

NSN EXPRESS

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"We won't be taking any action against him." That was the promise of Mayor-my-word-is-my-bond-Morgan two days after City Finance Director's arrest on August 24 for allegedly running a stop sign, resisting arrest and assault on a cop. (Modesty prevents us from telling you what portion of the cop's anatomy the officer claims was assaulted by his handcuffed suspect.) Shortly after making this promise he put Murphy on administrative leave and eight days later the council voted to fire Murphy unless he resigned by September 17. Mayor Morgan also said that Murphy would be "treated like any employee of any private company." (Someday Joe will catch on that he isn't the CEO of a private corporation but that day obviously hasn't arrived yet.) When we read that fatuous statement we knew Murphy was doomed. If that's what happens when the Mayor promises "no action", we don't want to see what "some action" is like.

Morrison Speaks: The RDN editorial weighed in with a token nod to the fact that Murphy might be innocent until proven guilty but followed with a personal testimony on the evils of drink and recommended that Murphy be held "accountable for his actions" which assumed he had actions to be held accountable for. They fear he will become an unfortunate event that could ruin the city's "winning streak." Morrison said how the council deals with Murphy "*could be important to maintaining the city's recovering reputation.*" "Winning streak"? "Recovering reputation"? What exactly is their reputation recovering from? We thought the Rolla party line was that everything is perfect.

The part about Murphy being arrested was true but all the rest is mere speculation unless a prosecutor can prove, to the satisfaction of a judge or jury, the parts about being drunk, resisting arrest and assault on a cop's ...ah...hu-m-m. The city personnel rules say that: "*Pleas of guilty to or conviction of a felony or misdemeanor involving moral turpitude or infamous or disgraceful conduct*" is a reason for discipline or firing of an employee. Absent proof of his guilt we don't think these charges rise to the level of "infamous or disgraceful conduct" and justifies such a hasty termination. We say this remembering the many constitutional crimes and misdemeanors routinely committed by city officials during council meetings. There is also the fact that the city council was able to nonchalantly ignore the former city administrator's cheating on his expense account (over \$25,000 in less than two years) after it was exposed in the 1999 state audit. When you lower the conduct bar far enough

to condone all that, practically nothing qualifies as "infamous or disgraceful" except maybe mooning the audience during a council meeting.

On September 3, eight members of the council voted to fire Murphy unless he resigned first but they told the public he was only on "administrative leave." Why didn't they tell the truth? On September 20th, they finally announced they had fired him but they didn't admit that they had done it weeks before on September 3rd.

As far as we can tell from the records this is what happened in the three closed meetings to which Murphy and his lawyer were not invited: In the council's second September 3, closed council meeting Charlotte Wiggins made a motion seconded by Sharon Meusch that Murphy be terminated, effective on September 17th but they would accept his resignation if he gave it to them within that time. If he resigned without a fuss they would give him a severance package of one-half pay for 60 days and his health insurance benefits would be continued on condition that he (here's where it gets weird) attend substance abuse and anger management counseling. (With that gratuitous condition they've blundered into another whole set of ADA problems.) If he had resigned but then failed to attend the classes, what would they do, un-resign him? Mr. Murphy would also be required to execute a release of liability to the City and its employees for the "circumstances of his arrest and detention." There's an admission by the city that they have more problems than just Murphy. Everyone voted "yes" except Rothwell and Magdits who were absent.

On September 16 they met in closed session again and for some bizarre reason took the *same vote* except this time it was made by Jepsen and seconded by Magdits. This time Rothwell, Brown, J. Williams and Meusch, who voted for it the first time on September 3rd, voted against it. Meusch, who seconded the original motion at the Sept. 3rd meeting, changed her mind. There is no indication that they first voted to fire him for something...(what?)...to establish for the record what the "cause" was. It's probably a good thing to skip the "why" part if you've listened to only one side of the story. On September 19th in his termination notice to Murphy, Butz only says that "*as a result of actions on your part in the early morning hours of August 24th your employment.....is hereby terminated.*" Butz couldn't specify what Murphy was being fired for either. They fired him before they were able to answer the only important question:

"Is he guilty?" Butz and Morgan and the council just used circular reasoning: if he hadn't been guilty of 'something' he wouldn't have been arrested; he was arrested therefore he must be guilty of 'something'. Murphy doesn't need the substance abuse and anger management counseling as badly as Morgan, Butz and the council need a course in labor law.

