

Letter: Why Measure C makes sense

To the community,

I'm voting for Measure C because South Lake Tahoe needs a reliable and transparent way to fund road maintenance and improvement. Last winter was illustration enough for me. After I hit a pothole on Pioneer Trail during a snowstorm, I had no other option than to spend \$800 for new tires if I was going to drive my children to school and get to work. In the summer months, I watched as the asphalt wore down from thousands of tires coming in from out of town every week. As the tourists leave, we are left with cracks and splits and holes.

Road work is costly and ongoing. Our current city budget does not fund road repairs. This means that we are using discretionary funds to maintain our roads. Another big winter could mean that we cut other city departments to fix potholes. Measure C gives us a way to share the cost of this road work with the thousands of tourists that visit us annually and use our roads: the small Measure C sales tax will provide a consistent source of revenue for fixing and maintaining the roads. By setting up an independent oversight committee and management authority, Measure C funds will only be used for our roads.

We need a two-thirds vote to pass Measure C so get out to vote. And if you don't vote for Measure C, will you pay for my next set of tires?

Vote yes on Measure C.

Annie Davidson, South Lake Tahoe

Opinion: It takes a team to overcome curve balls

By Virginia Berry

Have you ever made a decision that took you down the wrong path in life? Boy. I sure have.

Have you ever stumbled and fallen when facing challenges that seemed insurmountable? I'm raising my hand.



Virginia Berry

Did life ever throw you a curve ball that you didn't see coming, and perhaps you reacted in a way that didn't serve you well? This has happened to me more times than I can count.

Do you or someone close to you struggle with addiction or mental health challenges? My family and personal relationships certainly haven't been immune to either of these troubling issues.

At Tahoe Youth & Family Services, our young community members and their families face these kinds of struggles on a frequent basis. At-risk youth find themselves in circumstances that seem unreal to them. Experimentation with drugs and alcohol may result in addiction and ultimately a fight for life. Precarious mental health issues bloom into full-on crises.

Myriad unforeseen circumstances may lead to homelessness. Young people without strong role models or mentors may make decisions that keep them from reaching their full potential.

The good news is that you can help in more ways than you may realize.

I retired as a dean from Lake Tahoe Community College last year thinking that my future held glorious mornings of sleeping in and sipping coffee while watching "Good Morning America." I would certainly be hiking every day, working out at the gym, traveling, taking classes at LTCC, and volunteering with local nonprofits.

Then the first of many curve balls came along.

Instead of the leisurely and relaxing days I imagined, I spent my time fighting for justice as a victim of domestic violence. Didn't see that coming. I was humbled to learn the hard way that anything can happen to anyone, at any time. Life is full of curve balls. Standing up for myself and others made me realize that I had retired from LTCC too soon and that I still have a lot to give to our community beyond sleeping in, taking classes, and even volunteering.

The board of Tahoe Youth & Family Services asked me to consider an interim (and possibly permanent) position as executive director. Another curve ball. A few years ago, I had applied for this position, but withdrew from the hiring process when I decided to stay at LTCC. This time around, I knew I needed to re-enter the workforce in a leadership position that provides an opportunity to not only help TYFS, but to truly serve the community I have come to love over the last 25 years.

The curve balls continued. A large, federal Street Outreach Program grant was not renewed for TYFS. Among many things, the grant funded a very robust outreach program to help homeless and semi-homeless ("couch surfing") youths and devoted

resources to address the very real problem of sex trafficking in our community. Losing this grant was devastating news to TYFS, but we made unbelievably difficult financial cuts to weather the storm. We are now looking for creative solutions to regain other grant funding as well as ways to bolster our fundraising and donor efforts.

How can you help?

We are in dire need of foster-certified families in South Lake Tahoe, Alpine County, and Douglas County to serve as host homes in emergency situations for runaway youths. Please call me or Cheyanne Lane at 530.541-2445.

Consider attending our unique fundraiser on Nov. 8, A Night of Magic. Tickets are easily purchased by texting the keyword MAGIC2017 to 91-999 or visiting our **web page** and clicking on the Night of Magic flyer. Can't make it, but would like to make a donation to Tahoe Youth & Family Services? Donations of any size are gratefully accepted by texting the keyword TAHOEYOUTH to 41-444 or visiting our web page.

