

Sheriff Neves talks about resignation

By Kathryn Reed

El Dorado County Sheriff Jeff Neves is resigning in December, more than a year before his term ends.

He told *Lake Tahoe News* on Tuesday morning it has everything to do with wanting to spend more time with his family “to make up for missed anniversaries and birthdays celebrated without him.

Some speculate the reason Neves is leaving is so the candidate he wants to replace him will have a leg-up in the June 2010 primary.



Jeff Neves

To that theory, Neves said he believes the Board of Supervisors will not appoint one of the seven candidates who has declared his candidacy for the 2010 sheriff’s race. However, his resignation letter strongly urges them to appoint a captain in the department. Neves on Tuesday said he believes the board will appoint Undersheriff Fred Kollar to fill out the remainder of the term.

Neves’s Oct. 23 resignation letter to the Board of Supervisors didn’t say much despite filling an entire typed page. (Click letter to read his words.)

In his resignation letter Neves tells supervisors he thinks candidate Capt. Craig Therkildsen should be appointed interim sheriff. As a back up, he says Kollar would be his second choice.

Kollar says he has no desire to be sheriff except on an interim basis, and that he had intended to retire when Neves left office. If Kollar is not appointed sheriff, it's unknown if the interim top cop would keep Kollar. The sheriff appoints the undersheriff.

"I would take the job merely because we are going into a very contentious election year where several people are vying for sheriff. By putting me in you get someone who is not involved in that process," Kollar said. "I would bring stability, continuity and hopefully keep election year politics out of the office as much as possible."

On top of that, as undersheriff he is integrally involved in the budget process. The county will begin working on the 2010-11 budget right after the first of the year. The fiscal year for the county begins July 1.

Kollar has been with the department for 30 years "with about a dozen of those years in the South Lake Tahoe office.

Supervisors are expected today to discuss in closed session the looming sheriff's vacancy because sheriff's department personnel issues were already on the agenda. Because the sheriff matter was not original on the agenda it's possible the discussion could violate the Brown Act, the state opening meeting law.

Neves, who was first elected to the highest law enforcement position in the county in 2002, months ago said he was planning to retire at the end of his second term.

Instead, his last day will be Dec. 26. After 30 years in law enforcement, all with this sheriff's department (seven years

at the Lake Tahoe office), Neves said he plans to do more volunteer work and continue his work on nonprofit boards.

The sheriff's primary is in June. It's possible more candidates could declare before then. A candidate needs 50 percent, plus one vote to win it outright; otherwise the top two finishers would be in a runoff in November, with the winner taking office in January 2011.

Cycling through nature's beauty

By Kathryn Reed

With each pedal rotation, the crisp morning air seems to get warmer. Clearly, it's not and it's just the exertion and exhilaration of mountain bike riding through the forest that are warming my body and soothing my soul.

It's mornings like this that I remember why I love living in Lake Tahoe. The smell of fall is the air's "that damp wetness" those decaying leaves.



Sue Wood
mountain bikes
Oct. 25 to
Fallen Leaf

Lake.

Photo/Kathryn

Reed

The dichotomy of nature's beauty this time of year and the fact that it's the process of death is not lost on me.

So many of the aspens and other foliage turning color don't seem to care they are at their most beautiful just before going dormant for the winter.

I seem to understand.

I want to embrace the spectacle before me. To roll in the leaves. To inhale deeply and not exhale. To keep pedaling. I want to be one with nature before winter covers the landscape, before the shoveling begins, before the desire to cocoon sets in.

On this last Sunday of October, I head into the Gardner Mountain area from Highway 89 in South Lake Tahoe, climbing slightly before heading north. It's black. It's what's left from the June 2007 Angora Fire, when more than 3,100 acres of Forest Service land was charred. (The 254 houses that were lost in that fire are not in this area.)

But Mother Nature is resilient. Flora is coming back. More of that dichotomy of beauty and death woven together.

Pedaling on, it's like a line was drawn with black and green crayons, what burned and what didn't.

More yellow dominates this part of the dirt trail. A little uphill and we exit out of the forest to Fallen Leaf Lake Road.

A few hundred yards up is a massive meadow " aspens are everywhere.

We take the trail near the campground to Fallen Leaf Lake even though we'll have to walk our bikes a bit because

weâ€™re not technical riders. Then we zip down to the lake.

The shore is full of people taking pictures, taking in the views of Mount Tallac and splashes of yellow around the lake.

