

No Standing News

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

Volume II

September 8, 2008

Number 76

Serving the Outlaw City of Missouri *New "Council Conduct" creates Uniform Standard of Stupidity for Rolla City Council members*

And we all thought the Rolla City Council's Dangerous Dog Trials set a standard of foolishness that couldn't be surpassed...little did we know... **Councilman Monty Jordan** suggested a "Code of Council Conduct." How curious that Jordan who has rarely said a word during his too many terms on the council, came up with a whole Manifesto on Conduct all by himself. If Monty hadn't taken credit for it we would have sworn it sounded just like a **Lou Magdits** Manifesto with a little sanctimonious **Billy Jenks** thrown in. The "Monty Jordan Code of Conduct" is, like Jordan, only a toothless resolution - easily forgotten and it is a product of Mayor Jenks inability to properly run a council meeting. The Jordan 'Code' is noteworthy only because of the council discussion about it and what the tone and context of that discussion says about certain council members and our intellectually constipated city government.

According to the Jordan Code, council members are not allowed to speak to employees, if they want any information they're supposed to ask the *council's employee* John Butz who will tell them what he thinks he knows about what he thinks they want to know as long as it's what he wants them to know. Councilmen may not seek out a real expert or any other authoritative source because that is now against The Jordan 'Code.' Quoting state officials, federal law or other real authorities, as Hawley frequently does, is really embarrassing the rest of them who can't imagine getting objective information on their own initiative. She's making them look stupid so that has got to be stopped and right now! Council members now may not ask more than two questions even if it is painfully obvious more questions need to be asked. The Jordan 'Code' sounds like Middle School pep club rules.

At least **Council members Hicks** and **Hawley** recognized that the document was an assault on the First Amendment and an attempt to impose another version of the moronic "Speaks With One Voice" philosophy that **Annie Bass** and several little tinpot dictators in school administration ruined the school board with a few years ago. The "One Voice" they were all supposed to speak with was naturally Annie's voice. Unfortunately, the rest of the Rolla council didn't see why violating the First Amendment was a problem. **C. Spadoni** thought the free speech of council members should be strangled because "When we debate we throw out a lot of dirty laundry." It's okay with Spadoni for the city to *have* dirty laundry as long as they don't debate it where it will be "thrown out" for all to see. Magdits, who has been known to often question employees shot-gun style for as long as he pleased, also didn't see that restricting members to an artificial limit of two questions only would "usurp" the First Amendment. He summed up this silly Code and the whole silly council when he concluded that, "It's voluntary and we all have the ability to circumvent it." That, in a nutshell, is what is wrong with Rolla. Its okay to pose and posture about ethics and democracy as long as the ethics are "voluntary" and they can "circumvent" democracy when it gets in the way.

City Budget meetings: Cops protest being last priority. The second city council budget meeting Wednesday August 27th erupted in a long overdue protest by the police department about being put at the bottom of the annual budget priority list by their "boss" and budget director, **City Administrator John Butz**. The council chamber was full of uniformed and non uniform employees there to support **Police Chief Kears** who gave the council a 1.5 hour long power point lecture on how the council's annual indifference to basic services and lack of prioritized spending for years has eroded the police department. When little Cuba hires our cops away things are in very bad shape. Butz, the city's budget manager, had nothing to say about his long practice of allocating money for his favorite "projects" and those of Rolla's elite before the needs of city personnel and city services. The truth is that city personnel are just not the budget priority of Butz and city hall's politicians and that's why the force is not up to strength. Butz made excuses that the sales tax has flat-lined. The sudden flat-lining of the sales tax is not a good enough excuse for the steady salary erosion over the last twelve years since Butz came here. He simply has never seen employee compensation as the number one budget priority and he never will. Butz budgets for the **Chamber, RREC** and other lobbyists like **Mike Woessner** and his implausible Rolla West project. He budgets for projects like the Rec Center, and all the useless real estate he's sunk millions in city money into over the last five years *before* he budgets for employees. Butz admitted this three years ago when in an employee newsletter he confessed their miserable raises that year were his fault. "Unfortunately," he told the employees, "we didn't save enough in the good years to carry us through the bad years."