On Sunday, September 22, David Mills, Murphy's attorney, told Murphy's side of the story in a front-page rebuttal to the city's version. The post-arrest picture of Murphy's beat up face on Jefferson City's Channel 13 made the official story even more questionable. But it was too late; the city council had already fired Murphy for what Butz said was "improper conduct." Exactly what range of behaviors is "improper" under the definitions of the city personnel manual? Does an arrest without probable cause of a suspect who mysteriously fell down on his face several times come under the definition of "improper conduct"? It looks like we need more than one personnel hearing to get at the whole truth here. "Resisting arrest" is a charge too often used by law enforcement to explain bloody, banged-up prisoners.

Did the council have all the details that were in Sunday's paper before they voted? Did they examine Murphy's personnel file and ask if there had been any documented problems or warnings? If there were why did he always get good annual evaluations and raises? Last month the council cut the "dangerous" dog more slack than this "outstanding" employee of 15 years. Did they ask if the purpose of the "Ride-along" program is to let wives cruise around with their on-duty husbands, did they ask if a little courtesy to Murphy's frightened wife, a new mother and a stranger to the town, would have impeded the entire course of justice and did they ask why the trip to the police station which was only a few blocks away involved so many officers and so much time? They should have asked a lot of questions and one of them is why administration felt it necessary to barter resignation and severance benefits for a signed statement exonerating the arresting officers – a worthless document when obtained under those circumstances. If the behavior of the officers was correct why did they need absolution? They didn't offer Murphy a hearing, as they are required to do so he requested one but they have not answered. Murphy had to go to the Monday night council meeting and ask why they had not replied. The council and their "CEO" didn't give him the courtesy of a reply but scuttled back into a closed personnel meeting where they decided to compound their first ten mistakes by not granting him a hearing.

In his statement in the newspaper Murphy expressed a hope that God's justice would prevail. It's not God's justice that's needed here, it's due process and the presumption that a person is innocent until *proven* guilty. Don't we all claim that's "the American Way"?

Patios on Pine-the Renaissance continues. Dr. Oster's series of articles on the history of downtown are interesting

if you are doing a title search but it doesn't explain the economic and social conditions that created this chronic problem. Simply put, downtown died decades ago because Rolla merchants didn't want to try to compete with Wal-Mart (they can do that you know, compete with Wal-Mart but that's another story). Since the 70's we have prettied up Pine with new lampposts, designer trash cans, new sidewalks, parking, parking and more parking, decorator banners and new Christmas lights.

Having run out of things to pretty up they're 're-beautifying' the former beautification so one of several parking lot solutions we paid for was ripped out to install an old caboose. This is now a "festival lot" not a parking lot. We don't get the symbolism with this caboose business. Is it meant to honor the railroad tycoons who cut our passenger service, won't let trains stop here anymore and who are allegedly making the city close off streets across the tracks so that we can't get from there to anywhere without a detour? A caboose: an obsolete train car that used to carry workers who were paid to spend the day looking back at where they had just been. Maybe the symbolism is appropriate after all.