Back on our bikes, we dart around the vacant campground before finding an indirect route that leads us to Highway 89. Crossing it, we hook up with the Camp Richardson bike trail.

Wanting to avoid people, we stick to the dirt trails around the visitors center and through the Tallac Historic Site. What a site it is with all the color.

Itâ€™s time for a bite to eat â€” fries and a bloody Mary are lunch at the Beacon. Enough fuel to get us home.

Itâ€™s a fairly quick ride, though definitely scenic, as we leave the bike path again and head for the meadows between Pope Beach and Tahoe Keys.

Just another day in paradise.

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Courthouse dispute pits city v. county

By Kathryn Reed

Back room discussions are going on regarding the El Dorado County courthouse in South Lake Tahoe, with the public being kept in the dark.

Marjorie Springmeyer, whose family donated the land for a city hall that never got built, pleaded with the council this month

to come clean.



Marjorie
Springmeyer

“I have asked for a complete accounting on the government center”, Springmeyer said. “You sued me for city hall and then you abandoned it. I’m going to ask again or have my attorney ask for a chain of title on the government center.”

Now in her 80s, Springmeyer wants this resolved. Documents dating to the 1970s when the transaction occurred are not complete and much of what was agreed to was done verbally.

The Johnson-Springmeyer clan expected a city hall to be built where the government center is. Instead, a courthouse is there.

Another issue is a 5-acre land swap between the city and county that may not be complete. The city believes the county still owes it that acreage. Springmeyer also asked for that issue to be addressed.

Councilman Hal Cole, who owns property with Springmeyer, said he would like to accommodate Springmeyer and also wants the chain of title to be made public.

Adding to the confusion of the whole property matter is the 2002 Trial Court Facilities Act that mandates all California courthouses owned by counties become state property. The land becomes the state’s as well if the county owns it.

In the South Lake Tahoe case, the deed for the land remains

the city's. The portion of the building used as a courthouse will go to the state.

Even though this was supposed to be a simple transfer, the city in the last year has neglected to signoff on the transfer because of reasons that are discussed behind closed doors.

City officials want the 1972 land agreement resolved before signing anything. The county contends one has nothing to do with the other.

The topic was discussed in closed session by the City Council on Oct. 20 and is expected to be back there again on the Nov. 3 agenda. It's possible when the Board of Supervisors has its once a year meeting in Tahoe on Nov. 10, it will be on the agenda.

"We haven't heard anything from the city," Supervisor Norma Santiago said in an Oct. 21 email.

"At this time, I am unable to provide you with information regarding this matter. I am sorry that I cannot be of more help at this time," City Manager Dave Jinkens said in an Oct. 22 email.

Measure B dividing recreation community

By Kathryn Reed

After proponents and opponents verbally attacked each other, the South Lake Tahoe City Council voted 5-0 in favor of endorsing Measure B.

The Nov. 3 ballot measure is a revision of Measure S, which was passed in 2000 by voters in El Dorado County living at the lake.



Passage of Measure B would renovate ball fields in South Lake Tahoe.

What is dividing the recreation community is the reallocation of bike trail maintenance money for improving the baseball fields near the old South Tahoe Middle School.

Measure S money can be spent on maintaining new trails, not ones in place prior to 2000. The problem is only 7 miles of trail have been put in because lawmakers in the wake of California's budget sinkhole hijacked funding for those projects.

The reality is Measure S will never be able to accomplish what is in the document – mostly because the funds aren't there and the projects cost too much.

When the measure was initially talked about, surveys of local residents said bike trails are of the utmost concern, then ball fields and last was an ice rink.

The ice rink got built first, a multiuse field at Lake Tahoe Community College is in the ground and 7 miles of bike trails that could be maintained with this money have been laid.

The \$625,000 that is collected annually is spent on:

Bond principal and debt of nearly \$400,000.

Tahoe Paradise Resort Improvement District, \$50,000 a year.

Ball field maintenance, \$50,000 year. What isn't spent stays in the account.

Bike route maintenance on trails put in since 2000 at \$5,000 per mile up to 25 miles for a total of \$125,000/year. About 7 miles have been put in to date.

Administrative costs, which includes about \$4,000 a year to John Upton.

Jerome Evans, a former city recreation commissioner, called Measure B a stealth raid on Measure S funds when he spoke before the council Oct. 20. He said the field at LTCC and the one at South Tahoe Middle School that was built since Measure S was passed, albeit without those funds, are the equivalent of the four ball fields promised in Measure S.

