

# **NOT NECESSARILY IN THE NEWS**

**A Public Policy Newsletter and Commentary May 21, 2024 - Volume 136**

*Our Founders declared that a legitimate government derives its “just powers from the consent of the governed” and that the purpose of government is to secure the unalienable rights of its citizens.*

## **FORMER CITY MANAGER DAVID JINKENS ANNOUNCES SLT CITY COUNCIL CAMPAIGN**

**SOUTH LAKE TAHOE, CA, APRIL 26, 2024** - Former City Manager and current Good Government Advocate David Jinkens announces his campaign for South Lake Tahoe City Council (SLT).

As a 22-year resident of the city, David Jinkens has seen SLT grow in tourism and small businesses. As the 6th City Manager of SLT for eight (8) years, he knows city government, how it works here and should work. He understands the region and knows how California state government works. With his experience, professional contacts, and resident centered advocacy he has insight into what it takes to make the city work for its residents and businesses.



*"I believe in growing the local economy and addressing existing challenges with creative city policy choices and direction. I do not support in any way shape or form increases in taxes for residents, businesses, or property owners at this time. City government must live within their means. We can and must do better."*

### **Kathay Lovell, Former Mayor, City of South Lake Tahoe**

*"I strongly endorse David Jinkens for City Council. His dedication and commitment to the community is proven. With his 35 years of city management experience, especially in finance, public safety, recreation, and the environment. David knows how to get things done and is a team player. I know he is accountable and transparent, will work to keep the city's businesses in business, and will protect all homeowners from new taxes. David works for the community, not for special interests."*

His personal goal is to unite the community and not divide it by finding creative and mutually agreeable and realistic answers to the city's highest priority problems.

*"There are many issues the city will face. Along with working to have safe and well-maintained neighborhoods, as a City Councilmember, I will work to help the local economy grow via job creation, job retention and new business investment and ensure the actions of city government will always put the safety, health, and welfare of the community first;" City government officials must be advocates for their residents and business community when dealing with other levels of government.*" David Jinkens said.

Tambien, quiero escuchar y ayudar a los miembros de nuestra población latina (*Also, I want to listen to and help members of our Latino population*).

Your input, concerns and questions are welcomed, please send them to:

[jinkensforslt@gmail.com](mailto:jinkensforslt@gmail.com)

## **FIRE EXPO A SUCCESS**



*Fire Volunteer Terri Jinkens giving advice.*

Saturday's Fire Expo (May 18) at the Middle School from 11 a.m. to 1 p.m. was well attended and a success. Thanks to all members of the South Lake Tahoe Fire Department, Lake Valley, Cal Fire, Douglas County Fire, EDC Search and Rescue, EMS personnel and allied agencies for displaying equipment and information about fire safety and response. Thanks too to Dianne Rees and Firewise volunteers for their efforts to make their neighborhoods and homes fire safe. They have done a fantastic job spearheading fire safety on private properties in the City limits.

## CELEBRATE AND PATRONIZE OUR SMALL BUSINESSES

Small Business Month, celebrated in May every year, is a special tribute to celebrate small businesses, their courage, community efforts, and hard work for an entire month! Did

you know that small businesses are the backbone of the United States? Yes, according to a 2020 study by the U.S. Small Business Administration (S.B.A.), there are 31.7 million small businesses in the United States. So, as you can see, these small businesses that are the backbone of the United States economy are the unsung heroes of the American Dream.



## “VACANCY TAX” – VOTE “NO”! It is not the solution... MEASURE NEEDS EXPERT LEGAL REVIEW



I want to thank the City Council for directing that further review be made on the proposed “vacancy tax.” It is important that city officials and the public have all the information they need about the matter before deciding to treat second homeowners like second class citizens. Please rephrase...

According to our fine city staff the city council directed the following action at their May 7, 2024, meeting:

*“City Council passed a motion requesting an Elections Code section 9212 report for the Vacancy Tax Citizens Initiative to be presented at the June 18 City Council meeting to cover its fiscal impact, its effect on the use of land, availability of housing, and ability of the City to meet its regional housing needs, and its impact on funding for infrastructure including transportation infrastructure, contingent upon the City Clerk certifying the sufficiency of the petition. City Council further directed the report to include fiscal impacts (positive and negative), high-level legal analysis, implementation costs, privacy impacts, market value real estate impact, and best method to determine vacancies.”*

The report will “not include whether the title/summary is legal. The consultant is assisting with the quantitative analysis, and the City Attorney is preparing the legal analysis as this was discussed at the City Council meeting.”