The other re-improvement is the patios at the Pine Street intersections, which Hargis says are to "slow down traffic." What traffic is that? We thought the reason for this project was to get more traffic downtown because there wasn't enough of it. They call these "intersection bump-outs" we call them "vehicular run-into's." In the mayor's newsletter he says they are "designed to embrace pedestrian visibility." Embrace pedestrian visibility? Please Joe what does it mean? Now they have another \$450,000 to spend thanks to Senator Bond and no idea what to spend it on. We shudder to think what they'll come up with next and really dread hearing the Mayor explain it. We suggest that they "embrace more pedestrian visibility" with some Weber grills and aluminum lawn chairs to carry out the "festival" theme. Add some TV sets and mini-bars and we'd be all set for..."enhanced embracement of pedestrian visibility?"

How deep does the Ross fiasco go? Before they mishandled the Ross termination no one paid any attention to the hospital unless they were bleeding from a major artery or paying a bill. That's why the board thought they could get away with their cryptic announcement about former administrator David Ross. Boy, were they wrong. Dueling quarter page ads by the board and unnamed protestors did nothing to clear the fog or relieve the tension, neither did the stonewalling at the September 25th hospital board meeting where the board still refused to do anything but repeat what the firing was *not* about.

The hospital board suffers from the same "they-don't-need-to-know" disease as the school board and the city. They too imagine that if they can control (read "conceal") information they can control what we think. They let part of their mangy cat out of the bag when they said they were concerned about, "*lack of open communication from*

Mr. Ross regarding his plans for the hospital that could subject PCRMC to additional liability, taxation or impact it's fiscal well-being. We are not considering selling the hospital or hiring a management firm to administer it." Sure they weren't. David Ross is now a non-issue. Administrators are replaceable and there's always a 50/50 chance the replacement will be an improvement. Their statement now raises questions of what serious management problems of liability, taxation and fiscal well-being were involved that the rest of us do have the right to know about?

During the Ross/Bond tenure some trendy new management "stuff" was created but did any of it improve patient care? They created: the Phelps Regional Healthcare Foundation that has closed meetings and drains off over \$200,000 a year from hospital revenues with no visible return on investment. Well you could say that Foundation Director Laura Gajda's golf tournaments, mystery-on-the-train parties and other swell entertainments for the local swells who can afford it are some kind of benefit but we wouldn't be the ones to say it. They also created a second corporation called PCRMC Health Ventures, Inc. This corporation owns over a million dollars worth of something but no one knows exactly what or what the Ventures "ventures" are because their activities are also discussed in closed meetings.

Whatever these secret corporations of our public hospital are doing, they're doing it with money from the bills we pay. Were their secret corporate activities creating the "taxation" issue? Ross was famous for blindly jumping into "deals" with the city and school board without the board's knowledge or consent. Were these expensive collaborations "the additional liability" issue? They also were considering a scheme to invest millions in restricted reserves in the stock market just before the market collapsed, did they make these risky investments and if so how much did they lose? Was this the "fiscal well-being" issue? Was the Ross/board conflict about providing better basic health care vs. impressing others with expensive "gee whiz" management schemes? Too bad the protestors didn't do some research before they went to the meeting. They might have learned something that would be useful to the rest of us.

Too big for their britches. Whatever the real story behind the Ross story, the public certainly isn't giving the board the benefit of the doubt and given the board stonewalling they don't deserve any. After years of "eating their own dog food" (the younger generation's term for believing your own P.R.) telling themselves and everyone else that they were so important and "regional" they didn't have to explain themselves to the local yokels, the board has found out they don't have a large store of public good will to draw on. That's not just a political problem it's a corrosive condition that can affect their revenues. Like children who are ashamed of the parents who sacrificed to give them a better life, the hospital board and some doctors have long tried to

disassociate the hospital from the generations of hard-working county people who created, built, supported, donated to, volunteered in and used *their* county hospital. Cosmetic name changes justified by statements that 'only' 50% of their revenue comes from the old home folks is disrespectful and shallow and they should be ashamed of themselves. We'd rather be known as "that rural county-owned hospital that gives the finest primary care in the country" than as "that rural hospital with the too-big-for-their-britches name." Now that Ross is gone the board needs to dismantle the expensive anti-public do-dads he and some misguided board members instigated and get back to basic healthcare. Fussing over taking the words "County" and "Memorial" out of the name to pretend they aren't what they obviously are is at least one clue that they have been focused on the wrong values.