John Cefalu, a backer of ball fields for years, accused the biking community of being shortsighted and having a narrow view of the matter.

Accusations were hurtled back and forth about who knew what when and who should have been invited to meetings and whose opinions are more valid.

The *Tahoe Mountain News* published a lengthy story in February about the likelihood of Measure S being revised. The story talked about upcoming meetings. The information has been disseminated other places as well, so the electorate had the opportunity to be informed prior to the revision reaching the ballot.

The joint powers authority, which is made up of a city representative, a county person and a member of the Tahoe

Paradise board, met several times earlier this year before getting the revision on the ballot.

It will take a two-thirds majority to revise the \$5.8 million bond measure and special tax. No matter how people vote, single family residences in the district will continue to be assessed \$18 a year on property taxes through June 30, 2030. Larger properties pay on a sliding scale.

Local contractors want to be working at STHS



Crews transform the landscape at South Tahoe High. Photo/Kathryn Reed

By Kathryn Reed

Local carpenters are likely to be at Tuesday's Lake Tahoe Unified School District when an update is given on the construction at South Tahoe High School.

Three members of the local carpenters union spoke before the board at the Oct. 13 meeting requesting future contracts involving the \$64.5 million Measure G bond include language guaranteeing a certain percentage of locals be hired as well as an apprentice program be added.

Joe Stewart with SMC Contractors and LTUSD Facilities Director Steve Morales will give a status report to the board at the 6pm Oct. 27 meeting at the district office in South Lake Tahoe. The facility master plan and Measure G's schedule are on the agenda.

Even though SMC, the general contractor, has said it would hire as many locals as possible, out of area subcontractors often use the guys they are used to.

Morales believes much of the problem has to do with there not being enough construction work to go around, so those in the construction trades are sitting idle.

"We are here to ask the district and the board to add unequivocal language to guarantee a percentage or certain number of locals in future contracts," Paul Moniot said. "This is not a new idea. Other districts do it."

Joe Imbach, a 1978 local graduate, talked about being in an apprentice program 25 years ago and how it helped him get into the industry.

"Our community is really falling downhill. Everybody is leaving because they can't make a living here," carpenter and 1980 STHS grad Craig Johnson told the board earlier this month.

The agenda for next week does not specifically say their concerns will be addressed.

Morales gave a brief update in his report on Oct. 13, stating the underground work for the STHS buildings is complete. Roofs

are expected to be on by mid-November. The buildings will be shrink wrapped so work continues on the inside through the winter.

Any day the state is expected to release the \$6 million matching grant dollars for buildings at the high school.

Tahoe air too clean to require smog testing



By Kathryn Reed

It would be hard to find someone who doesn't believe air pollution contributes to the decline of Lake Tahoe's clarity. Then why don't residents of the Lake Tahoe Basin have to have smog checks on their vehicles?

Not enough people live here – not enough vehicles pollute the air. The two states don't count out-of-town vehicles, only ones registered here when making the rules.

Neither California nor Nevada requires basin residents to smog their vehicles. The five counties surrounding the lake – El Dorado, Placer, Douglas, Carson City and Washoe – are considered rural, at least in the basin, and therefore are below the population threshold warranting emissions testing.

The Bureau of Automotive Repair, part to the Department of Consumer Affairs in Sacramento, sets the rules. The Department of Motor Vehicles withholds registrations when vehicles fail a smog check.

It was Attorney General Jerry Brown who as governor signed the law in 1972 mandating smog checks in the Golden State.

The California DMV website lists 34 counties requiring smog inspections every other year. Another six, including El Dorado and Placer, require smog certificates within certain ZIP codes. The 96150 code requires it when the vehicle changes owners.

The remaining 18 California counties, including Alpine and Amador, don't require a smog test – ever.

Much of California requires the “enhanced” smog check. It's like putting your vehicle through a treadmill test. Wheels are spun at 15 and 25 mph to simulate driving. The other test just sticks a rod into the tailpipe to register emissions.

In Nevada, it's folks living in the urban areas of Washoe (Reno) and Clark (Las Vegas) counties who must routinely get their vehicles smogged.

Tahoe's air quality meets the state and federal air standards which is why the basin is exempt from testing. Officials could not explain why smog testing is not put in place as a preventive measure instead of waiting until the air quality necessitates testing.

