

NSN EXPRESS

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The "NO TAX INCREASE" tax increase. The Rolla School Board is preparing an April '03 Surprise for district voters because *they need more money!* No, this is not a joke, the Rolla Board of Education is still not satisfied; they like to spend new money, not manage what they have. Next April, after we have paid the second of three installments on the 80¢ levy increase, they will hit us again. The "Business Partners" and the tax-and-spend liberals at the newspaper will predictably jump on the bandwagon and agree that this "NO TAX INCREASE" measure (as they are calling it) must be passed or else. The "No Tax Increase" tax increase works like this:

In March 2005 Rolla district school tax bills are scheduled to drop by 69¢ per \$100 per assessed valuation. In 1986 we approved that special 69¢ special levy for only 18 years, the 18 years is up in 2005. Before the tax "sunsets" or drops off your tax bill they want you to vote "yes" to *retaining* the 69¢. When a tax goes away it's called "tax relief" and the school board doesn't see why you should have any. When they say "no tax increase" they mean that you've been paying the extra 69¢ since 1986, and since you're accustomed to giving them the money you might as well agree to keep doing it. We call this the, "You Get No Tax Relief" vote because you're actually agreeing all over again to tax yourself the additional 69¢ but this time it will be permanent, not for just 18 years.

Another "No Tax Increase" scheme. The city is also discussing a "No Tax Increase" bond issue next spring to build 'Joe's Road' (aka Lions Club Road). The mayor has been chomping at the bit for four years for taxpayers to

build a \$3 million road from the highway to the back of his subdivision so he and other land speculators can sell more lots. What's the point of being Mayor if you can't get one little \$3 million road? Isn't it fascinating how the city and school board can come up with all these "free lunch" schemes? We will examine both as more details emerge.

The School Board - above the law?

At the Aug. 19th city council meeting Councilman Kiefer asked for clarification as to whether the school district has to comply with city codes. John Butz and Petersen's department have denied that they do but John Beger, city attorney, told the council that the school district *does have to comply and* so do other governmental agencies in the city. A recent Missouri Appellate Court ruling says the city can't tell the district that they can't build a school on their own property, but in all other respects they have to follow the city and/or state fire, safety, health, building and zoning codes. There are no state fire codes so the city rules apply to the school district and every other government building. That means there should be regular inspections by the police, fire, health and building departments to make sure all buildings are safe, clean and in compliance with fire, health and zoning laws. If parents assume that all this is done routinely they're wrong, *our school buildings have never been inspected!* Butz said he would just "advise and cooperate" with the district; he doesn't want to be harsh with the school system (his kids go to private school). That was a hint from the boss for the fire department and all other inspectors to ignore buildings full of thousands of our children.

During this council discussion the fire chief admitted that trailer is a trailer and they all burn "hot and fast." He is afraid some children will panic and run out into Salem Ave traffic through the new doors they've cut in the street side. The new doors were necessary because the trailers are crammed so close together. There have been a lot of complaints about the trailers sticking out on Salem Avenue and this is just what the school board hoped for when they ordered the trailers placed in that in-your-face location. Instead of moving the trailers to a safer location they will tell you to vote for the "we've-got-to-build-a-new-school-to-get-rid-of-the-trailers" plan in April '03. With another drop (-103+/-) in our steadily declining district enrollment it's questionable whether they needed the new trailers at all.

Say what? The Audubon Society asked for \$5,000 cash, 3.59 acres of city land and other assistance from the city for their proposed nature area. The nature area sounds like a great idea and it's a better use of the land than anything the city would do with it but we object on principal - the principal being that it's still a violation of the state constitution. Giving tax money and property to the Audubon Society or any other "*corporation, association or individual*" is illegal no matter how charming the cause. Councilman Magdits rightly questioned the legality of giving away the taxpayer's money and land to *this* non-profit organization but they all seem to miss the point that it's just as illegal giving money and land to that other non-profit organization - RCDC. The difference must depend on whose political pig is being greased. City Administrator Butz agreed that it is a violation of the

Missouri Constitution. Having established that it was against the law they naturally all voted to do it. Councilman Kiefer pointed out that the property should at least revert to the city if the Audubon Society ever ceases to use it for the stated purpose. He was correct. If they're going to break this law repeatedly they should at least make some provision for getting city land back in future if necessary. It won't make their action any less illegal but it at least maintains some pretense of public stewardship.

The council applauded the Audubon Society for their wonderful idea and themselves for giving away more land and money. Isn't it ironic that some of the council members who applauded the Audubon park idea so enthusiastically are the same ones who wouldn't vote for Kiefer's motion to rezone Buehler Park and get it off the Morgan's "For Sale" table?

