

# Elected officials forced off CTC board

By Terra Breeden

The California Tahoe Conservancy's special meeting on Jan. 13 was primarily to discuss the conflict of interest that has arisen within its regime. The conflict has specifically targeted board members Tom Davis of South Lake Tahoe and Sue Novasel of El Dorado County, who had been on the CTC board as elected officials.

Davis resigned at the end of Friday's meeting. He told *Lake Tahoe News* it was important for the board to know why.

Who will take his place remains to be seen. The city on Tuesday has its annual reorganization meeting when it comes to who is seated on which board-committee-commission. There is talk of having former Councilman Hal Cole, who is no fan of the agency's – especially Executive Director Patrick Wright, be the appointed representative.

El Dorado County Board of Supervisors on Jan. 10 temporarily appointed Senior Deputy County Counsel Paula Frantz to the CTC board.

"The county Board of Supervisors remains of the opinion that the claimed incompatibility of offices issue is without merit and that Supervisor Novasel, as the elected representative for District V, has demonstrated the highest ethical and professional standards while serving on the CTC board," CAO Don Ashton told *Lake Tahoe News*.

The CTC meeting agenda had two discussion items:

- The applicability of the doctrine of incompatible offices to the Conservancy board and potential legislative

options to remedy the issue.

- Status of projects and partnerships with South Lake Tahoe.

The lone action item pertained to the Greenway Bike Trail.

It was noted the two discussion items and this special meeting came about after **Lake Tahoe News** in December brought the potential conflict to the public's attention.

That story points out the conflict issue only came to light after the city and Wright began to have disagreements. At the same time Davis was calling for the board to evaluate Wright who had not had a performance review in three years. (That review is slated to occur in June.)

California Deputy Attorney General Marian Moe opened the CTC board meeting with a statement saying the dilemma was complex and that it addressed an array of issues from contracting as an official to economic disclosure problems.

Moe explained that CTC members Davis and Novasel stirred up conflicts of interest by being on the board and by being elected officials at the same time. The Conservancy was created in 1985.

The doctrine states, "Members might have potential conflicts of interest related to voting on matters within jurisdiction of both the Conservancy and El Dorado County."

Moe expressed that although there has been a lot of tension within the board, the CTC is looking for a solution.

"We want elected officials to continue to serve in the Conservancy," Moe told *Lake Tahoe News*.

The problem stems from a law that requires CTC board members to automatically vacate their position if a conflict of interest arises.

"When we set up the commission to create the Conservancy, we had no idea that the conflict of interest would become the issue it is today," board Chairman Larry Sevinson said. "I have to apologize because unfortunately, we let it fall through the cracks."

Some board members expressed their disappointment in the system.

Davis at the end stated he couldn't continue as a member of the board until the issue had been clarified. Davis said he wanted to be transparent with the public and then resigned from the board.

"It's been an honor working with this board, every one of you is a class act," Davis said. "But after this discussion, I officially reassign from the board. This is a non-voting item. I'm going to go get lunch."

Davis took his belongings and left the room after speaking.

Novasel, who was sitting in the audience, said following the September meeting she was asked to resign from the board. At that time she refused to.

"I think this board is incredibly valuable to our community and it was under the threat of losing my office that I am no longer on the board. I'm sitting in the audience instead," Novasel said.

The CTC is now looking to the Legislature to update the law to avoid the conflict of having elected officials on the CTC board. Board members said they want the new legislation to reflect the conversation that took place during the meeting. A draft of the proposed legislation had already been sent to the governor's office.

"We are very much interested in seeking a legislative remedy to work toward the greater good for our community," board

member Todd Ferrara said. "There is nothing to gain in the long term from any of this confusion."

When it came to the Greenway, the CTC staff wanted the board to approve a memorandum of understanding regarding how the maintenance for the bike trail would be funded. El Dorado County's rep on the board – an attorney – said she wasn't about to vote for an MOU that the board had not even seen.

It was also pointed out that the board that oversees Measures S-R has not voted to fund the maintenance, yet the CTC staff said this is in part where the money to maintain the trail would come from.

While the city and Lake Tahoe Community College support the trail and land swaps to make it a reality, neither entity has money for maintenance.

The CTC board voted down the agenda item because of its presumptive nature, and lack of detail and facts.

*Kathryn Reed contributed to this story.*