Even though the Tahoe Regional Planning Agency is charged with protecting lake clarity and other environmental issues, it does not have jurisdiction over smog testing. TRPA defers to state and county air quality regulators when it comes to smog.

Better technology in newer vehicles reduces the black gunk spewed from tailpipes. And in theory, visitors will have had their vehicles checked before descending into the basin – assuming they come from one of the counties requiring a check. Plus, if the permanent population dwindles, the number of potential problem vehicles diminishes.

One thing the bi-state agency has been doing since 1993 is collecting revenue from car rental agencies as a way to support public transportation. The \$5.50 a day charge goes to the Tahoe Transportation District.

Fees are collected if the vehicle is rented by or delivered to someone in the basin. The fee is waived for locals renting a car.

Apple Hill ripe with tradition



Apple Hill in El Dorado County is a bevy of activity this time of year. Photo/Kathryn Reed

By Susan Wood

CAMINO – Johnny Appleseed may have planted roots in the Ohio Valley, but his memory is alive and well in El Dorado County.

The agricultural region that spans from Placerville to Pollock Pines has become the toast of the town this fall with its signature Apple Hill Growers Association harvest. The area boasts 50 ranches, including Christmas tree growers, vineyards, a microbrewery and spa. Johnny's reported bare feet would have slipped nicely into the California spa lifestyle as well as his supposed conservation nature to maintain the apple trees he planted for 49 years before dying in 1845.

John Chapman was born in Massachusetts on Sept. 26, which has turned out to be reason alone to have a fall festival for apple growers like those in El Dorado County.

Tour buses, shuttles and a long line of vehicles descended on the area last weekend. The seasonal event boasts Trick or Treat Days on the last weekend of the month; with November bringing a Harvest Run at ParaVi (formerly Primus Vineyards) on the first and a holiday pie tasting on Nov. 14.

If you're seeking an eating experience, this is the place to be. Apple pies, crisps, syrup, turnovers, cider and the candied version can be found alongside fudge, berry cobbler and pumpkin roll pastries. Some of the orchards serve more conventional lunch food.

At Rainbow Orchards, the farm off Larson Drive, even serves a small Braeburn apple with your burger and chips. These people take their apples seriously. Visitors are invited to watch the cider bottling operation in the back as they're ordering pie or other culinary delights. You can buy unpasteurized jugs of apple cider. In summer, the place hosts the likes of Elvin Bishop and others during their concert series.

But it's the food most people show up for. Worker Karen Carrero had a hazy gleam in her eye when she described the apple syrup over vanilla ice cream.

"It's killer," she said.

On a busy Saturday, their grounds are more low-key when compared to the festival atmosphere of Abel's Apple Acres – the latter crowded with children wanting to ride ponies and meander through a hay maze more than anything else.

There's something for everyone on the scenic drive through rolling hills, open meadows, ridge-tops and country roads. Kae was after apples because she's the blue ribbon champ (El Dorado County Fair) of pie making. The Ench family of Smokey Ridge Ranch off Carson Road delivered.

I'll be the judge of whether the pie she says she's going make measures up since she's never used Rhode Island Greening or Braeburn apples before.

Smokey Ridge – named after the family's farm mule – is all about apple tasting when you belly up to the apple bar of sorts. Wendy West, aka Mom, obliged anyone wanting to listen and try a honest-to-goodness spectrum of apples from sweet to tart off the 15-acre farm of 85 years. She started us out with the Mutsu and Fuji and ended with the Rhode Island Greening.

While we were standing there, a visitor asked about the Arkansas Black known for its smokiness. Their harvest is a couple weeks out. I stood there dumbfounded. Who knew there were so many types of apples?

The fun-filled day was kicked-off by Boeger Winery's kick-butt Barbera for red wine lovers and roll-off-your-tongue Pinot Gris for white fans, which is a short distance from Smokey Ridge.

Cider rules

But maybe I should know more about apples. After all, the roots of my family are embedded in this fruit. Both my grandfathers made hard cider, which is essentially the fermentation of the apples to a 3 to 8.5 percent alcohol. If you add brown sugar or honey to the process, the alcohol is

boosted.

My Mom, who called it “the poor man’s alcohol,” remembers how her father would take his apples to the cider mill and have the apples pressed. He’d let the liquid sit in barrels to ferment for a few weeks to make the alcohol ripe. It’s no wonder they had company in the fall. When she discovered I was going to the Apple Hill event, she told me to find an apple press.

