

# CTC staff trying to control makeup of board

By Kathryn Reed

Two board members of the California Tahoe Conservancy have refused to resign even though they have been asked to do so.

And now the state agency's attorney is backpedaling when it comes to what exactly he wants them to do. Tom Davis and Sue Novasel, who represent South Lake Tahoe and El Dorado County, respectively, on the CTC board aren't going quietly.

"They recommended that I immediately resign. I have not resigned," Novasel told *Lake Tahoe News*.

Earlier this month she received a phone call from Executive Director Patrick Wright and a staff attorney telling her she suddenly had a conflict by being on the board and an elected official.

Davis received the same news, only in person the week before the December board meeting.

"We had some strong words. I was pissed off," Davis told *Lake Tahoe News*.

Now the Conservancy is changing its message, at least with the media. On Dec. 19 staff attorney Mike Steeves told *LTN*, "The AG's Office is not requesting any action nor is this agency. We are not asking for board members to resign or for board members to be removed."

He said he has no written correspondence from the Attorney General's Office. Neither the city nor the county have anything in writing from the AG either.

When *Lake Tahoe News* contacted the AG's Office, the response

was, "We represent the Conservancy so you should reach out to them directly." When told the CTC said to contact the AG, the AG folks replied, "The Conservancy is our client, and we'll continue to direct inquiries their way."

Another player in all of this is the state Natural Resources Agency. While CTC is an independent board, it operates under this larger state organization.

The CTC was created in 1984. In that time the makeup of the board has included: one member appointed by the South Lake Tahoe City Council, one member appointed by the El Dorado County Board of Supervisors, one member appointed by the Placer County Board of Supervisors, the secretary of the Resources Agency or his or her designee, one member appointed from the general public by the Senate Committee on Rules, one member appointed from the general public by the Speaker of the Assembly, and the director of Finance or the director's designee. The U.S. Forest Service member does not have a vote. Most of these 30-plus years the three local jurisdictions have had an elected councilmember or supervisor on the CTC board.

Today, Placer has Larry Sevison, who is not an elected official. However, Sevison has been a Placer County supervisor and was instrumental in the creation of the Conservancy.

"I don't think I'm in a position that I can comment right now because there is so much in transition. I would be happy to let you know when we get clear definition of where we are headed. Right now there is no clear direction," Sevison told *Lake Tahoe News*. "Obviously there is so much disagreement going on between the city and the Conservancy and the county and the Conservancy."

That last statement by the CTC board chairman is what is rankling elected and staff officials within South Lake Tahoe and El Dorado County. They believe the potential ousting of Davis is retribution by Wright et al because the city has been

critical of the CTC and the executive director in particular. Novasel is essentially collateral damage.

“It is certainly interesting that when the executive director is called into question as to his activities for which the board should or can hold him accountable, there is then a question if those very board members can sit as board members,” South Lake Tahoe City Attorney Tom Watson told *Lake Tahoe News*.

The city and Conservancy’s rift started with the potential development project involving the **Knights Inn**. The Conservancy was going to provide funding for the land acquisition and subsequent water quality project. Then they backed out when the commodities became an issue. It is through the acquisition and then selling of commodities as well as the Asset Lands Management Program that the Conservancy continues to stay solvent because it is no longer receiving large sums of cash from the state.

Wright has been behind this change in the direction of the CTC, which helps to ensure this Nevada resident has gainful employment by the taxpayers of California.

Councilman Davis has been a recent vocal critic of Wright. This fall he asked for the board to do a performance review of the executive director. He was last evaluated in 2013.

At the board meeting this month there was much discussion about Wright’s future eval. The board only meets quarterly and because Wright won’t be at the March meeting the review won’t take place until June. (Novasel was not at this meeting because of a family emergency.)

“There was a movement to silence me and they dug deep,” Davis said.

The depth he refers to is the Conservancy coming up with this potential conflict after 30 years. It was CTC staff who

contacted the AG.

“Two precipitating events led to the Office of the Attorney General reviewing potential conflict of interest issues for California Tahoe Conservancy board members. First, at the Conservancy’s September board meeting, a board member (Novasel) raised concerns regarding potential conflicts associated with voting on a Prop. 1 grant award to that board member’s jurisdiction,” Nancy Vogel, spokeswoman with the Natural Resources Agency, told *Lake Tahoe News*. “Second, the Conservancy was made aware in October that the city of South Tahoe may sue the Conservancy over the City’s Prop. 1 grant application for the Bijou Park Creek Watershed and SEZ Restoration Project. The Conservancy coordinated with the Office of the Attorney General on issues associated with any future board meeting closed sessions regarding this potential litigation and whether the appointed city of South Lake Tahoe board member (Davis) should attend these closed sessions.

“Based on these events, attorneys from the Office of the Attorney General conveyed information to the Conservancy regarding the applicability of conflict of interest laws to the Conservancy board members, and this information was passed on to individual board members.”

It is not unusual for elected officials to have conflicts of interest and then have to recuse themselves from specific agenda items. Davis didn’t stay for the CTC closed session item involving the city.

According to Vogel, “The Conservancy has not recommended any specific remedy to the individual board members, nor is the Conservancy contemplating any action to remove individual board members. Furthermore, the Conservancy is reviewing legislative options to remedy these potential conflicts.”

No one from any state agency has been able to explain why state lawmakers need to become involved and why recusal is not

sufficient to avoid conflicts.

The city and county are operating as though their elected reps may be banished from the board because that is what the Conservancy has told them is the course of action it plans to take.

“We don’t agree with their position and we do believe the best person to represent the CTC is the supervisorial board member,” El Dorado County CAO Don Ashton told *Lake Tahoe News*.

The city and county both make appointments to various boards, including the CTC, in January. Both intend to have closed session discussions about the CTC.

The city already knows who it would put on the board if an elected official can’t be on it – former Councilman Hal Cole.

“I would be willing to,” Cole told *Lake Tahoe News*. “I think there should be a bigger challenge to the overall idea. To have a board dealing with the public’s money not have any elected officials does not seem healthy.”

Watson with the city thinks it would be interesting if the county had one of its attorneys on the CTC board.

“Maybe legal counsel reviewing procedures under which the CTC is acting might be appropriate,” Watson said.