Interested in volunteering? We always need mentors for at-risk youth or help in a variety of other capacities. What about serving on the TYFS board? I am currently recruiting board members, especially those with experience in education, public safety, finance, and counseling, as well as members who reside in Douglas County or Alpine County.

Let's return to the questions I posed at the beginning of this missive and turn the tables a bit.

Have you ever been helped in your hour of need by a person who believed in you? Someone that told you everything was going to be OK and offered you the support you needed? I am thankful for the many friends and family members who have come to my aid when I needed them the most.

Have you been able to turn around a bad situation and actually

discovered that you were grateful for your struggles because they have made you a stronger person? I wouldn't trade one of my darkest moments for anything because my persistence has always paid off in the long-run.

Have you been blessed with role models, mentors, support systems, and resources that have allowed you to stay strong and do miraculous things with your life? I know that I have. My father was a homeless teenager during the Great Depression and he joined the Navy at the age of 17. When WWII was over, he capitalized on his GI benefits and worked three jobs while attending medical school. His determination to rise above his circumstances still serves as a powerful legacy in my life. His service to others, compassion, and work ethic provided the resources his six children needed to make it through college and pursue rewarding careers.

Despite the trials and tribulations of this wild roller coaster that we call "life," I know I have been blessed. It's time for me to pay my blessings forward by serving our community and doing my very best to strengthen and grow the amazing non-profit agency known as Tahoe Youth & Family Services.

Would you consider paying your blessings forward to assist at-risk youth and their families in our community? Your support and donations will always be used to strengthen and grow services to people who need your help. I firmly believe that every human being has potential beyond what he or she realizes. Please help us unleash that potential and strengthen our community at the same time.

Ideas? Questions? Comments? I'd love to hear from you. Drop me an email at virginia@tahoeyouth.org. Please join me in this journey to create a stronger, kinder, and more compassionate community in South Lake Tahoe, Minden/Gardnerville, and Alpine County.

Virginia Berry is executive director of TY&FS.

Letter: Planning to vote yes on Measure C

To the community,

Ever since I moved to South Lake Tahoe, potholes and cracks have covered our city's roads and presented a danger to residents. We have all seen cars swerve all over the road, only to realize it's not a drunken driver, but rather someone trying to avoid potholes. Our roads should not be in such disrepair, that a simple trip to the grocery store can feel like an obstacle course. We need to solve this problem.

Instead of kicking this can down the road (so to speak) to make street safety someone else's problem, I am taking action by supporting Measure C. Measure C will fix the terrible potholes on our local streets, improve roadway safety, and ensure that local police and fire vehicles can reach emergencies quickly.

The longer we wait, the more expensive these road repairs will become. Measure C ensures tourists pay a significant portion of the cost of road improvements, and the funds received under Measure C will actually go towards these improvements, and can never be used for any other purpose, which was my greatest concern. We cannot afford for Measure C to fail. Please vote yes.

Kelly Montgomery, South Lake Tahoe

Opinion: Bump at the pump wasn't necessary

By Ted Gaines

California already has some of the highest gas taxes and worst roads in the country. As of Nov. 1, our gas taxes are second to none.



Ted Gaines

The largest gas tax increase in California's history took effect Wednesday. Motorists will now be paying an additional 12 cents per gallon of gasoline and 20 cents per gallon of diesel fuel as a result of Senate Bill 1, the \$5.2 billion annual transportation tax proposal passed earlier this year.

The frustrating thing is that we didn't have to take a single penny from Californians in new taxes to fix our roads. But after years of diverting billions of transportation dollars to ridiculous pet projects like the high speed rail, we're now left paying for the same service twice.

So how are the people supposed to believe that this time, the new gas tax money collected will actually be spent on transportation when 30 percent of the new funds have already been allocated to non-road projects like state parks and mass

transit?

Also frustrating is the timing of the gas tax increase. It's no coincidence that Nov. 1 is the day when California retailers begin switching from summer to the less-expensive winter gasoline. Winter blends usually run about 12 cents less per gallon than summer blend. Essentially, the switch to winter blend will be even with the gas tax increase, so Sacramento politicians are hoping consumers won't notice the bump at the pump.