The closest I got to any equipment was an industrial-sized apple peeler that looked capable of pumping enough apples for a million pies.

Oh, the wonders of the Internet. I found out one can buy a complete kit of 27 items to make hard apple cider, which is supposedly making a comeback. Add yeast, sugar and apples, you’re well on your way.

To find out everything that is going on at Apple Hill, go to www.applehill.com. El Dorado Transit’s last free weekend Apple Hill Shuttle is Oct. 24- 25 from 10am to 5pm. For more information on the Apple Hill shuttle, call (530) 642.5383 or go to www.eldoradotransit.com.

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SLT city attorney may keep

her job



Jacqueline
Mittelstadt

By Kathryn Reed

Jacqueline Mittelstadt's resume does not need updating – at least for two weeks.

The South Lake Tahoe City Council in a series of open and closed sessions that were interrupted by several breaks finally told the nearly full house at 2:58pm Tuesday that the whole matter had been continued to Nov. 3.

Ironically, that is Election Day. Fortunately for these five, none of their names is on the ballot. But people are keeping an eye on what's going on, with possible ramifications next year when Councilmembers Jerry Birdwell, Kathay Lovell and Bill Crawford's terms expire.

Clearly, negotiations between the city and Mittelstadt are under way – something that has not happened in six weeks. It's unknown if the outcome will result in a buyout, reorganization in the city attorney's office or some other resolution.

Mittelstadt continues to be on paid administrative leave, making \$10,000/month. It's the taxpayers of South Lake Tahoe who are paying for her to sit at home and do nothing, all at the direction of the City Council on Sept. 8

Later Tuesday in another closed session the council postponed discussing City Manager Dave Jinkens' role as it relates to his handling of personnel matters.

Mittelstadt and Jinkens' futures seem to be intertwined. What was predicted to occur Tuesday with the city attorney losing her job and Jinkens' being secure might take a 180-degree turn next month.

However, Councilmen Hal Cole and Bruce Grego don't see it that way.

"I don't see a nexus between the two, but maybe I'm naive," Cole said Tuesday night.

Grego said the perception of the two being linked is because "some on the council who have strong feelings about the city manager."

Before Tuesday's meeting Cole said clarity would come out of the hearing. But the change in tactics by the council when members realized Mittelstadt's case was stronger than they'd realized, proved clarity would remain elusive.

If Mittelstadt retains her position, one she has had since June, it's possible the public will never know why Councilmembers Cole, Grego and Lovell voted to begin the dismissal hearings.

"I don't agree with a lot that has been said," Grego told *Lake Tahoe News* late Tuesday in regards what the media is reporting. "I can't be specific." He feels stymied by not being able to speak about litigation and personnel issues.

It's possible Grego may find himself in the hot seat. Those in legal circles have said the California Bar Association should be notified about Grego's "unprofessional" conduct at Tuesday's meeting when he told Mittelstadt's attorney, "I object to your presence" as well as his reportedly more

egregious and unethical role in negotiating a quid pro quo between Mittelstadt and Jinkens.

Grego objected to Mittelstadt's attorney, Tim Bricton of Bricton & Cohn of San Diego, representing her because he wrote a couple briefs for the council this summer in regards to the ATM case. His firm was hired because neither Mittelstadt nor Patrick Enright, the other city attorney hired at the same time as Mittelstadt, has experience in federal court. His contract expired before he started representing Mittelstadt.

Grego's outburst and beliefs were quickly dismissed, including by Birdwell, who is a former judge.

The other issue involving Grego has to do with Jinkens allegedly saying he would make the Aug. 10 complaint filed by Finance Director Christine Vuletich against Mittelstadt and Enright go away if the city attorney would ensure Vuletich continued to report to him and not have it changed so the council is her boss.

Grego is adamant he was not a party to any quid pro quo actions, even though he had to have the phrase explained to him.

"That's absolute fantasy that somehow I was negotiating ... that I would trade one issue for another. Whoever said it doesn't know what they are saying or they are lying," Grego said.

Mittelstadt was not available for comment after the meeting, nor was her attorney.

If one were keeping score on Oct. 20, it would appear the council and their attorney, Dick Whitmore of Liebert Cassidy Whitmore of San Francisco, lost round one.