The Beger Fallacy. *"He must know what he's doing, after all he's a lawyer."* A comment often heard as people speculated about the mysteries of the Ross termination. In the mass, lawyers are disrespected (for many reasons) but in the particular they are erroneously credited with an encyclopedic knowledge of everything concerning the law. Before you say about any lawyer, "He must know..." remember that 50% of all lawyers graduated at the bottom half of their class and one of them (maybe yours) graduated dead last. Lawyers are like auto mechanics; some can repair Jaguars and some can only be trusted with lube jobs. The fact that a lawyer was involved in the bungled Ross affair has no significance. The fact that this particular lawyer was simultaneously involved in both the bungled Ross firing and the bungled Murphy firing is significant.

More Watchdogs? It's a mystery to us why the Ross firing touched off such a firestorm of protest but it's a welcome development to have citizens willing to attend hospital board meetings and ask questions. We hope that unlike other citizens in the community who have dared to question the wisdom of public policy and the judgment of public policy makers, these protestors won't be denigrated and sneered at with names such as: "CAVE people", "scribblers", "self-appointed watchdogs", "nay-sayers" and other pejorative terms by those who consider it local treason for anyone to question those in authority. Here's a news flash: good citizens are supposed to be a self-appointed watchdogs, every citizen is supposed to challenge and test public policies and public politicians. If we had more "watch dogging" in Rolla we might have better government and less of these you-don't-need-to-know attitudes from the people we put in office.

The RDN, the first and loudest to condemn the board's secrecy and evasiveness in the Ross affair, are the same ones who last year smugly condoned both the hospital and school board's annual practice of holding public business meetings out of town. At that time the NEWSpaper

said they "trusted" the hospital and school board members and didn't need to watch everything they do (and maybe report what they were doing) like those "watchdog" people To justify the contemptuous practice of out-of-town secret public meetings they always trot out that wimpy Rolla cliché: *"Well, after all they don't get paid, so they are entitled to go out of town to do public business."* All elected officials knew when they ran for office they wouldn't get paid so who made up this list of things they are "entitled" to do in lieu of salary? Suppose they were paid, would their apologists then decide it is wrong to do public business out of town? If one "public" meeting at a resort is OK, how many would be too many; three, six, eleven? If it's OK to spend tax money to have our public meetings at an in-state resort or hotel isn't it also OK to spend a little more to have public meetings at Tahoe or Palm Beach? After all, they don't get paid so aren't they entitled to show their contempt for the people who pay the bills?

Going up or coming down? It looks like they're back to work on the jail but that may not be good news. Our county commissioners are another elected body that has the "they-don't-need-to-know" disease. The last news we had was when they wimped out of doing anything about Stack's flawed engineering work, gave a back-to-work order, agreed to pay everybody for the delay (why didn't they make Stack pay?). The commissioners wanted quality-of-work guarantees but were told by Hogan and the subcontractors where they could stuff the guarantees as long as they were still taking orders from Stack. When asked by the RDN how much the back to work compensation would cost us Presiding Commissioner Randy Verkamp said it was none of our business. Oh yeah? Whose "Fight Crime for a Dime" dimes does he think he's paying them with? It's a real shame no one ran against Randy this year. We should all remember his "you-don't-need-to-know" answer the next time he runs for anything.

Murphy & Butz e-mail correspondence:
<http://www.rollanet.org/~rwnash/murphy-butz-email.html>

Murphy's Termination letter from Butz:
<http://www.rollanet.org/~rwnash/fired2.html>

Murphy's appeal letter:
<http://www.rollanet.org/~rwnash/murphy-appeal.html>

Have I therefore become your enemy by telling you the truth?
Galatians 4:16

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