.

Bailey took some issue with Conner's badge being deactivated when the other councilmembers have access.

The judge set an evidentiary hearing for Jan. 4. This will allow him to review videotapes of the council meetings since September to see if Conner is treated the same as the other four electeds. It also gives each side time to present other evidence.

Bailey said he was not going to touch the **censure issue**, saying it was a political issue, not a legal one.

The city and Kerry were represented in court by William Chisum of Kronik Moskovitz Tiedemann law firm out of Sacramento. This is because City Attorney Tom Watson is a party to the case.