

Small fire at Stateline jail

A bit of excitement occurred at the Douglas County Jail in Stateline early Thursday night.

A fire broke out in the laundry room and was contained to that area. It caused smoke to filter throughout most of the jail. However, no inmates had to be transported away from the facility. Nor were there any injuries.

Tahoe-Douglas firefighters are investigating the cause. The amount of damage had not immediately been assessed.

“It was a fairly minor incident,” acting fire Capt. Bill Romanowitz told *Lake Tahoe News*. “They had a small fire in a dryer.”

Charter raising cable TV prices

Charter Communications is raising its rates “ which will be noticed by cable payers on the December bill.

In an email to Charter on Oct. 21, South Lake Tahoe City Manager Dave Jinkens said, “Raising your costs by almost 25% on Basic Cable service in these tough economic times undoubtedly impacts lower income people more heavily than others and this change concerns us. I cannot say that I understand the reason for the large increase and would ask for further clarification to inform elected leadership in our community and the public at large.

“I know these are challenging financial times for our

community and operators and owners of businesses and every increase in cost impacts them.â€

Charter is raising the monthly fee for basic cable service from \$19.99 to \$24.99. The expanded basic cable service is decreasing by \$3 month, becoming \$31.

In an email the city received from Franny Buffa, government relations administrator with Charter, she said the increase reflects the â€œincreased programming fees from our suppliers, as well as the overall cost of doing business.â€

Buffa may be reached at (775) 850.1267.

Harrah's Dingman files countersuit

By Michael Hasch, Pittsburgh Tribune-Review

The director of hotel operations at the resort where a Nevada casino worker contends that she was sexually assaulted by Ben Roethlisberger filed a countersuit Tuesday against the woman.

Stacy Dingman, an employee at Harrah's Lake Tahoe Hotel and Casino and one-time friend and confidant of the alleged victim, filed a counterclaim seeking in excess of \$10,000 in damages.

Read the whole story

Voting by mail saves county money



By Kathryn Reed

Some voters in El Dorado County are sharpening their pencils for the first time because their polling place has been eliminated and they must vote by mail for candidates/issues on the Nov. 3 ballot.

The 14 precincts on the South Shore have been consolidated to four — two in South Lake Tahoe and two in the county. The people who don't have a physical place to go to should have received their ballot in the mail already with a letter explaining what is going on.

Bill Schultz, county registrar of voters, said this is a way for his department to save money. It costs more than \$1,000 to open a precinct.

He doesn't expect this type of consolidation to occur when it's a primary or general election. But Schultz said for small elections like this one the vote by mail method has been used before.

“We get a higher turnout by mail, than at the polls,” he said.

Nonetheless, Schultz is predicting a 23-27 percent voter turnout.

Even though not many items are on the ballot for the lake side of El Dorado County, Schultz said since the ballots still have

to be transported to Placerville instead of being sent electronically like was allowed years ago, the results are not likely to come in faster than usual.

If you have not received your voter information, call (530) 621.7480.

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.

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.

Homewood’s Pisano’s goes up in flames

The cause of the Monday night blaze that destroyed Homewood’s Pisano’s Pizza is being investigated by the North Tahoe Fire Protection District and Placer County sheriff’s deputies.

Dave Zaski, spokesman for the fire district, would not tell *Lake Tahoe News* if the sheriff’s department involvement is because of suspected arson.

Officials are expected to release more information at the end of the week.

The popular eatery on Highway 89 sustained substantial damage, though Zaski didn't know if it would be ruled a total loss, nor did he have an estimate of the dollar amount of the damage.

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 Bricton & 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.

Feds rule on medical marijuana

Associated Press

WASHINGTON – The Obama administration will not seek to arrest medical marijuana users and suppliers as long as they conform to state laws, under new policy guidelines to be sent to federal prosecutors today.

Two Justice Department officials described the policy to the Associated Press, saying prosecutors will be told it is not a good use of their time to arrest people who use or provide medical marijuana in strict compliance with state laws.

Read the whole story

Barton has ideas to cope with nursing job shortage

Publisher's Note: *This is an excerpt from a story about how nurses can't find jobs, with Barton Health's comments here. A link to the whole story is below.*

Job sharing was postulated as a way to get new grads into the workforce and accommodate current workers who wanted to work part time, but that idea was nixed by Dennis Yee and others.

"The learning curve is tough for new grads," Yee explained. "New grads need constant supervision as well as hands-on hours to learn skills and specialties. That means they need to be doing full-time shifts for a period of time to get them up to

speed not only on policies and procedures, but also on practice.”

That sentiment was echoed by Mary Bittner, MSN, RN, vice president of nursing for Barton Healthcare System in South Lake Tahoe, CA. Bittner said a sharing program might work between facilities, but not between nurses sharing the same slot.

“A new grad does need a training program to develop competency in practice so the ‘investing’ facility needs to have some guarantee of return on investment,” she said. “The use of a consortium idea might work if the expense for new grad program training was shared by those ‘sharing’ the nurse afterwards.”

Bittner noted facilities with seasonal increases in traffic might do well to look at sharing experienced nurses as well, but such a program would have to benefit everyone and the costs would have to be shared.

“I have long thought that it would be nice to share nurses between facilities [like ours] that experience surges in volume,” she said. “So, two or three resort communities with different business (that is, timed at opposite ends of the calendar year) could share nurses and the nurses retain much needed full-time work. The arrangement might have to be workable geographically to get the most out of the shared employee.”

Read the whole story