This is based on previous comments by councilmembers to *Lake Tahoe News* that everything would be resolved at this meeting

and the public would understand. The public is no more enlightened about what is going on at city hall than it was at the start of the day.

The council says it wants transparency, but just the opposite is occurring. Without full disclosure of what is going on, the public is starting to call the whole affair a “cover-up” – and wonder what it is the council has to hide.

Truth behind city attorney debacle expected Tuesday



Jacqueline
Mittelstadt

By Kathryn Reed

Battle lines are drawn and threats have been issued all because of something the public is not completely privy to despite it being their money being spent on this contentious issue.

In these economic times when staff is being laid off, furlough days proposed, and a budget for 2009-10 that will be a month overdue for a city that does nothing to get visitors to come to a town based on tourism, the majority of the council is

choosing to spend thousands of dollars to fire an employee.

Specific reasons why the city wants to get rid of Jacqueline Mittelstadt, the city attorney hired in June, are not known.

"It's totally performance based. She is an at-will employee and things didn't work out. And, in fact, they went sideways," Councilman Hal Cole said Oct. 18.

Cole would not elaborate on what "sideways" means. He said Tuesday's hearing will explain why Patrick Enright, the other city attorney hired at the same time, is not fighting for his job as well.

Mittelstadt has been receiving her \$10,000/month salary since Sept. 8 even though she is not doing any city work. That is the date she was put on paid administrative leave.

It's a bit of an irony that outside counsel is being paid to help terminate her when she and Enright were hired to reduce the use of outside counsel.

Mittelstadt is scheduled to go before her five bosses, aka the South Lake Tahoe City Council, on Oct. 20 in open session to defend her right to remain city attorney.

Even though the item is at the end of the agenda, it is likely to be moved up sooner and could be heard closer to 10am.

Telephone threats

On Oct. 19, Jack Hughes, whose firm Liebert Cassidy Whitmore of San Francisco is representing the city in the personnel issue, called *Lake Tahoe News* and in a threatening tone said this publication better not release information from confidential documents that it has obtained.

"It would be harmful to the public. It would be harmful to the city," Hughes said. When asked which it was really harming, Hughes said, "The city and the public is one in the same."

It's expected the public will disagree with that statement at Tuesday's meeting. Hughes isn't going to be at the hearing. Instead, Dick Whitmore, who was at the Oct. 6 meeting, is slated to argue the city's case.

A less threatening comment came from City Manager Dave Jinkens' wife, Terri, on Oct. 18. She said, "You're castrating a good man and that is beneath you." Then she abruptly hung up the phone.

Confidential document

The 16-page document that has Hughes worried if it's released is dated Oct. 5. It was recently left at the *Lake Tahoe News* office by an unknown source. The City Council was given a copy of it by their attorney earlier this month.

The information is from Jay Resendez with Britson & Cohn of San Diego, the firm representing Mittelstadt.

Not previously disclosed items in the document include partial information from the Sept. 8 letter from the council to Mittelstadt advising her of their intent to fire her. "The reasons for the intended removal are incompatibility of management styles and work performance that is inconsistent with the City Council's expectations."

Councilmembers Cole, Kathay Lovell and Bruce Grego voted Sept. 3 to begin the termination proceedings. Lovell will not talk about personnel issues and Grego remains unavailable for comment.

The document questions whether the Brown Act, the state opening meeting law, has been violated; it gets into why Mittelstadt believes she is being retaliated against; and includes information about the Finance Department being unable to provide consistent figures.

"On August 3, 2009 the Finance Department staff emailed Ms.

Mittelstadt and confirmed her conclusion that the numbers did indeed frequently differ. The Finance Department revealed a serious accounting problem reporting that: – it is hard to compare apples to apples when so many different expense codes are used for these legal bills. On August 6, 2009, Ms. Mittelstadt notified the Council Finance Committee of the Finance Department’s explanation,” the document says.

Mayor Jerry Birdwell and Cole are the finance committee.

The document goes on to say Lovell was notified Aug. 3 that Jinkens has two reserve funds at his disposal.

Birdwell at one meeting called them “slush funds.”

Some of the more alarming accusations are on Page 10 of the document where Mittelstadt’s attorney writes, “In an additional attempt to blackmail the City from further investigating the payment to outside counsel without the City Council’s approval, during a July 15, 2009 meeting between the City Manager and both the City Attorney [Ms. Mittelstadt] and the Assistant City Attorney [Mr. Enright], the City manager threatened litigation against the City and the Mayor personally if the investigation continued.”