Below is an excerpt from my letter to the City Council before taking action at their May 7, 2024 meeting urging them to do the following:

“...The City Attorney has already publicly stated that a vacancy tax for the City of South lake Tahoe is questionable legally. ***I believe that she is correct. I thank her for her candor when the matter first came before the Council.*** Current litigation regarding the tax is in charter cities. As you know, SLT is a general law city.

First, the name of the ballot measure is misleading and incorrect. The properties in question are second homeowners and are not vacant. They are occupied by their owners for a portion of the year. The ballot measure title was deceptive and inaccurate and may have left the public who was asked to sign the initiative with the impression that the homes were essentially unoccupied.

Second, the single-family homes targeted for taxation are not being offered for rent. They are second homes. They are not part of multifamily units commonly rented.

Third, requiring people with second homes to rent them by taxing them if they do not, is arguably a taking under Federal law.

Fourth, I am told that requiring people to rent their homes by coercion through taxes violates State law.

Fifth, I would argue that taxing single family homes differently on the same street in a single-family area simply because the owner of one does not live in the house full time or does not rent the unit is discriminatory and illegal.

**The City Council needs to retain special expert counsel to advise them on the legality of the entire measure considering our situation here.** If the measure passes, it will be litigated. The City Council should not wait and needs to know what is legal or not legal before deciding whether to pursue the ballot measure. If I were on the city council, I would urge retaining the law firm that is litigating the matter in San Francisco. (Nielsen Merksamer). (1) This is no time for best guesses on this serious matter. The City’s elected leaders need a definitive answer to the legal questions raised and the validity of the ballot measure title and the impact on signature gathering that occurred. If special counsel is hired, they should report directly to the city council, minus the VT council member proponent for obvious reasons relating to a conflict of interest. The City Council needs unfiltered information before deciding whether to pursue the measure and defend it if it passes.

The Council cannot be expected to support or defend measures that are arguably illegal and use taxpayers’ funds and legal staff’s time to defend an illegal measure whether or not it passes. Hypothetically, if an initiative were proposed that discriminated against people

*based on their religion, gender, gender identity or race, the City Council could not and should not promulgate such a measure or defend it if it were somehow to pass.*

I suggest that the issues identified above be evaluated as part of your efforts to evaluate the impact of the proposal under the provisions allowed for in your staff report under item 8.”

Thank you and best wishes, David Jinkens

(7) I have no business dealings or personal relationship with the recommended law firm or its members nor have I discussed this proposal with them. They are the lead attorneys in the San Francisco case and should be current on the law and its applicability to the facts in our case.

May 14, 2024

**The Honorable Rob Bonta**  
**Attorney General**  
State of California

Re: **PRESERVATION OF AFFORDABLE HOUSING  
FROM DEMOLITION BY A STATE  
AGENCY – Follow-up**

Dear Attorney General Bonta:



I and many affordable housing advocates would appreciate hearing back from you that your office will assist us in preserving existing affordable housing in South Lake Tahoe (Motel 6) from demolition by a State agency, the California Tahoe Conservancy.

Contrary to what some local officials have said recently and may have been said to you, the 74 units in question are perfectly habitable and not ones that are in a poor condition. The



reuse of these units for workforce housing for existing locals and seniors in need would be far less cost than constructing new units elsewhere. Destroying these units is a wasted affordable housing opportunity, arguably a violation of the letter if not the spirit of State housing law, a violation of the City of South Lake Tahoe’s general plan and Housing Element, and a waste of public money. State government can and must do better and not allow a State agency to ignore the Law and the need of residents in need of housing.

We can protect our environment and preserve existing affordable housing. ***Please help us.***

Respectfully, David Jinkens

*Espero que todos disfruten de buena salud y buena fortuna.*

David Jinkens, MPA

**Good Government Advocate**

**“SI, PODEMOS**