Magdits also deserves plenty of credit for the employee's bad lot. For the last three or four years he has demanded that employee benefits and salaries be cut back and he made it part of Butz' evaluation. Taking a budget-cutting knife to the soft underbelly of the operation - the employees - is the first thing weak managers do in a fiscal crisis. It has never bothered either Magdits or Butz that all RMU employees have *free health benefits* and neither blinked at giving Ms. Bax *free health insurance* but those lousy blue collar people who work under their heel are going to pay for their health insurance or they won't get any at all.

It's good that city employees are finally getting a union because this council and administration are never going to value them or treat them fairly. At the Tuesday budget meeting **C. Spadoni** came up with the dimmest idea we've ever heard to reduce police turnover. He recommended the Chief make all new employees sign a promise that if they left before two years they pay back all their training expenses. After being the Rolla Police Chief and now back as a council member Spadoni still doesn't know this is an "at will" employment state and he obviously still doesn't know what that means. Stan's idiotic idea wouldn't solve the turnover problem it would end recruitment altogether! That's a measure of the type of intelligence that is running Rolla.

C. Magdits wanted to reverse the council's previous decision to apply for a federal SAFER grant to hire more firefighters. He said the council had done it for emotional reasons. He was right about that but he should ask himself why the Fire Chief felt he could defy his "boss" John Butz and take his appeal public to get the council to agree to the large multi-year SAFER budget commitment just before they sat down to make out the '09 budget. The answer is that happened because Butz is a weak manager and all his department heads have always defied him. That's why the Police Chief took over the second budget meeting. It was the only way he could get past Butz and the \$40,000,000 in capital projects for the Chamber, Brewer, RREC and RCDC that Butz wants to spend money on before he pays any attention to workers salaries.

Magdits demands that everyone (else) defer to Butz the "expert administrator" but he is highly critical of his fiscal mismanagement. Magdits can't have it both ways. Either Butz is the "expert" administrator, the source of all information who must never be questioned by the council he's a weak sister who is incapable of managing the city and its personnel and who has run us into a long-running financial crisis and brought down an employee union on the council's head because of his harebrained optimism and bad management. In February, when it was clear sales taxes were taking a dive, all other public agencies were already making budget cut backs for the rest of the year but not Butz. He told a reporter, "I'm an optimist..." True he is. He suffers from the same deadly form of optimism that afflicts habitual gamblers...just one more hand and I'll win it all back." Since he came here Butz has either directly, or indirectly through the RREC Bad Idea Factory, led the council into wasting money on the following financial disasters: the regional jail,

Magdits and Committee propose new sales taxes

"**The 2020 Fiscal Principles.**" Another C. Lou Magdits management gem hit the council at the August 18th council meeting. This Magdits Committee plans to offer Rolla taxpayers a bribe. If you will vote more taxes for Magdits, Butz and Jenks to bail out their failed get-rich-quick recreation projects and to give a permanent Chamber-type subsidy to the RREC and Bax then they *might* be willing to spend more of the General Fund taxes to "enhance manpower shortages and needs primarily in public safety (police and fire)." They admit there's a problem in the public safety departments they've been neglecting for the last ten years but they'll only address the staffing problems *they've created* if we reward them with more sales taxes to squander. They hint that they *might* provide the Sr. Citizens some seed money (but not permanent budget support) for a Sr. Center if they'll go along with the new taxes. That lollipop is so old it's got lint balls on it.

These bribes are contained in a list of five "**Statements of Principle/Policy Recommendations**" which are little homilies on fiscal prudence which, judging by the title, are intended to guide the city until the year 2020. All of them totally miss the mark as real fiscal policies which are established by ordinance and which have measurable and quantifiable benchmarks for spending and money management that must be met every year without fail or the budget manager (Butz) loses his job. Rolla has never had a fiscal policy because a real policy has sharp teeth. The money comes in every year and they just spend it without any thought about what emergency they might need it for next month or next year. Butz has never wanted the restrictions of a fiscal policy because it would hamper his power over the budget which has been and still is absolute. The council is lazy and they spend only about 6 hours a year on the budget which makes them rubber stamps but that also suits Butz just fine. Letting Butz run loose with \$24 million of our money is why he overspends the budget by more every year. A real

the WACO landfill, the overbuilt Recreation Center, Joe's Road, the excessive remodeling of city hall (do he and the mayor really need a penthouse balcony?), TIF I, TIF II, funding the RREC for five years, (\$575,000) buying the Forestry property (\$250,000), buying land and property on East 18th Street and property off Old St. James RD (\$1.4 million) that they didn't use, don't need and now can't unload, wasting \$1 million on the Walgreens road to try to jump-start the biggest, most expensive folly of all - Rolla West. The council has gone along with all those Butz get-rich-quick crap shoots, every one of them poorly planned and badly executed. Millions and millions down the drain.

