

No Standing News

Since we have no standing, we stand with those left standing

Volume II

May 1, 2007

Number 65

They came...they heard...they ran

Council refused to talk with constituents about RMU rates

As predicted, Butz and the council didn't intend this workshop to be a dialogue with the public, they had a dialogue with each other about a non-solution to a real problem. At the May 14th workshop on "the problem" the council sat around a table over in a corner with their backs to the public and mumbled to each other. They took the precaution of having the police chief there in case any of their constituents needed to be maced or dragged out in handcuffs. Nice. They went down a Butz-designed agenda about "utility bill relief" that very pointedly didn't mention why the "charity fund" or "utility bill relief" was needed. It was needed because of five-years of city and RMU management failures which included serial mismanagement of city budgets, **\$21,166,319** in good ole boy giveaways over four decades, the MoPEP contracts, and the council's latest illegal 5% tax to cover up their fiscal misconduct.

When any councilman such as new **Councilman Richard Morris** would innocently drift off to the logical nut of the problem and ask what they were going to do about the excessive utility rates or **Councilman Monty Jordan** would plead, "We have to be able to look them (Rolla rate payers) in the eyes and say that other cities are going to catch up with us (with outrageously high rates) and that we've done everything we can" (but Monty, you haven't lifted a finger)." **Ruck** and **Williams** also tried to talk about it. Magdits or Butz would snap "we're not here to discuss that." Of course they weren't there to discuss "that" they were there to *pretend* to discuss anything but "that." They were there to set up a token "utility bill relief fund" for a few people so they could pretend they had done something, however ineffectual, then they could wash their hands of the whole thing and go through the usual litany of excuses: "We don't have the 'expertise' to set the rates"...the RMU board is a separate entity"...we have no control over them"...blah, blah, blah. They've been using the same feeble excuses to avoid getting a grip on RMU for decades. Controlling RMU with the appropriate ordinances for the last 40 years would have broken rice bowls like RCDC's and destroyed the illusion that the city wasn't complicit in the pork chain to the tune of **\$21,166,319** that should have been rebated to us.

The Butz handout and slide show was designed to convince the council they didn't dare divert even a tiny part of the new 5% utility tax to finance a charity fund because he needs every penny of that illegal windfall tax to cover up the unconstitutional deficit budgeting caused by his bad fiscal management and "Donald Trump-ish" impulse spending. The poor and elderly be dammed. To keep Sibley and a few council do-gooders from using any of his new \$1.7 million to help a few poor elderly residents he went so far as to admit he has overspent the city budget ...again...this year and the city reserves are depleted...again...this year. (He didn't exactly admit *he* had

done it. It was more like some unnamed mysterious force had done it while he slept) This is the 2nd year Butz has included bogus 'revenue' of \$995,000 from the sale of the still-can't-legally-be-sold Buehler Park, and the 2nd year he's ended up with a \$995,000 hole in his budget. When the council twice lets him include false revenue from the sale of land they know can't be sold (they do know that don't they?) they are condoning a \$995,000 budget fraud. Why not announce an anticipated \$3 million revenue from the sale of something else that can't be sold and declare a \$2,010,000 budget surplus!

Butz is cutting city jobs (eight by his own admission); he's cutting employee raises to way below cost of living while recommending his for above the cost of living. He makes employees pay more every year for their health insurance but he gives **Elizabeth Bax** *free* health insurance and she lives in Jefferson City so she doesn't pay our utility rates. Liz didn't create any jobs last year, in fact hundreds were lost but she thought up a new park for RCDC and a new tax-and-spend program called Rolla West and we get to pay for both of them so she got a nice fat raise. As Butz carelessly and callously told city employees in his employee newsletter September 26, '06, "Unfortunately we did not have the discipline to set-aside our savings in good years to help off-set our losses in bad years." Yeah, how unfortunate for "them" that "we" didn't do that. Did Sibley really expect anyone with a cold attitude like that to care about the poor?

