

Opinion: South Lake Tahoe mayor's DA investigation request may be just another violation of the law

By Kathryn Reed

Naiveté, ignorance, secretiveness, vindictiveness and complacency have no place in government. Not if the work of the people is going to be accomplished in a transparent, thorough, well thought out manner.

The South Lake Tahoe City Council appears to have hit an all-time low. Lower than the Kathay Lovell-Bill Crawford juvenile behavior, lower than Bruce Grego having to defend himself at the podium as Jerry Birdwell verbally accosted him, lower even than the JoAnn Conner censure.

Mayor Wendy David is duplicitous in her comments that she is shocked by what **Councilwoman Brooke Laine had to say in her column** on *Lake Tahoe News*. In my **March 27 column** Laine said she was “discouraged by the lack of transparency.” *Lake Tahoe News* has repeatedly cited times when the Brown Act has been violated.

David in her rebuttal column to Laine took issue that her colleague had not warned the other four about the column. But then David did the same; just sent her response to the media.

Knowing Laine, one can be assured she first took her concerns to David privately before addressing the public. But why shouldn't Laine go to the public? It is the public who she works for, not any other elected official, not any staff member of the city. She – and all elected officials – should be talking to the public.

Councilman Tom Davis told *Lake Tahoe News*, "I stand behind Brooke and her letter."

The other two guys on the council had nothing to say. Maybe they will Tuesday when the council has its regular meeting at Lake Tahoe Airport starting at 9am.

While David wants credit for initiating an investigation into the council's alleged wrong-doings, *Lake Tahoe News* reached out to El Dorado County District Attorney Vern Pierson earlier this spring about the perceived Brown Act violations.

David in her column said she is recommending the police chief contact the DA. On the one hand, great, on the other this is so incredibly wrong. No council member individually has the power to direct any staff member to do anything. Collectively, the council may tell only the city manager or city attorney what to do. There has been no discussion by the council to initiate such an investigation.

The only power the mayor has over another council member is the ability to call a special meeting.

One of the reasons former Councilwoman Conner was censured is because she was telling code enforcement what to do. One has to wonder if there might be a case building to censure David; after all, she is telling staff what to do and far exceeding her job. The mayor is a title with the same power as any council member.

David met with acting City Manager Jeff Meston on April 16 to discuss opening an investigation.

Meston told *LTN*, "I had been thinking for a while this needs to go to the grand jury or at least the district attorney. There is no way we cannot not investigate." He further said, "In my discussion with the mayor she recommended that we need to take some form of action. I agreed with her and said I would direct the police chief to get in contact with the

district attorney.”

Police Chief Brian Uhler spent the day gathering information for the DA based on Laine’s comments. Here is **the letter** he sent to the DA.

The letter, instead of just providing facts, is full of Uhler’s opinion; he essentially admonished Laine for going to the public and not to law enforcement with her concerns. Then he left out the most important part for the DA, which is the Mary Egan contract that to this day has not been brought out in the open. It is an illegal contract that is a misuse of public funds that interim City Attorney Nira Doherty condoned.

Misuse of public funds could be a felony. Laine brought that whole contract up in her public column, but Uhler ignored this alleged crime in his letter.

Laine and Davis prior to seeing Uhler’s letter said they support the investigation.

“The only way we will find out is with an outside independent investigation,” Davis told *LTN*. “I don’t see why the council would not want to seek the truth.”

Laine told *LTN*, “I am thrilled that the city is taking my claims seriously. I do not make those assertions lightly. I look forward to a thorough and independent investigation.”

David also sent out a statement April 16 via Tracy Sheldon, the city’s public information officer. Both were asked who reviewed the letter before it was sent. Sheldon was asked more than once, and then got snippy and unprofessional with her reply to *LTN*. Neither answered the question.

Meston told *Lake Tahoe News* he had seen it before it was sent.

The release said, “Because of the gravity of Ms. Laine’s allegations, I, as mayor, believe I have a duty to ensure that the claims that the City Council, city clerk, previous city

manager, acting city manager, previous city attorney, interim city attorney, and indeed any city employee has violated the law are fully and adequately investigated.”

It's ironic she is asserting this authority when she repeatedly was critical when Austin Sass as mayor tried to claim power that he didn't have. Now David seems to think by holding the gavel she has special powers. She doesn't. No one does. South Lake Tahoe is not a strong mayor form of government.

Then the fact she lists people, at least by position, that Laine never mentioned is suspect. It also could get the city into a world of hurt because the settlement agreement between the former city manager and the council states that neither can say anything against the other. David is walking a precarious legal line that could open the city up to potential litigation.