

Conner's request to change judges denied



South Lake Tahoe City Councilwoman JoAnn Conner with her attorney Jacqueline Mittlestadt fighting the censure hearing last fall. Photo/LTN file

By Kathryn Reed

South Lake Tahoe City Councilwoman JoAnn Conner's challenge to have a judge dismissed from the case she has filed against the city has been denied.

"His statements were all prefaced with 'I don't know' or 'I don't have the record in front of me' and lastly 'I'm not sure.' The statements do not reflect a predisposition but rather an uncertainty and willingness to consider subsequently submitted evidence and consideration of the law," Placer County Superior Court Judge Frances Kearney ruled.

She was tasked with deciding whether El Dorado County Superior Court Judge Steve Bailey would be biased. Kearney said no; and therefore Bailey will continue to hear the case.

Conner's attorney, Jacqueline Mittelstadt, had requested Bailey be removed from hearing the case she has filed against

the other four council members and against Conner's employee, City Manager Nancy Kerry. The case involves whether the censure hearing from last fall followed proper procedure as well as claiming that when Kerry barred Conner from speaking directly to staff she limited her ability to do her job as an elected official.

One of Conner's issues is that by having her card key taken away she no longer has easy access to her mail. That issue was remedied this week with the installation of mailboxes in the lobby of City Hall for all council members.

Mittelstadt's main issue was when Bailey at a December hearing said, "I'm not prepared to go and set aside a political act of the City Council, whether it's something that should have been done or should not have been done, that really is up to the City Council."

She believes this showed bias on Bailey's part by having made up his mind about the censure issue. The censure issue being challenged is procedural, not whether Conner should be censured or not.

Mittelstadt was unaware of the Placer County judge's ruling until *Lake Tahoe News* called Feb. 17.

"We are happy to proceed in front of Judge Bailey. We will respect whatever decision he makes. It is my hope that in fact that even though he made that statement that he will evaluate the facts under the law and make a fair and unbiased decision once he has heard the evidence and reviewed the law," Mittelstadt told *Lake Tahoe News*.

Nira Feeley, assistant city attorney who is filling in while her boss is out of town, did not return a phone call.

A case management conference has been set for March 15.