Butz and Jenks are desperate to keep these ill-gotten gains for their own use because **the higher MoPEP and RMU raise the utility rates the more money the city will get from their 5% utility "tax."** To Butz this "backdoor" utility tax is better than getting the public to vote an increase in the sales tax. This way Butz and Jenks have two sneaky ways to increase city revenues: **1.** Jenks can get his old cronies at RMU to raise the utility rates so he and Butz automatically get a bigger illegal windfall from their 5% tax on all utility income or, **2.** Jenks and Butz can get the council to increase the 5% tax on RMU's gross revenues to 6% or 7% and get an even bigger illegal windfall. The best part is the voters can't stop them unless they remove the mayor from office, but Rolla voters would never do what the voters in Fredericktown did...would they?

Finally, a lady in the audience got tired of watching this farce and cut loose on them, others followed her example. The council - with nothing decided - adjourned and ran for the exit.

If they had allowed a discussion of the utility rates and how they got that way the people who were there expecting answers would have wanted to know when they were going to get rid of the RMU board members who raised the rates, how the hell the council could have signed a major contract with MoPEP without reading it and understanding that they couldn't get out of

it without a five-year notice and how the hell Mayor Jenks as a RMU board member in '05, could urge the council to vote for such punishing contract terms. They might also have demanded to know how and when the council is going to get us out of the MoPEP contract. There were a lot of dirty hands around that table who voted on the MoPEP contract in '05, including Mayor Wm. Jenks III, and none of them wanted to talk about it especially Hizzonor who sat there through the whole meeting looking like butter wouldn't melt in his mouth as if he hadn't voted for another RMU rate increase just hours before he was sworn in as mayor.

Even if the council repealed the city's windfall 5% tax tomorrow and set up a charity fund for a few people it still wouldn't make a dent in everyone's outrageous doubled utility bills. The utility rates doubled because of the stranglehold MoPEP has on RMU and the stranglehold RMU has on us. A charity fund won't reverse the damage that has been done to Rolla's one development asset – a low cost of living.

Everyone needs help with these utility bills and the only thing that will help everyone is rolling the rates back. The only way to roll the rates back is to get rid of the MoPEP contract. The only way to get rid of the MoPEP contract is to get rid of MoPEP's puppets on the RMU board. The only way to get rid of MoPEP's RMU puppets is for the council to remove them and appoint new board members.

A city welfare fund isn't legal – not that being illegal ever stops anyone in the Outlaw City of the Ozarks. The City of Rolla has always operated on their version of the Nixon Theory: "If we can get away with it; that means it's not illegal." Tricky Dick is not a good model to follow. Butz gave the council an example of an "I Share" program from Independence Missouri. Independence is a first class city and we're not. First class and home rule cities can do things we can't. Only the state and federal governments have the constitutional authority to use public funds to pass out welfare. Giving away public money to one or several individuals to pay their utility bills is just as much a violation of **Article VI, Section 23,*** as giving it away to the Chamber, RCDC and RREC. Using everyone's money to give "rate relief" to a few is not a remedy it's just another inadequate and illegal City Hall band-aid to avoid the real but painful solution – quit over-spending the budget, control RMU and get out of MoPEP.

(**Missouri Constitution Art. VI, Sec. 23: "No county, city or other political corporation or subdivision of the state shall own or subscribe for stock in any corporation or association, or lend its credit or grant public money or any thing of value to or in aid of any corporation, association or individual except as provided in this constitution."*)

Sibley - nice man on the wrong track. This second workshop about RMU's rates on Monday, May 14th was only called because **Councilman Richard Sibley** is worried about the effect the doubled rates will have on the poor and elderly. Richard suggested some kind of charity fund be established to help them but he's looking at the superficial effect not the underlying cause. Sibley is to be admired for his compassion but not for his naïveté. Richard is observably an ethical person but because he's straight he assumes everyone else is too. Unfortunately that is not the case. Last fall Butz and Wiggins used him as a stalking horse to get their 5% tax hike under the guise of what Sibley thought

was only a RMU 'reform and accountability' ordinance. Butz and Mayor Jenks are again using his concern for the poor to convince the council they must preserve the new status quo no matter how many poor families and elderly people suffer. To anyone who can see behind the curtain, the council's 5% backdoor tax was and still is, (as Justice Holstein described the actions that gave rise to the Hancock Amendment) an "ill disguised display of bureaucratic avarice." By helping them focus their myopia on "utility relief," as if that's the only problem the council needs to address, Sibley is helping city hall slip off the hook again.