This was not the only option. Republicans developed a transportation plan that would have provided funding without raising taxes. But apparently we're in a legislative contest to see how expensive we can make staple goods and how unlivable we can make this state for the poor and middle class. We aren't taxing champagne and caviar. Transportation is a basic need to live and work and raise a family.

Ted Gaines represents the 1st Senate District, which includes all or parts of Alpine, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra and Siskiyou counties.

Letter: Time to fix South Lake Tahoe's roads

To the community,

As a proud longtime resident of South Lake Tahoe, I find it embarrassing that our community has not been able to take care of our roads. From a lack of sidewalks to enormous potholes and cracks, our roads are dangerous and need to be fixed.

Measure C is the right way to finally address the repairs that our roads desperately require. Measure C will ensure that, for the first time in our city's history, there is dedicated, stable funding that can only legally be spent improving our roads. Visitors to South Lake Tahoe will pay their fair share for the use of our roads, and every penny would remain local. By keeping pollution out of Lake Tahoe and ensuring that emergency vehicles can respond quickly and efficiently to emergencies, Measure C will go a long way toward fixing the dilapidated roads that are blight on our community.

The choice is clear – a vote for Measure C is a vote for better roads and improved public safety. Our roads have been a problem for far too long, and these necessary repairs are only going to get more expensive as times goes on. I have returned my vote-by-mail ballot with a yes on C vote, and I hope you will do the same.

Cheryl Caplan, South Lake Tahoe

Letter: Homeless Coalition gives thanks

To the community,

Thank you to our community of supporters for making the 2017 Homebrew for the Homeless a successful fundraiser. The Tahoe Coalition for the Homeless event at the DDRC Ranch was supported by over 60 individual and business sponsors.

A special cheers to major donors: Hops Envy, Reliapro Painters, darke. Marketing, Tahoe Mountain Lab, Law Office of Scott Weavil, Heatherton Agency, Barmhouse, Tahoe Best

Friends, Tiffany Hetherton Grimes of Chase International, and South Tahoe Association of Realtors. This year's event raised a record amount of donations.

The chili cook-off, face painting, horseback riding, music, and homebrew from local brewers and Hops Envy on the ranch made for a fun afternoon.

Beer winners were:

1st – Joe Reyna with his Forest Gose

2nd – Shawn Gearlds and Shell Ford with their Pale American Ale

3rd – Mike Thicke with his Puck Hog American Porter

People's choice: Glenn Simpson.

Chili winners were:

1st – Daniel Solgado, HAMS Chili

People's Choice: Katie Shea, First Snow Chili.

Marissa Muscat, Tahoe Coalition for the Homeless

Opinion: Daly's ghost haunts El Dorado County

By Larry Weitzman

Before Terri Daly got the job as El Dorado County assistant chief administrative officer and then CAO, she was the CAO of Amador County working her way up from assistant CAO to CAO.

She cost Amador County about \$20 million in a bad lease deal which I wrote about four years ago. When Daly was terminated by EDC as CAO, she received a severance package worth about \$200,000 of which \$153,000 was cash.

During her failed tenure, besides hiring her friends and giving out budget busting 15 percent raises, she was advised by the auditor controller that "Nexus" studies were required for all of EDC's Mitigation Fee Act districts and that a failure to do so could create a huge county liability. Both ACAO Kim Kerr and principal analyst Mike Applegarth failed to follow through on these studies, which were clearly within their task purview. Daly didn't cause them to happen either. That's where the buck stops.



Larry Weitzman

Later CAOs, Pam Knorr and Larry Combs, who also knew of the county's failure to file these Nexus studies, didn't take care of business, either, ignoring repeated requests from the county auditor to comply with the MFA. Combs on Nov. 17, 2015, told the board it was not a problem.