It's a bird. It's a plane. No, it's the Superbiz Mayor! In the Council Comments (the mayor has pretentiously renamed this, "Comments for the Good of the Order" - sounds like they're running a monastery.) Councilman Lou Magdits pointed out on July 8th that the financial reports on the Splash Zone and Rec Center were promised months ago but haven't been produced. Magdits reminded Morgan that he had promised voters that this operation would be "run like a business" with "100% recapture" of all costs, and wouldn't require a subsidy from the city budget (Ouch!). The mayor was suddenly attacked by brain chiggers and could only stammer excuses. When Joe and his expert 'Bizness' Advisory Board were forced to produce the financial statements at the next council meeting their reluctance was understandable. (See both financial statements at: http://www.rollanet.org/~rwnash/CE_NTRE_SPLASHZONE_OA.pdf)

They show that the Splash Zone went **\$34,000** in the hole (only 64% "recapture"). The Rec Center has

lost **\$326,693** so far and has only a **47% "recapture" rate**. The newspaper headline read: **"Recapture rate at The Centre nears 90%"** which was just not true. Either they can't read a financial statement or they don't recognize the smell of books cooking. Morgan played the same off-budget trick in this report that he did on the first Splash Zone financial report. Morgan's Kenneth Lay School of Business accounting technique is to subtract enough expenses (-\$285,129 for salaries, office supplies, utilities and small tools and other expenditures incurred from Oct. '01 to June 30, '02) to make the loss look smaller. He calls these "start up costs." If these recreation center expenses aren't recreation center's expenses, whose expenses are they - the street department? The problem with Morgan's Enron-style accounting is that he can only deduct the so-called "start-up costs" one time.

This problem was discussed twice at the city budget hearings last week. Any deficit from the Splash Zone and Center will be added to the \$400,000 recreation deficit all of which has to be made up out of other city operations. Morgan and Klitzing are, however, still promising 100% recapture, which means the experts on the Recreation Center "Bizness" Advisory Board had better start looking for rabbits in their expert business hats. **In other recreation news...**The Splash Zone is leaking about 37,000 gallons of water a day. Wasn't the big Olympic pool with diving boards destroyed because Kwantes said it was leaking and couldn't be fixed? Eleven million dollars of debt later and the new Birdbath is also leaking. No wonder they're letting dogs swim in it.

These are improvements? The Chamber/City downtown redevelopment program is installing some kind of concrete and brick do-dads at intersections that stick way out into the street. The purpose seems to be to provide something expensive for

cars to run into. Go to 9th and Elm or 11th and Pine and you can run into one yourself. What were they thinking? Their other nifty revitalization idea is to drag an old caboose over here from Lebanon and put it in the city hall parking lot. They've asked the council to donate \$3,000 of the \$20,000 cost to buy the thing and get it here. Will the Chamber get the \$3,000 before or after the city gives them their annual \$200,000 welfare check?

It's not bad dogs; it's bad laws. The council made another "bad doggie" determination - a different pit bull this time. It is comical to watch the council pretending so seriously to be a court, hear "evidence" and then vote to declare that a dog is dangerous. But it isn't so comical to think what could happen if they didn't agree or there wasn't a quorum and they couldn't vote. While everyone has been waiting for the bureaucratic process to grind on (complaints on this dog began in February) the pit bull is free to terrorize the neighborhood. One frustrated neighbor tried to shoot the dog but missed. That's all this bizarre situation needs, fed-up neighbors getting out their guns and banging away at moving objects. Shooting off guns in the city is also illegal but the shooter didn't get arrested because we have a *complaint driven* system you see, no one can enforce a law in Rolla unless a citizen signs a complaint. The neighbors wouldn't sign one on the shooter because they all hate the dog. The more you find out about how *citizen complaint driven* law and order works the nuttier it is.

Is this how things are done in other cities in the state? No it isn't, only in Rolla do we have dim-witted ordinance No. 5-80 that says politicians have to vote before the police can protect citizens from imminent harm. In four other Missouri cities we sampled, the owners of bad dogs or other dangerous animals are ticketed and processed through the municipal court system in the usual way for other ordinance violators. If

necessary the judge can order the dog destroyed – but not in Rolla. Public safety in Rolla depends on either the unpredictable votes of politicians or neighborhood dog vigilantes.

The excuse city administration gives for doing this convoluted method is that the municipal court (Judge **Ralph Hickle** and new Prosecutor **Jeff Stoltz**) is too slow. "Slow" doesn't begin to describe their deficiencies. Rolla city prosecutors traditionally shuffle as many cases as they can over to the county prosecutor (he ignores them) and, except for a few token slam-dunks, simply ignore the rest. No matter what the Municipal Judge and Prosecutor fail to do the council never protests this key breakdown in the community law and order system. The council continues to increase their budgets each year and then try to do their work for them. That's like paying a hooker to play cards. The council is a legislative body, their authority is limited to passing laws and spending money; they have no business trying to substitute an "administrative procedure" for judicial process. To avoid confronting the real problem they keep trying to gimmick up a constitutionally questionable detours so they can relieve these court officers of the work they're paid to do. (For their next act the council will smack themselves over the head with a rubber chicken.)

Just what is wrong with the municipal court, are they too busy to bother or just don't care? Our former Judge ("Just a Housewife") Mayberry handled from 3,000-5,000 cases a year although the miserly city only paid her \$7,000. Hickle and Stoltz, both genuine lawyers, get paid three times as much but don't do in a year what she handled in a few months. If the pit bull can officially become a "dangerous" dog because the council believed what the police reported based on what neighbors told them, (that's called investigation and testimony and a complaint is a complaint whether it is signed by the officer or a citizen) why

wasn't the same investigation and testimony good enough for the city prosecutor and the judge? These are just misdemeanors not capital crimes; it shouldn't be too taxing for them to deal with one nasty pit bull.