To Butz the bread-and-butter necessities for maintaining a city, such as public safety and essential services, are simply not a priority. Butz only likes to play with new projects. For 12 years he's been slicing into the employee's annual salary increases, benefits and staffing so he would have money to feed his craving for one scatterbrained and unnecessary project after another. At a committee meeting in 2006 to try to tone down the obscene public subsidy of \$230,000 for "tourism" the city throws away every year on the Chamber of Commerce, Buz Harvey, in one of his more unfortunate remarks announced that, "The Chamber of Commerce is just as important as the street department." Unfortunately, too many members of the council and other elites in Rolla show by their annual budgeting priorities that they feel the same way. Until the taxpaying public start backing up the men and women who clean up their garbage, fix their roads and patrol their streets, the priorities in city hall will always be wrong.

Here's a perfect example of how those who are in charge just don't "get it."

fiscal control policy is one that is put in the form of an ordinance and it has genuine hard fiscal targets not the squishy little soft balls in the Magdits "**2020 Fiscal Principles.**" Hard fiscal targets cannot be changed except with a super majority vote of the council. We're surprised at Lou. He's always the one demanding "deliverables" of everyone else but there are no "deliverables" in his "Fiscal Principles (sic)."

Butz the spendthrift, said he wanted the council to adopt the "Statements of Principle/Policy so it could "become a living part of the dialogue" and he would "have them hung in the Council Chambers as an ongoing reminder about fiscal policy and discipline." What pretentious clap-trap. The council did nothing with the Lou Magdits Magna Charta. For once their dithering worked in our favor.

And the new taxes are...." When you get to the second page of the "Fiscal Principles (sic)" though, you realize what all this sudden fiscal responsibility is really all about - it's just camouflage for a push for new taxes. The first page of "Fiscal Principles (sic)" is the usual "We're-turning-over-a-new-leaf-and-from-now-on-we'll-be-more-careful-with-your-money" kind of B.S. you get from people who are trying to get more of our money to spend because they just can't manage on the \$24 million a year we already give them. The second page suddenly stops being about fiscal prudence and becomes a very un-Lou-like speech on how "Parks and Recreation continues to be a source of pride for the entire Rolla Community"... rah, rah, rah. That "pride" must be why the council spent 12 years trying to sell off **Buehler Park** and why, since they lost the lawsuits to sell it, they have spitefully let it get run down and go without maintenance and with reeking Port-a-Potties. The speech concludes that with what Magdits calls the "demonstrated success" of the facilities [i.e. The Rec Center and Splash Zone] as promised and a

desire to enhance the overall park system and to reduce the Park Fund subsidy currently required of the City's General Fund..." so they propose some new sales taxes to bail out both.

The three tax plans are **Tax Number 1**. "Approach the voters to retire the 1/2¢ recreation sales tax early and **replace it with a 1/4¢ permanent sales tax** to subsidize the Rec Center, Splash Zone and probably the Chamber Park, to bail out the Rec. Center and Splash Zone and to pay for things They don't want to talk about the large overhead they now have for upkeep on the Forestry property buildings they bought for the Chamber of Commerce and the **\$250,000** in improvements the city council has promised the Chamber they will make to that land so they can have a private park but you can bet your last taxable dollar that's what it will go for. "Approach the voter's" is right. They better approach the taxpayers wearing Kevlar vests.

Tax Number 2, includes **another 1/8¢ tax** to "leverage funds" for an "independent senior center and/or senior services." In other words its seed money for seniors to go out and raise their own money for an "independent" facility, in other words, the facility won't ever get the subsidy from the city that the Chamber, RREC and RCDC always get. **Tax Number 3**, is **another 1/8¢ tax** but only for 5 to 10 years (a 'temporary' tax like the 1/2¢ Rec Center tax that they said would be temporary, right?) to "address major capital improvements to the park system, The Centre and Splash Zone, the priorities for which would be determined by a citizen advisory commission subject to Council approval." (But not an independent Park Board like we used to have. This one would, as usual, be just plain folks from the Chamber, RREC and RCDC.)

Why do the "demonstrated successes" require big tax subsidies?

