

NSN EXPRESS

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A No Standing News Special Edition / Fast reading for busy people

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Number 4

The reason why public officials have ‘public’ meetings at the No Tell Motel.

The School Board did have something to hide in St. Louis.

Buehler Park is on the block again.

What happened to the WaCo money?

Out to lunch? We’re not saying that the RDN editorial policy is schizophrenic but... how else can one account for the fact that in May, one RDN editorial praised the Sunshine Law, and then on June 10th the editor published a detailed list of flimsy excuses for both the illegal school board and hospital board meetings in St. Louis.

The Sowers apology: **“They don’t get paid for their selfless devotion.” “After all they didn’t go to the Ritz-Carlton.”** (He took pains to point out that the PCRMC board stayed in much plusher digs when they broke the same law, which proved what? How fiscally prudent the school board could be while performing an illegal act?) **“Had you wanted to attend you could.” “They don’t need a watchdog.”** Our favorite is his excuse that they need private time to “bond” with each other to prevent bickering. Bonding? The next thing he’ll tell us they need is “closure.” We thought we elected people to public office to run public institutions – not form new love interests.

The excuse coming from some school board members is just as lame. “Well, the hospital board did it.” “But the other kids did it!” is a whiny defense juveniles use to justify bad behavior. This is not something we want to hear from allegedly mature adults who swore a personal oath to uphold the constitution and the laws of the state and who are responsible for a \$30+ million annual budget.

The same newspaper that condones the practice of local boards spending thousands of dollars out

of town will, come the holidays, sell advertising packages to local merchants and write editorial harangues telling US to ‘Shop Rolla First’ and not spend our money in St. Louis! Only 100 more shopping days until the RDN Hypocrisy Season.

The Chamber of Commerce, noted for its obedient silence, had not one word of protest about business being taken away from their own merchants/members by the Hospital Board and the School Board. The RACC contract with the city says they will spend their \$200,000 annual tourist tax revenues to promote conventions and meetings in Rolla to help local businesses. Not only don’t they bring any conventions or meetings to town, they can’t keep the ones in town from fleeing to other places.

The locker room mentality. But why does any public body deliberately hide their meetings or violate any open meeting provision? They know they will get caught committing their sneaky and underhanded acts. They do it because they have things to discuss that they don’t want the tax-paying public to hear and they need a high school locker room to do it in. It’s just that simple. Sneaking off for a furtive meeting is as titillating as being in the school locker room where you could say naughty things that you would be punished for if Mom and Dad heard you. They get tired of all those open meetings where they have to try to behave like grown-ups; meetings where they can’t gossip, make rude comments about people and say what they really think - which is often something appalling.

Behaving themselves in public - for those who do manage to behave in public - gets to be a real drag. They also like to have private meetings so they won't have to worry that what they say will show their ignorance of what they are doing, or in some cases, have been re-elected to do for a number of years. As others have pointed out, they could have had a change of scene and room service at any number of nice meeting places in town, so obviously the point was to hide out where constituents could not afford to follow them and see what they were talking about and how they are planning to spend our money.

There are two contributing factors to this trendy practice - **Kenneth Clayton**, Phelps County Prosecutor, didn't have the nerve to make the point clear by prosecuting the city for over 25 well-documented Sunshine Law violations. It's unlikely that Prosecutor Clayton will do anything about the additional violations that keep taking place right under his nose. Add to Clayton's negligence the publicity-seeking Missouri Attorney General **Jay Nixon**, who never saw a Sunshine Violation he couldn't ignore, but who can turn an obscure consumer complaint into a press release at the drop of a hat. Thanks to the indifference of Clayton and Nixon we now have more elected officials who think they have nothing to fear and can thumb their noses at voters without fear of punishment. *These two can't even agree on the Sunshine Law concerning open public records.

*(Rolla Daily News, June 26, 2001, "Clayton Disagrees with AG's Opinion on Open Records")

Who doesn't need a Watchdog? Sowers said, "Had I wanted to assign a reporter to cover it, I could have." But he chose not to because he thinks it is "good for our elected officials to meet in a session that is out of the public eye." They were counting on that and so the NEWSpaper missed another NEWS story. This is the story they were snookered out of. Two memos dated May 7th and 8th had been withheld from the May agenda until June so they could be discussed at the secret meeting. The first memo

disclosed that one board member had challenged the practice of having the board vote to approve paying the bills after the Administrator had already sent out the checks! Yes, dumb as it sounds, for the last three years the school board has been making a monthly pretense of approving the payment of **millions of dollars in bills that had already been sent out and cashed long before the board knew what money had slipped out the door.** Don't ever tell us these people don't need a watchdog! One member of the school board figured out that this was at least a screwy, and possibly an illegal practice. (Thank goodness Sowers gave them private time to bond. Now no one will ever know.)

"No Legal Authority." At the secret St. Louis meeting they discussed the second memo, a legal opinion from the board attorney, J. Kent Robinson, in response to this issue. Robinson told them that it was "not legally permissible" for the board to allow checks to be sent out and for the board to "ratify" the payments later. He could not, in fact, find any legal authority allowing the board to delegate approval of any payments, despite the "understanding" that the board would rubber-stamp them later; therefore, their attorney recommended that the board review ALL checks in advance of payment. He pointed out that their own policy (not to mention state law) said they had to do it that way. How's that for good stewardship of public money? Is this just the tip of a very ugly iceberg? We think it is. Not exactly the kind of fiscal carelessness they wanted to discuss in front of the folks at home, is it? What was it Sowers said? **"These are our neighbors. They don't need a watchdog."** **"Let's trust them to do the job."**

Three of the board members, **Bass, Stratman and Rapier**, were all on the board three years ago when (the first memo says) the board made the decision to approve bills **after** they were paid. All three are up for re-election next year. Who was the board member who upset the apple cart and insisted on following the law? The minutes show it was **Ralph Wilkerson**, the new School Board Treasurer.