What about Rolla's businesses? The inflated utility rates are not just hurting homeowners they're also having a devastating effect on local independently-owned businesses – those are the people whose long days, hard work and personal risk produce the sales taxes that the council, Butz and each of Rolla's mayors lust after. What kind of "charity fund" is the council going to set up to help Rolla's small businesses? When our utility bills jump from **\$300** a month to **\$600** a month, that's \$300 we can't spend in their stores; for gas or clothing, for a new truck or shoes. That's \$300 *that won't generate sales taxes for the city, county and schools.* When a retailers' utility bills jump from \$1,500 a month to \$3,000, that's \$1,500 retailers won't spend on taxable goods in Rolla or on employee raises and benefits. The council had better stop and start thinking about the complicated and delicate economic balance they're hamfistedly slamming around and how they're choking off their own sales tax generators. Will the Chamber of Decorators speak up to defend their business members? Of course they won't. They're busy planning the Chamber's '07 social season, golf tournaments, cookouts and other spring flings.

Why Jenks and Butz won't allow the council to do anything. In the RDN weekend edition before the meeting Butz made it clear he would keep the council's attention focused on the "charity" issue and away from any risky talk about reducing the 5% utility tax and that's exactly what he and Jenks did. It's obvious why Butz doesn't want to 'solve' this problem. With the council's vote last fall to impose a phony 5% "franchise tax" on our utility usage, the council reaped *more than twice as much annual income* from that one illegal windfall tax than they get from *all the other legal franchise fees added together* and that includes the franchise tax on Embarq, a communications giant which must surely be making more gross revenues than our little utility department. The city gets only **\$683,322** from Embarq, 911, CATV and Natural Gas together in franchise taxes but they expect to get a minimum of **\$1.6 to \$1.7 million** from just the RMU franchise tax alone! That's a totally screwed up way to assess franchise taxes (assuming they should be assessing them at all) and it's happening because we have a council, mayor and city administrator who are weak in both mathematics and logic.

There are only four actions that will solve our utility rate crisis:

1. Break the MoPEP contract and beg UE to take us back. The council can start by giving their five-year termination notice to MoPEP immediately. When all the little UE towns surrounding us are paying 6.5¢ per kWh and we're paying 10¢ or 9.3¢ the problem is obvious and so is the solution. It's not runaway energy prices, its bad business decisions made by

arrogant people who won't admit they've made mistakes and therefore won't do anything to correct them. The city council signed all three of the MoPEP contracts at the urging of Jenks, Stoffer and Watkins so now the city council will have to hire a law firm to break the MoPEP contracts – the city can pay the legal bills out of their \$1.7 million utility “franchise tax.” UE is a utility regulated by the PSC and the PSC just slapped down their first rate increase in 20 years. Their customers will get an increase of only \$2 a month! MoPEP propaganda passed along to the council by Stoffer and Watkins for the last year was that the UE rate increase would be 36% (or 42% or 63% the lie increased with each telling.) UE will supply us but not until we get rid of MoPEP. Our other problem is that municipally-owned utilities are exempt from regulation and oversight by the PSC. We need someone to provide oversight and regulate RMU. It's time the council started either doing it themselves or they appointed a citizen/business oversight board with PSC-type powers to do it for them. The RMU board has proven they can't be trusted to act in our best interests, they act in the best interests of their friends and cronies and now they act in the best interests of MoPEP.

2. Replace RMU board members. If the RMU board isn't willing to admit they've caused the problem and take steps to solve it - they must go. All we hear from them is excuses, exaggerations and lies – no solutions, no admission of responsibility, not even one apology for getting us into this mess. The council must remove board members who take the attitude that they're right no matter how obviously wrong they are. They must replace them with people who won't be MoPEP's ventriloquist dummies. **Tracey Watson**, Rolla business owner, is one obvious appointment to the RMU board. She has initiative and she's smart enough to do her own research instead of waiting for someone to tell her what she should believe about area rates. It would also be smart to also appoint someone from UMR who actually understands the subject of electrical engineering, power transmission and utilities – but not chemistry please. *No appointed RMU board member should ever again also be on the board of local non profit corporations such as RCDC or RREC* – two organizations that have an obvious and egregious conflict of interest because they have illegally and unconstitutionally milk the city and the utility board for handouts of public money. We have had too much of that corrupt cross-board political incest going on for the last 40 years, it has cost us millions, accomplished nothing and IT MUST STOP!