But before we get into these proposed taxes, we can't let Magdits flaming bundle of contradictions whiz by without questioning why, if the two recreation facilities are such "demonstrated successes," have they needed a "Park Fund subsidy" out of the General Fund all these years? The Rec Center has only been a "success" for the few who can afford to pay to use it and their numbers are getting fewer as the economy worsens. This "demonstrated success" requires an annual bail-out of **\$350,000-\$400,000** a year! The best they've ever done is about 84% recapture of annual expenses and it's getting harder to keep it above 80% every year.

And the other taxes are... **Tax Number 4**, A special tax only for economic development. **Tax Number 5**, Another special tax only

County residents say "Hell No!" to Bax EEZ question

The second event that demonstrated the Great Divide between our resident Yuppies and the general public took place on July 9th at the Courthouse meeting of mostly county residents (nearly 80 of them) who came to tell their three county commissioners, **Randy Verkamp**, **Bud Dean** and **Larry Stratman** what they thought of the RREC's second attempt to cram an Expanded Enterprise Zone down their throats. No matter how she tries poor Bax just doesn't have the common touch. It is so obvious that she sees herself as one of the "quality people" she talks about recruiting, which puts her far above the rest of us commoners and with what they're paying her....

When she saw they didn't like anything about her EEZ she chided the audience several times with her best argument, a cliché she picked up from a motivational poster. "Wouldn't you rather have 50% of something than 100% of nothing," Bax asked the testy crowd. In other words, you silly people should be grateful for half a loaf and whatever other crumbs that we quality people throw you. The second time she trotted that one out someone said, "No we wouldn't if it means them coming in here like Briggs and then

for economic development. **Tax Number 6**, isn't a tax but just a wish that the county would be more cooperative for "future economic development." They can't do more than just wish for county cooperation after the July 9th county meeting on RREC's plan for an Expanded Enterprise Zone when county residents nearly tossed Ms. Bax out the door on her swell ideas. They made it crystal clear that they want nothing to do with any economic development gimmicks coming from City Hall or the RREC.

The most hypocritical part of this document is that to get the public to go along with another tax-and-spend idea, Magdits and his committee members are dangling the possibility of a new Sr. Center to con senior citizens into voting for his economic development sales taxes. The seniors will never see that Sr. Center. The Rec Center and the Kwantes-mismanaged park system and the Chamber's private park and Terry Brewer's private park will eat up every bit of any new taxes. Lying to seniors is bad enough but then Magdits and his committee claim that if we will pass more sales taxes to support their recreational white elephants and their economic development white elephants they will be able to give better funding to the police and fire departments! That's the nastiest kind of political blackmail. The police and fire departments are our first defense against life threatening events and those two department trash, streets, water and sewer should be the first budget priority of the city at all times. They should never be used as bait or bargaining chips to get more sales tax money to bail out a badly planned and overbuilt recreation building, to keep Elizabeth Bax employed, to cater to the elitists in the Chamber and to keep the RREC Boys Club from having to justify their existence and raise their own money from private sources. Shame on Lou and shame on all the members of this hastily cobbled together "fiscal advisory committee" who, in just 7 token meetings came up with this self-serving pretense of a fiscal policy. In case you want to thank them for their public service the members of the **Fiscal Advisory Committee** who put together this 12 year fiscal farce for are: Chairman **Lou Magdits**, Co-Chair, **Emma Lou Brent**, **Don Barklage** (council), **Wayne Parry** (US Bank), **Terry Harris** (Investments), **Jess Cortese** (Brewer), **Doug Cresswell** (retail), **Rodney Creech** (retail), **David McKee** (PCB), **Bob McKune**, **Kate Howell** (real estate), Mayor **Bill Jenks**, Finance Director **Steffanie Rogers**, City Administrator **John Butz**. When you see any of them you might ask if why they're proposing tax increases during a recession. Maybe they're so well off they're not having a recession- but the rest of us are.

leaving us high and dry when their freebies run out." Bax just doesn't get their point of view; that they'd rather live with the little they have than be given hope for a better life and then get crapped on like Briggs did to them.

Then Bax did ruined what little credibility she had. In a clumsy attempt to demonstrate solidarity with this mouthy underclass crowd that wasn't going along with her Great EEZ Plan, she explained, in her most patient "I'm-not-being-condescending" tone, (which is of course the most condescending tone there is) that while she herself was one of the fortunate people who had a college diploma, her husband (like most of the rabble in the room) only had a high school diploma. There were audible gasps from several people mostly the wives. You might want to smack your old man upside the head now and then but you never throw him under the bus in public.

