



City of South Lake Tahoe

"making a positive difference now"

April 16, 2018

District Attorney Vern Pierson
778 Pacific Street
Placerville, CA 95667

Dear District Attorney Pierson,

On April 14, 2018, City Council Member Brooke Laine wrote an opinion editorial which alleges multiple violations of the law. She arranged for its posting on a local website (see full op-ed at: <https://www.laketahoenews.net/2018/04/opinion-slt-needs-stop-breaking-law/>). Acting City Manager, Jeff Meston, has asked for me to thoroughly analyze the content of Ms. Laine's public disclosure and request your assistance where appropriate. The analysis and request is contained here.

In my experience, those with a sense of civic responsibility routinely report violations of the law to proper authorities as opposed to publicly "reporting" on the internet. Since this does not appear to be the case here, I ask you to initiate an investigation into any/all aspects you deem best. Further, while the South Lake Tahoe Police Department (SLTPD) would normally investigate crime within our jurisdiction, I believe an investigation which is independent of the City, and therefore the SLTPD, is in order.

Analysis

Paragraph 1: In the op-ed, Ms. Laine explains she can "no longer be a party to the violations of law." This appears to be an admission that Ms. Laine has participated in previous law violations. To my knowledge, she has not reported any law violations to proper authorities, so inquiry with her into the specific law violations to which she was a "party" is a good starting point.

Paragraph 2: Ms. Laine states that "The interim city attorney has admitted to many that a recent contract she oversaw violated the Brown Act." Perhaps your investigator could reach out to Ms. Laine and inquire as to the identity of the many people to whom Ms. Dougherty has made this admission. Further, since investigating Brown Act violations are within your agency's authority, please examine this matter to the fullest extent possible.

Paragraph 3: Here, Ms. Laine states the following:

Multiple violations of law have occurred in closed session, often relating to discussions involving personal attacks on non-agenda issues. The interim city attorney and the politicians engaged in the violations refused to cease the unlawful discussions, even when asked to do so to avoid continuing the unlawful conduct.

In this paragraph, it is unclear which law violations are alleged. It could be plausible that the recipient of “personal attacks” was a victim of some threat-related offense or since Ms. Laine refers to the closed session dialogue as including “non-agenda issues” it is conceivable that the “multiple violations” are related to laws pertaining to closed session conduct. Since factual detail is omitted, Ms. Laine should be asked to produce more information.

Paragraph 4: Ms. Laine’s op-ed explains:

The minutes of the March 20, 2018, meeting seriously misstated the facts by asserting an action occurred at a prior meeting, but the council never took that action. The law requires the city to tell the public the truth, follow the law explicitly, and provide accurate public records. This absolute failure at the very top is a violation of law, injures the public’s trust, and is currently crippling the city.

From this initial assessment, it is conceivable that Ms. Laine is referring to laws which pertain to government record keeping. Since Ms. Laine’s op-ed does not include details, I suggest the video and written records be reviewed in search of any discrepancy between the March 6th and March 20th meeting minutes and corresponding video. Normally meeting minutes needing correction can be addressed by our City Clerk, as customary in such circumstances. It is important to note that at the beginning of each City Council meeting, all City Council members are asked to provide corrections to the written record of the previous meeting prior to approving the meeting minutes. Here, Ms. Laine should have already had the opportunity to review and correct the meeting minutes in question. In addition to the posted meeting minutes and the on-line meeting video, the City Clerk’s Office would be a resource for data and facts on this topic.

Paragraph 5: Ms. Laine’s op-ed publicly states:

Secrecy has no place in local government. If one councilmember is not privy to the same information as other councilmembers, the question is “why?” If one, two, or worse, three councilmembers discussing information the others don’t have, not only is that also a violation of the Brown Act, it creates distrust. It results in decision-making taking place outside of the public’s view (another violation of law) and it literally has no place in our city. The only purpose of such secrecy is to shift the balance of power from the council as a whole to a few electeds and appointed staff. Worse yet, blindsiding some people through this type of manipulation, fuels the public’s distrust of process, transparency, and government in general.

This vaguely written segment of Ms. Laine’s op-ed fails to describe any specific incident or example. Ironically, while Ms. Laine claims she is shining a light on improper or illegal actions, she conceals any specific descriptions of actual incidents or the identity of the involved individuals. Since her public statement directly asserts a “violation of the Brown Act,” I ask you or your staff to seek clarity from Ms. Laine and, if she supports this allegation with facts, to investigate and take action to the fullest extent of the law.

Paragraph 6: Ms. Laine’s op-ed, includes the following statement:

Power struggles, when the struggle for power is not for the benefit of public policy, but rather for personal gain, are selfish, create hostility, and purposely keep many in the dark. The public is a witness to this, which creates confusion and increases distrust. Further, the media that buys into the incomplete and inaccurate information they are fed, unwittingly become tactical participants in this sport to gain personal power. Most important, the public's business is not a priority.

Here, Ms. Laine seems to suggest that some unnamed person has received "personal gain" as an illegal enrichment for political power or favor. If true, this is extremely serious. The South Lake Tahoe Police Department has received no complaint of this nature. I ask you or your staff to seek clarification from Ms. Laine and, if she supports this assertion with any meaningful facts, then investigate and prosecute any wrongdoer.

Paragraph 7: Ms. Laine's editorial explains:

It is my belief that the only way to address these serious violations, which illustrates a fundamental and complete breakdown of legal process, is to bring this information to the attention of the community.

While this may be Ms. Laine's belief, on a daily basis, responsible people report crimes to police officers, district attorneys, and officials with the Attorney General's office whenever they believe violations of the law have occurred. Clearly, we expect people who have a sense of civic responsibility, to include those who hold public office, to report violations of the law to the appropriate officials.

Conclusion:

Since Ms. Laine's public actions have undoubtedly caused some in the public to feel less secure in their government, I ask you to expedite your investigatory efforts and publicly report, to the fullest extent possible, outcomes or findings in an effort to restore confidence in the government of the City of South Lake Tahoe.

Respectfully,



Brian T. Uhler
Chief of Police