The Bad Dog Catch 22. After politicians declare the dog dangerous the problem still isn't solved. The owner has a choice; *either* get rid of the dog *or* keep it by putting a yellow label on it, get a mug shot of the dog and a \$100,000 liability insurance policy. Ask yourself this, **if the dog is officially declared to be dangerous by an act of the whole city legislative body why should the owner be allowed to keep it at all?** An insurance policy isn't going to keep a (now official) dangerous animal from getting loose again and mauling someone. But here's the kicker. Ordinance # 5-83 says the penalty for non-compliance with the above council decision is prosecution, which may carry a fine and/or jail time! Only a court can fine or jail someone, so after wasting seven months on this "faster" legislative bad dog hearing, if the owner gets stubborn they're right back to square one – having to rely on the next step from the same dysfunctional municipal court that the ordinance was trying to avoid in the first place. The council needs to clean up the whole animal control chapter, pay the Judicial branch what they're really worth (very little), kick their butts into high gear (a public hearing to examine why the do-nothing municipal court is doing nothing might get their attention) and let the Police Department get on with keeping law, order and pit bulls under control the way everyone else does it.

Meanwhile, a more practical solution may be found in ordinance 5-35 and 5-36. These ordinances say that if a "dangerous, fierce or vicious animal" bites a person a cop can shoot it and/or the Police Chief can chop off its head, all without a vote of the council. The thing to do folks, is get the pit to bull bite a cop, then call Pikka and tell him to bring his axe.

It's your fault. Just like the bad dog law we have this same constipated judicial process to blame for the lack of enforcement of many other public health and safety ordinances. The council will soon try to tart up the nuisance ordinance, which like the dog ordinance, will try to do an end run around the municipal court. Butz and Morgan keep telling everyone that ordinances can't be enforced unless Joe Citizen comes down and signs a complaint. "We have a *complaint driven* system," administration chants. City officials can't do anything about violations that *they can see with their own eyes* unless some citizen signs a paper? Councilman Magdits calls the so-called *complaint driven* system "ridiculous" and he is right. This is just administration's excuse for doing nothing about derelict houses, weeds, rodents, junk cars, un-inspected schools and violations of other laws intended to keep the town clean, safe and looking less like Hillbilly Holler. Butz says they don't have time to go around and write up all these violations; he wants to hire someone to do it. Keeping the machinery of government working is called city management, he's the city manager and he already has several hundred employees. Do we need more employees or more efficient management of employee time? Their convenient claim that enforcement can only be "*complaint driven*" by citizens shoves the responsibility off on you. Bad, ugly and dangerous stuff exists because *you* didn't go down and sign a complaint. See there; it's not *their* fault, it's *your* fault.

As we look around the council room we see another 12 people who could be reporting a lot of these violations. That's what WARD representatives are supposed to do - get problems in their WARDS corrected, so why aren't the 12 WARD representatives who were elected to take care of their WARDS filling out the complaints for this *complaint driven system*? Councilman J.D. Williams says he has made numerous

complaints but can't get any action, which makes you wonder why he keeps voting for annual raises for the management employees who ignore his attempts to do *his* duty when he points out *they* aren't doing theirs.

Fight Crime for \$96,000. County voters who were wise enough to kill the MoDot tax proposal then went soft in the head and approved making the Phelps County Prosecutor's office a full time job. We just passed a tax two years ago (remember "Fight Crime for a Dime"?) that has already hired more assistants for Ken Clayton and built us a honking big useless metal "thing" over by the tracks. Clayton's excuse to get himself a \$36,000 raise in pay was, he said, so the prosecutor wouldn't have to *divide his time between the duties of his office and his private*

practice. Pardon our guffaws but when was the last time we had a county prosecutor really who had a private practice and where has Clayton been hiding his? We know he's not overburdened prosecuting Sheriff Blankenship's big drug busts; the Sheriff has a profit sharing deal with DEA for those (we wonder what DEA got from the Great Lettuce Caper?). Maybe with so many assistants and \$96 grand in his pocket, Clayton will now *"have time to follow-up"* on the many violations of the open meetings laws committed by local elected officials. There is one on his desk that has been gathering dust for two years. Once again, voters have stupidly raised the cost of government to get not much more of whatever it was we were already getting in the first place.

School District Fat Farm. Our school district is so flush now that they can afford a "Director of Wellness." What does a Director of Wellness do you ask? He/she collects \$1,750 a year (that's a school "year" of about 175 working days, not the 12 month year the rest of us work) in *extra duty pay* to supervise aerobic exercises for teachers. Should the money we pay for the education of children be used for working fat off adults? Why can't they pay to exercise at Vessel's, The Family Center or the Rec Center like everybody else does?

Reminder of the State Audit Public Meeting. The state audit of the Rolla School District will be presented at 7:00 p.m. on September 4 at the Rolla Middle School auditorium.

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