Birdwell said he had been told of Jinkens’ threat, though Mittelstadt did not provide the information to him.

“I do not have the referenced documents. In my capacity as City Manager I act within the scope of employment to protect employees and City government,” Jinkens said in an email to *Lake Tahoe News*. “Unfortunately and regrettably, I am unable to comment on the pending personnel matter with Ms. Mittelstadt on the advice of counsel. I am truly sorry that I cannot provide more information to you.”

Outside counsel

The firm representing Mittelstadt is also the firm the council

hired Aug. 4, upon her recommendation, to represent the city against ATM, the former transit operator that is suing the city for breach of contract.

Enright would not return calls Oct. 19 seeking comment as to whether the firm was still under contract or if it had been paid.

Birdwell does not believe the contract is still in effect.

Grumblings have come from councilmembers about the continued hiring of outside counsel. However, it was the council at the Aug. 4 meeting that hired two other firms – one to file a motion related to a Lahontan Water Board matter and the other to handle an employment issue.

All three were on the Consent Agenda. Often the public does not scrutinize this segment of the agenda. But if the public or a councilmember wants to pull it for further discussion, that's possible.

About 10 firms were in place doing legal work for South Lake Tahoe before Mittelstadt and Enright came on board. They handled things like the Meyers Landfill, Johnny Poland, redevelopment and personnel issues.

It was the council that told Mittelstadt and Enright to find out how much money has been spent on outside counsel. It was disclosed in their joint June 30 report that about 90 percent of the nearly \$800,000 that has been spent on outside counsel was "incurred by the Departments without the involvement of the City Attorney's office."

All along any contract of more than \$30,000 was to be approved by the council. That has not been the case, as proved by Enright and Mittelstadt. It was also noted in that report that firms are overbilling the city and the Finance Department run by Christine Vuletich is paying the bills without scrutiny.

That report says, "As a result of the lack of consolidated oversight, application of consistent hiring and/or billing requirements that conform to best billing practices in the legal industry, and the lack of monitoring of total outside counsel expenditures, the City may be losing money on legal fees."

City Manager Jinkens response to the attorneys' report dated June 28 says, "The concern by staff in the past and only interest has been to receive from our legal department competent and timely legal advice on pressing municipal matters."

It is well known inside city hall that Jinkens and former City Attorney Cathy DiCamillo did not get along. They were even ordered to counseling to help enable them to work together better.

The Jinkens' issue as it relates to personnel matters is scheduled for closed session Tuesday.

Part of this whole mess is how he handled a complaint filed by Vuletich against Mittelstadt and Enright. Mittelstadt was given a copy of the complaint Oct. 16.

Jinkens was hired in August 2002. His contract expires next summer. Per normal course of action, his review is scheduled after the first of the year. It is not known if the council would buy out his contract if his services were no longer wanted.

The public will be able to comment during Mittelstadt's hearing – which, after all, is who the council reports to.

Mt. Tallac – more than a high school

Publisher's Note: *Lake Tahoe News will be publishing articles from Mt. Tallac High School students through Oct. 21. The South Lake Tahoe school is having an open house Oct. 21 from 9am-noon. But first, a few words from the woman who runs the show.*



Susan Baker

By Susan Baker

Mt. Tallac High School, in the words of one student, "Is as misunderstood as the students who attend there."

Mt Tallac High School is an alternative approach to education and a high school diploma.

Situated below South Tahoe High School, it is a school of second chances for those who for whatever reason have not been successful in a traditional school model. Many of our students work fulltime while going to school, some are pregnant or parenting while attending school, and some just desire a less traditional approach to education.

Our philosophy is based on the model that all students are capable of success and those successes are built one at a time.

This year we have started a Tallac Leadership Team in which every student is invited to participate. We have student ambassadors who are committed to making Tallac the best school in the district.

This year Tallac has a student who was a homecoming princess, a student who is co-editor of the yearbook and one who is the goalie for the varsity soccer team.

The students have chosen the school color to be purple because that color blends all other colors together. Our mascot is a Phoenix, which symbolizes rebirth and rising up from the ashes.

Our individual approach to education has fostered an environment where all students, regardless of their path, are able to be successful. I am the luckiest person in our district to be able to work with these incredibly unique students everyday.

Susan Baker is the leader of Mt. Tallac High School in South Lake Tahoe.