Poor Buehler Park is For Sale Again. If it's parkland and it can be sold, Joe Morgan just has to sell it. Mayor Joe is doing a summer re-run of one of his public relations disasters – he's selling off the children's park again. At the June 11th council meeting the council again voted to offer the park for sale. The decision was only to solicit advertised bids for the park. That was a public policy decision which is not covered under the purchase or sale of real estate exemption and not eligible for closed session. The advertisement would let the cat out of the bag anyway, so there was no reason to close the meeting if that's all they were discussing. There is as yet no purchase offer to consider, was there? If they discussed an offer before the city offered the property in a fair public solicitation, that would be illegal wouldn't it?

A motion was made by Councilman **Matt Williams** and seconded by **Sue Eudaly** to entertain requests for proposals for the Buehler Park property with a review after 90 days.

Voting **FOR** the resolution to put the park up for sale: **Don Barklage, Matt Williams, Sue Eudaly, Judy Jepsen, Jeff Stoltz and Jim Williams.**

Voting **AGAINST** the resolution to put the park up for sale: **Ed Rothwell, Don Brown, Harry Kiefer, Aarne Visnapuu and Charlotte Wiggins.**

A reliable source* tells us that Joe, of course, had in his pocket two prospective buyers. One of the offers was from **Frank Snelson**. That's not a conflict of interest, no, no, not at all. It's an "arms-length" business deal. Frank's desk is at least one arm's length away from Joe's desk at Real Estate Research, 819-A Pine Street.

We wish council members would learn the difference between making a policy decision and the action of carrying out the policy. If they did, they could force the Mayor to bring up the decision to sell our parks during an open meeting; something he has twice demonstrated

that he doesn't have the nerve to do. If they had to justify whether to sell a park where the public could hear their feeble excuses, it probably would never happen. We don't know why they bothered to vote on this in or out of closed meeting. Magdits made sure the last time they tried this that everything the city owns is always for sale, didn't he?

***Editor's Note:** We would like to remind all elected officials that when a meeting is illegally closed for purposes not covered under the closed meeting exemptions, or discussion is held in a legal closed meeting on anything that is not a privileged topic, the members present are relieved of any obligation to maintain confidentiality. In fact, they have a legal obligation to report the offense.

Who gets the pork this time? Ask your council representatives what the secret plan is for spending the proceeds this time. Is the plan still to bail out the Rolla Chamber of Commerce, pay off their mortgage and build them a park of their own? It's possible. The Rolla Daily blacked this entire story out of their council meeting coverage and didn't mention this NEWS until Friday. There is an intimate connection between the editor and the Chamber President. Perhaps delicacy prevented them from telling family secrets.

Another possibility is that after promising voters the Recreation Center would generate enough revenue to pay its own expenses, Joe may be planning to use the park sale proceeds to hide what will very likely be a substantial first-year operational deficit. The architect estimated the annual cost just to operate a center of that size to be over \$1 million. Half of that was supposed to be easy money in rent from their PCRMC "business partner," but the hospital will only pay about one-fourth of the \$500,000 the city hoped they could get. Joe has a very big hole to plug or the Rec Center deficit will have to come out of city general revenue. Selling Buehler Park may only take care of the Center debts for the first year. How many parks will they have to sell to plug that hole year after year after year?

A reminder about the deed. The Buehler Park Deed says very clearly that the property was, "conveyed to the City of Rolla, Missouri for Park purposes only and none other, and to be known as Buehler Park." The question of the city's right to break this covenant still has not been answered, so the city still does not really know if they have the right to sell the park; they just like to tell themselves they do. On appeal, the Buehler Park question was diverted into the issue of who had "standing" just to ask the question. Two of three Appeals Court judges decided that particular group couldn't ask the question, but they decided nothing else; therefore the question still hangs unanswered by a higher court. If the city sells the park to a private party, a suit against the new owner, perhaps by other plaintiffs, would be a different ballgame and might finally succeed in getting the original question asked and answered. If the new owner lost, he or she could then sue the city for all kinds of things – fraud would be at the top of the list. **Buehler Park Deed:** <http://www.rollanet.org/~rwnash/BUEHLER_PARK_WARRANTY_DEED.pdf>

Where is the WaCo money? WaCo, the great landfill gold mine scheme, has collapsed. The

smart citizens of Sullivan revolted and pulled out of the Municipal Solid Waste Corporation (MSWC), and it is rumored that there is another buyer from Chicago. Now that this ill-conceived \$37 million scheme is dead, when are the Rolla City Council and the Phelps County Landfill Board going to ask for an accounting of how Butz and the MSWC spent public money (over \$400,000), and when are they going to repeal the resolution that authorized this now defunct but very expensive renegade corporation?

We have just received the minutes of their June 11th meeting and they've decided - without permission from the municipalities who originally authorized their limited purpose - to morph into something else that can spend more money. After the Chairman, Mayor Lauritson of St. Robert, "visited" with the infamous Derrick Standley, he and Standley wanted to know if their little club would like to become a "negotiating unit" to arrange a "gate rate" for everybody to take their trash to the new owners of the WaCo landfill. They also need another \$8,500 from all the member cities and counties to take care of all the bills they ran up chasing the last "gold mine." Somebody stop them before they kill again!

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