In March 2015, I wrote the first column stating EDC was out of compliance with all of the MFA districts and needed to refund all fees collected. But it wasn't going to happen. Even after the Walker v. San Clemente decision, which said no five-year Nexus study, refunding the unexpended money is mandatory, did nothing to light a fire under CAO Combs or the Board of Supervisors. At that same Nov. 17, 2015, meeting, County Counsel Robyn Drivon told the Board that the case didn't apply

to EDC and EDC had nothing to worry about. Then ACA0 and now County Counsel Mike Ciccozzi echoed her sentiments and wrote a long memo of double talk that the MFA requirements and Walker wouldn't apply to EDC.

By Nov. 17, 2015, Walker was the law in all of California as the Supreme Court had chosen not to hear the case.

A month or so later, the Austin v. EDC, et al case was filed against the county for a refund of most MFA fees totaling \$32 million. Now County Counsel Mike Ciccozzi told the board not to worry, effectively saying I got this handled. EDC will win this case. EDC hires Abbott and Kindermann, a big Sacramento law firm, for its defense. El Dorado Hills CSD hires its own counsel. Guess who is making all the money, that's right, the lawyers and Ciccozzi doesn't have to pay the bills. You, the taxpayers do, and they are now estimated to be well more than \$300,000.

While EDC has openly admitted that it has violated the MFA in several official documents, Abbott and Kinderman base their entire defense on the statute of limitations (SOL). The SOL is a legal principle that says in this case if you wait too long after your claim arises, you lose your right to sue. The Austin case was filed in December 2015, while most of the Nexus studies were due in 2013, so it was two years or so after the claimed Nexus reports were supposed to be filed as required under the MFA. The county and El Dorado Hills CSD through their lawyers claimed the law was a one-year SOL or at best a three-year SOL bases on certain code sections Code of Civil Procedure (CCP) 338 and CCP 340. The plaintiffs said if there is a statute, it is a four-year SOL as the Walker case said.

But because the county keeps collecting fees and dispersing funds under the MFA, that the SOL keeps getting "tolled" or restarted each time the county collects a new fee. If not, then why ever file a Nexus study, wait a year and if no one

notices – which was the case here. The County doesn't ever have to file one and can operate with impunity. Such an idea would violate the filing requirements and would flaunt the intent and protections specifically provided by the MFA for the public.

While the ruling isn't final, the El Dorado County Superior Court has rendered a well-reasoned 44-page tentative ruling on the issue and it doesn't look good for the defendants, EDHCS and EDC. The court's tentative decision at page 28 summarizes its reasoning for the decision and makes several statements as will be quoted below throughout the entire decision: "Section 66001(d)(2) mandates the governmental agency to refund all funds held in an account or impact mitigation fund where the local agency fails to meet its mandatory duty to make findings every five years. That duty to refund is not limited to money on deposit in the account or fund as of the date of default in making the required five-year findings. Therefore, it is reasonable to construe that statute as imposing a continuing requirement to refund all funds collected after that date until the required findings are made. Such a construction would provide the Local Agency with a continuing incentive to make the findings despite the passage of the date to make such findings and support the legislative intent to impose the five-year findings requirement in order to prevent a local agency from collecting and holding a development fee for an extended period of time without a clear and demonstrable plan to use the fee for the purpose it was imposed."

In other words, the SOL doesn't run as long as the MFA accounts remain active. It is similar to contract law where while there is a four-year SOL on a written contract, if there is ongoing activity under the contract, the SOL runs from the last activity under the contract. So, if you take out a 120-month loan and pay monthly for 72 months, and no other activity occurs like a statement from the lender, then the SOL would run from four years hence or the 48 months after the

payments stopped (not four years from the date the contract was signed). In tax law, both federal and state, the statute for audit never runs until the return is filed, not three years from the date it was due (four years for a state income tax return). In the case of being defrauded, the statute doesn't start until the date the fraud is discovered, not from the date of the actual fraud.

The ruling is tentative and there will be oral argument scheduled for Dec. 1, but tentative rulings are hard to overcome, maybe harder in this case. Interestingly the defendants' right to appeal doesn't come until after the merits of the case are fully adjudicated. After reading several government documents, EDC has already admitted to its MFA violations. If the plaintiffs were to lose this demurrer, however, they would have an immediate right of appeal.