3. Require public hearings on all rate and fee changes. The council must make last years fake 'reform' ordinance of RMU real. It reformed nothing about RMU it only tripled the amount of graft they pass over to the city. The 'reform' part was that RMU is now required to come to the council in person and tell them **after** they have voted to raise rates instead of the council reading about it in the newspaper. For real accountability they must amend the ordinance to require the RMU board to hold one or more public hearings **before** they vote to raise rates or

fees and **before** they change policies such as their late fee policy. Just because municipally-owned utilities are exempt from PSC oversight and regulations (a big mistake by the state) doesn't mean the city council can't provide the same oversight and ordinances to control what RMU does. If the ordinance had required the RMU board to have public hearings *before* they voted to raise rates you wouldn't be paying 9.3¢ now. RMU board members and Watkins are afraid to face the public. They don't even want anyone to know what their email addresses are. The thought of having to face a roomful of angry people to justify their *intent* to raise rates would go a long way to keeping the rates down. Can the council take this decision away from the RMU board? Most certainly, they simply amend the same ordinance they used to gouge their 5% tax out of us. If it is true, as they claim, that the council has no control over RMU how then do they explain that they mugged the RMU board last fall and took 5% of all their money? If they can do that they can require public rate hearings and any other accountability measure we want.

4. Recall and Replace elected officials who think they can stick us with the expensive result of their negligence and go on with business as usual. On Wednesday, May 25th, while angry frustrated citizens were meeting at the library to try to figure out how to get their government to quit blowing them off, were their officials working overtime to come up with a solution to the RMU/MoPEP rate problem they had created? No, Mayor Jenks and John Butz were over at the PCRMC hospital board meeting working on their favorite \$35 million tax-and-spend project. This was the information at the end of the Friday, PCRMC hospital meeting report. “The board also heard a presentation from **City Administrator John Butz** and **Mayor William S. Jenks III** outlining reasons why the hospital should participate in the Memorandum of Understanding for the Interstate 44 Rolla West Interchange project.”

Amazing! The two of them were fiddling with their bypass project while Rolla burned. And why, by the way, is our county hospital board - the people who were just recently complaining about having a million dollars of unpaid bills - considering giving away **\$50,000** to the city bypass project? How will a bypass improve our health care or help their million dollar loss from treating poor people who probably also can't afford to pay RMU's utility bills? Will the extra sales tax the city plans to load on us to pay for the silly \$35 million project make us healthier? Will the condemnation of private property for the city bypass bring down our hospital bills? Maybe we'd all better ask our elected hospital board members: **Jim Marcellus** (he works at PCB for RREC Pres. **Bill Marshall**. RREC are the ones behind the bypass project, so there's conflict of interest vote #1), or City Atty. **John Beger** (there's conflict of interest vote #2). Maybe PCRMC board members **Joanne Brand-Hoertel**, **Dr. Don James** or **Dr. John Park** can explain how giving the city \$50,000 for a road study will improve our health care.

RMU Board follows philosophy of gay Episcopal Priest

On Monday, May 21, 2007, while the Rolla City Council was downstairs having their council meeting and pointedly *not* talking about the solution they *don't have* to their utility rate problems, the RMU board was in a meeting upstairs

raising the water rates! If this wasn't another low blow to over 50% of Rolla's poor families it would be comical but its not funny. Two of RMU's old fossils, **Alfermann** and **Stoffer**, are so out of touch and have been sitting up in that ivory tower for so

many years they really think they don't have any responsibility to do anything but raise prices so RMU can make profits.

Two citizens were present with requests: **Sandi Smith** asked them to change the billing due dates to make it easier for her to pay her bills. After interrogating her and satisfying himself that this wasn't some nefarious scheme to deprive and defraud the utility department, RMU board member **John Wiggins** actually said that since it wasn't a "scheme to escape payment...we should consider this." Stoffer fussed about cash flow apparently failing to understand that no matter when the 30-day billing cycle begins and ends they still get the same money for the same 30 days. They finally agreed to make some new policy to change the due date and tentatively established some guidelines to do this. One of the guidelines would be to make the decisions on such requests on a "case-by-case basis."