The meeting must have been frustrating for Bax. She doesn't understand why those stupid people won't fall in with her plan as easily as the weak-kneed city council does. She doesn't understand why they aren't impressed with her wonderful Big Box

plans. Their values obviously aren't the same as hers but it would be the biggest mistake, of all the mistakes she's made since she came here, for her to assume that their values are inferior to hers.

Oh Gosh, Oh Golly, wherever shall they spend their (discretionary) income? The gulf showed up again in an RDN article on August 16-17 written by **Alan Gerstenecker**. The RND has never covered RREC board meetings before. What a lucky coincidence that a reporter just happened to be there when RREC announced Phase I of a Brewer Science expansion. This is the second time in three years Brewer has announced a Phase I expansion of their nanotechnology division and for the second time they've announced that they are hiring big shot scientists and making millions in improvements yadda, yadda, yadda. The last time they "improved" the place with an influx of highly-paid, highly-educated scientists (Bax's "quality people") and engineers they fired over 100 not-so-highly-educated, not-so-highly-paid people during the next 18 months. **Brewer CFO Tim Cunningham** said the new hires were "engineers and most-educated, however future hiring's could be a cross-section of workers"... a cross-section of "least-educated" locals?

The phoniest part of the whole phony article was when Cunningham said, "the spouses are finding it a little difficult to spend the (discretionary) income they want. There are no Targets or larger stores, but they seem to really like it here." Just breaks your heart doesn't it? Quick! Get the Brewer spouses a shopping mall so the pampered darlings can have a Target which is apparently the only way they can be happy and spend all that (discretionary) money they have...quality people have that problem you know. Oh dear, what shall I do with all my (discretionary) income.

I for one am sick and tired of hearing about Bax's "quality people" who condescend to live among us even though we don't have the Targets, Kohl's, the spas and the latte shops that they're entitled to by birth, (discretionary) income and their superior educational degrees. Most of us are quite happy living here and we don't require large malls and other Yuppie accouterments to make our lives complete. We enjoy Rolla for what it is, a quiet little country town blessed with a major university. We manage to fill our days with satisfaction even though we are deprived of Manolo Blahnik shoe boutiques to buy \$800 shoes. We aren't so spoiled or lacking in personal resources and interests that we can't be happy here without monster malls and other Yuppie amusements. Our needs are simpler. We would like Rolla to be a lot cleaner, we'd like

city government to be less rude and insensitive and we'd like them to manage our money a whole lot better.

What we can't tolerate is being told that we're "negative" because we won't support a bunch of spoiled divas who demand that the families in our community – the majority of whom make less than \$35,000 a year - make more sacrifices and pay more taxes to satisfy the superficial needs and shallow values of bored housewives who think their shopping malls should come before solid jobs with decent wages and health insurance for families. What we can't tolerate is a city government that can't manage the simple task of keeping the town clean because they're busy wasting millions on land speculation and failed economic development ideas a child could see won't work. What we can't tolerate are little people with big pretensions who spend their time plotting how to get more taxes out of us and issuing pompous Manifestoes on Conduct and fiscal discipline instead of solving the city's real problems. Other than that...we're doing just fine.

[P.S. About the \$800 "gift" or "bonus" Butz and the council are giving out this year as a sop to the employees from the Verizon payments: Giving bonuses or gifts to public employees IS ILLEGAL! A "bonus" or gift this year also doesn't count as part of their base salary for raises in the future. Is Butz really that stupid or does he just think the employees are? The State Auditor explained this illegal practice in the 1998 petition audit and has just told RMU that their executives driving RMU's "free" vehicles and RMU's "free" gasoline are taxable income because such "perks" and bonuses aren't allowed by law. The auditor said in 1998 about city bonuses: "**Bonuses given to employees appear to represent additional compensation for services previously rendered and, as such, are in violation of Article III, Section 39 of the Missouri Constitution and are contrary to Attorney General's Opinion No. 72, 1955 to Pray, which states, "...a government agency deriving its power and authority from the Constitution and laws of the state would be prohibited from granting extra compensation in the form of bonuses to public officers after the service has been rendered." The city's residents place a fiduciary trust in their public officials to expend public funds in a necessary and prudent manner. The above expenses do not appear to represent a necessary and prudent use of public funds.**" Margaret Kelly, Missouri State Auditor - 1998]