Terri Daly and her minions have left EDC facing perhaps a liability in excess of \$50 million as the collection of MFA fees and spending therefrom continued after the filing of the Austin case.

County Counsel Ciccozzi keeps telling the board not to worry. He has been telling the board since the Austin case, not to worry, the Austin case has no merit and the Walker case does not apply to EDC.

Ciccozzi's four-year county counsel contract is up for renewal in a few months and he is desperately trying for the gravity of the Austin case to not become apparent to the board. To rehire this guy considering his track record for giving advice and his legal acumen based just on the Austin case would be a travesty. His ability as a janitor is good as he has been great at sweeping things under the rug.

And for Daly, she's got a fat cat job with the Yuba Water Agency. Daly also needs to be sued for her violation of her severance agreement and the return of at least \$153,000. Pam

Knorr is up in Butte County pulling down a big paycheck. Robyn Drivon is now county counsel for Sacramento County and earned a gross of \$276,000 in 2016 and Larry Combs is or was a part time city manager for Auburn, still making about \$100,000 a year while pulling down over \$200,000 in pension payments.

Ah, the rewards for incompetence.

Larry Weitzman is a resident of Rescue.

Letter: Reasons for a yes on Measure C

To the community,

I have lived in South Lake Tahoe for 37 years and hope to live in this amazing place for many more years to come. In that time I have not always been pleased with the way our city has spent its tax revenues, but in the last several years I believe there has been a concerted effort to control spending and to provide better oversight in the way these funds are used. That's why I am supporting Measure C.

Measure C will provide most of the funds necessary to repair our pothole filled roads without taking funds from other much needed areas of our city budget. The oversight built into Measure C will insure that the one-half percent sales tax revenue increase will be spent only for this very critical and needed road maintenance. This one-half percent sales tax increase will provide an opportunity for our tourists to pay about 75 percent of our road repair costs.

Tourists are the reason that many of us can live in this

incredibly beautiful place, but they also put a heavy strain on our infrastructure. This slight tax increase helps us take care of our road repair needs with only about 25 percent of the cost coming out of our pockets. We need good safe roads for our families and our visitors and also to reduce erosion that could spoil our beautiful lake.

Measure C spreads the cost of road repairs fairly among all those who use the roads to enjoy the splendor of Lake Tahoe. Measure C makes sense for the future of South Lake Tahoe and its citizens.

Most sincerely,

Paul Brusio, South Lake Tahoe

Opinion: When Halloween mischief turned to mayhem

By Lesley Bannatyne

Imagine. Pre-electricity, no moon. It's late October, and the people whisper: This is the season for witchery, the night the spirits of the dead rise from their graves.

The wind kicks up, and branches click like skeletal finger bones. You make it home, run inside, and wedge a chair against the door. There's a sharp rap at the window and when you turn, terrified, it's there leering at you—a glowing, disembodied head with a deep black hole where its mouth should be.

It's just a scooped-out pumpkin, nicked from a field by some local boys and lit from the inside with the stub of a candle.

Halloween in early 19th century America was a night for pranks, tricks, illusions, and anarchy. Jack o'lanterns dangled from sticks, and teens jumped out from behind walls to terrorize smaller kids. Like the pumpkin patches kids love today, it was good fun—until it wasn't.

As America modernized, mischief turned to mayhem and eventually incited a movement to quell what the mid 20th-century press called the "Halloween problem"—and to make the holiday a safer diversion for youngsters. If it weren't for the tricks of the past, there'd be no treats today.

Halloween was born nearly 2,000 years ago, in the Celtic countries of northwestern Europe.

Immigrants from Ireland and Scotland brought their Halloween superstitions to America in the 18th and 19th centuries, and their youngsters became the first American masterminds of mischief. Kids strung ropes across sidewalks to trip people in the dark, tied the doorknobs of opposing apartments together, mowed down shrubs, upset swill barrels, rattled or soaped windows, and, once, filled the streets of Catalina Island with boats.

But when early 20th-century Americans moved into crowded urban centers, pranking took on a new edge. Kids pulled fire alarms, threw bricks through shop windows, and struck out against adults in general. They demanded sweets and threatened vandalism if they didn't get them.