Situational Ethics – the case-by-case basis. In accommodating the Smith request and others on a "case-by-case basis" the RMU board was practicing what is called "situational ethics" which is adapting your ethics, rules or policies to fit a singular situation that you're confronted with without giving any thought to the precedent it will set, how it will affect others who won't get the same special accommodation, how it will eat away at respect for the rules and how discipline and morale will suffer as a result. RMU isn't the only practitioner of "situational ethics." The council, school board and hospital board are also fond of 'solving' a problem for someone they like by deciding a problem as worthy as theirs should be decided on a case-by-case-basis. This alleged 'solution' is announced as if a knighthood is being conferred and everyone goes home feeling oh..so..special. The real reason they do it is because they're lazy and don't want to make the mental effort to figure out why they can't make an exception. They don't have the spine to tell people that they aren't special and why they have to follow the rules like everyone else. Case-by-case solutions are a misguided attempt to make everybody happy but it's not a public official's job to make everyone happy. Over time, the institution's rules and policies will be eroded by chicken board members who cover up their intellectual weakness by deciding that the one-rule-for-all is unfair, that some people (but only the ones they like) are unique so their infraction/problem should be decided on a case-by-case basis. After a few years the people who corrupted their own rules and policies with case-by-case problem solving and

[Essential reading to explain why you're taking cold showers again like you did when you were a randy 17-year old](#)

1. http://www.rollanet.org/~rwnash/nsn_02_32.pdf *Is the RMU "fee wrapped in a tax" a tax or a ruse? (Explains why the city's 5% utility tax is a violation of the Hancock amendment to the Missouri constitution and should have been voted on by the public.)*
2. http://www.rollanet.org/~rwnash/nsn_02_33.pdf. *Milking the Electric Cow (The phony 'reform' of the Royal Municipal Utility ordinance to make the board more "accountable.")*
3. http://www.rollanet.org/~rwnash/nsn_1_60.pdf *RMU's Ponzi Scheme (How Rolla got \$6 million in diesel generators – MoPEP's first scam on us.)*

'special' exceptions will be bumfuzzled and whining about all the personnel problems and lawsuits they have.

At first glance it might appear that this is one of those soft-headed liberal ideas but it's our observation that there is no difference between liberals and conservatives when it comes to coping out and using the case-by-case method of problem-solving – this is bi-partisan stupidity. Case-by-case problem solving is a way of avoiding the time and intellectual effort required to review what is usually an outdated policy or rule to see if the policy needs to be changed and updated. If not, the requester just has to be told that rules, policies and laws made for large numbers of people can never be made to anticipate each individual's circumstances so they'll just have to lump it – life just isn't fair.

What we find very amusing and what we're sure these policy wimps on our local boards don't know is that when they cop out with a case-by-case 'solution' they're following in the footsteps of **Joseph Fletcher**, a homosexual Episcopal priest, a supporter of both euthanasia and abortion. Fletcher's work, *Situation Ethics* founded the situational ethics movement in the 1960's. Situational Ethics, according to Fletcher's model, *states that decision-making should be based upon the circumstances of a particular situation, and not upon fixed Law.* The only absolute is Love. Love should be the motive behind every decision. As long as Love is your intention, the end justifies the means. Justice is not in the letter of the Law, it is in the distribution of Love, said Fletcher. That's case-by-case decision making.

(Message from Editor to RMU members **Jim Stoffer**, **Maurice Alfermann**, **John Wiggins** and **Mark Rolufs**: Maybe you guys would like to rethink that case-by-case stuff?)

The second request to the RMU board was from **Donna Hawley** who wanted them to set up a charity fund for the poor. John Wiggins quizzed Donna on her credentials as a spokesperson for GRACE. Upon determining that she wasn't a GRACE executive, a Chamber Diva or other VIP person but just a regular human who thought the RMU board's policies should reflect a more Christian attitude toward the poor and unfortunate he dismissed both Donna and her suggestion. As a non-VIP she could safely be ignored. Having exhausted their small store of 'nice' with the previous Smith request, they adjourned the meeting.