Some grown-ups fought back. Newspapers in the early 20th century reported incidents of homeowners firing buckshot at 12-year-old pranksters. "Letting the air out of tires isn't fun anymore," wrote the superintendent of schools of Rochester, N.Y., in a 1942 newspaper editorial. "It's sabotage. Soaping windows isn't fun this year. Your government needs soaps and greases for the war." That same year, the Chicago City Council voted to abolish Halloween and instead

institute a "Conservation Day" on Oct. 31. The Senate Judiciary Committee under President Harry S Truman recommended Halloween be repurposed as "Youth Honor Day" in 1950. The House of Representatives neglected to act on the motion, but on Oct. 31, 1955, in Ocala, Fla., a Youth Honor Day king and queen were crowned at a massive party sponsored by the local Moose Lodge. As late as 1962, New York City Mayor Robert F. Wagner Jr. wanted to change Halloween to UNICEF Day, shifting the emphasis to charity.

By that time, the real solution was already gaining in practice. Since there were children already out demanding sweets, why not turn it into a constructive tradition? Teach them to politely ask for sweets from neighbors, and urge adults to have treats at the ready. The 1952 Donald Duck TV cartoon "Trick or Treat" featured Huey, Dewey, and Louie, who, with the help of Witch Hazel's potions, get Uncle Donald to give them candy instead of the explosives he first pops into their treat bags.

The transition could be slow. On one episode of "The Adventures of Ozzie and Harriet," costumed kids come to the door, and Ozzie and Harriet are baffled. But food companies—Beatrice Foods, Borden, National Biscuit Company—quickly took notice and got into the candy business, and even tobacco companies like Philip Morris jumped in. Halloween candy and costume profits hit \$300 million in 1965 and kept rising. Trick-or-treating—child-oriented and ideal for the emerging suburbs that housed a generation of Baby Boomers—became synonymous with Halloween.

For those nostalgic for Halloween mischief, all is not lost.

Query the MIT police about the dissected-and-reassembled police car placed atop the Great Dome on the college's Cambridge campus in 1994. Or ask the New York City pranksters who decorated a Lexington Avenue subway car as a haunted house in 2008. The modern Halloween prank—be it spectacle, internet

joke, entertainment, or clever subversion—is a treat in disguise, an offering that’s usually as much fun for the tricked as it is for the trickster. For that, Americans can thank the long line of pranksters who came before us

Lesley Bannatyne’s latest book, “Halloween Nation,” was nominated for a 2011 Bram Stoker Award; “Halloween: An American Holiday, An American History” celebrated 25 years in print in 2015. In 2007, Bannatyne and collaborators set the Guinness World Record for largest Halloween gathering, a title they held until 2009.

Letter: Plenty of reasons to vote no on Measure C

To the community,

Basic expenses. We all know what those are: rent, food, utilities and clothing. In a city, basic expenses would be roads, snow removal, police and fire.

A recent staff report stated that the city has seen an “increase in property, sales and transient occupancy taxes.”



Gerri Grego

So why do they need more for “basic expenses” and why has the

basic service of road work over the years not been completed? I believe it is because it has not been their priority.

Did you know that according to a recent staff report that we pay annually for 400 retirees and 200 employees? The report goes on to say that CalPERS "will severely impact the city's net fund balance and restrict the City Council's discretionary spending." Over the next five years the CalPERS payment will increase from \$4,774,596 per year to \$9,699,000.

It goes on to say that CalPERS "will severely limit the ability of the city to fund its general services, manage cost increases for supplies and goods, direct resources to capital projects."

In a recent meeting, a councilman was asked why road improvements were not in the recently approved budget. His answer was that they wait until spring to see how much money is left before deciding what work can be done. Does that sound like a priority to you?

How about \$75,000 paid by the city for a VHR study or spending \$50,000 a year on SnowGlobe to bring up tourists on a holiday? Or how about all the money the city is spending to "educate the public" as to Measure C and the cost of a special election.

Consider the precedent if C passes – first road tax, then fire tax, then police tax.

Let's not encourage misdirected priorities of public funds. Vote no on Measure C.

Gerri Grego, South Lake Tahoe