

No Standing News

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

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The EEZelots strike again - Part 2

The sloppy flaws in the EEZ resolution

The **St. James EEZ board**, **St. James City Council** and the **Phelps County Commissioners** have already blighted the entire town of St. James in an appallingly sloppy [St. James EEZ resolution](#) signed by the city council and three Phelps County Commissioners on June 2, 2009. They tell us the St. James EEZ application has already had a St. James *city public hearing* where the city council voted unanimously to blight their town but when was the *county* public hearing? The [St. James EEZ map](#) includes a big chunk of Dillon township, so by [EEZ law RSMo 135.960.1. and 2.](#), there should have also been a *separate county* public hearing *not just a St. James city hearing*. The law requires that, "Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation." That's "ANY governing authority" and "ANY portion." As far as we are aware the county has not been annexed into city government...yet. If the hide-the-thimble" legal notice for the St. James-County EEZ public hearing was in 9 pt type buried in the legal notices of a newspaper which few people take - shame on them. What next? Will they post EEZ notices inside a chicken coop in Yancy Mills and hold the public hearing in Doolittle?

However shabby their methods, after the St. James EEZ board finished jerrymandering the St. James EEZ map to include most of Dillon township outside St. James, our three Phelps County Commissioners obligingly approved the skimpy two-page resolution on June 2nd 2009 to do the St. James EEZ "[blight](#)" thing and that was that. The EEZelots have this strange idea that because the swallowed county area is attached to the St. James city limits the EEZ is only of interest to St. James taxpayers. They're making the same assumption about the Rolla EEZ - where county areas to be blighted touch the city limits it's only of interest to Rolla-ites. In this EEZ balkanization of Phelps County they have decided that the interests of our cities can run roughshod over the interests of county residents. What the townies want the county must choke down. In their haste to rubber stamp the St. James/County EEZ resolution, the county commissioners didn't ask the most obvious question, "The 1992 Rolla EEZ didn't have to cover the entire town of Rolla so why do we have to blight entire damn towns and part of the county to

have EEZ's?" Bax has never explained that one except to say that she "desperately needs" the EEZ's to have "tools in her toolbox."

Elizabeth Bax and **Candice Connell**, economic developers for Rolla and St. James, claim everyone in St. James just loves the EEZ because no one showed up to protest it at the June 1st public hearing. Did the St. James city council or property owners in St. James know the *whole town* would officially *and legally* be a blighted area like a junkyard or an old slum? Did anyone in St. James know that this resolution (erroneously) gave **Elizabeth Bax**, **Candice Connell** and the EEZ board the power to give away up to 100% of all property taxes, utility rates, land and any other taxpayer paid-for perks for up to 25 years to any company that promised as little as one or two part time jobs? Did anyone in St. James see the whole "EEZ Development Plan" that is supposed to be the subject of this elusive public hearing? Did anyone in St. James even know what the hell an EEZ was? Did they know anything except the pretty parts of EEZ they were carefully fed? We all have a problem when people hear only the "official" sanitized version of EEZ from a few whose jobs depend on pushing these EEZones on citizens who have already told their stone deaf elected officials *twice* that we don't want no stinking EEZ!

The EEZ fans think the resolution the commissioners passed for St. James which will be used for Rolla will give the both EEZ boards blank-check authority to become official EEZ Pork Panels so they can pass out unlimited goodies to any legitimate or any fly-by-night company that comes along - and folks, there are a lot more fly-by-night's out there looking for the freebies being given away by naïve and desperate little towns than there are legitimate factories that will produce long-term, living-wage jobs. The first thing that's wrong with the resolution is there is no declaration of blight and other required criteria that the law requires officials must swear exists in order to qualify for an EEZ. They didn't do it. Why? Do Bax, Prigge and Connell just not know how to write a resolution or were they were trying to avoid putting the "B" word in writing and rubbing in homeowners faces the fact that their homes and life savings were being declared "blighted" for nefarious political purposes. Here are the sloppy "Whereas-es" in the two-page [St. James EEZ resolution](#) and exactly what's wrong with them. Rolla and county residents take note because we expect

the Rolla EEZ resolution for the [Rolla EEZ](#) plus county areas will be just as deficient and just as illegal as the St. James resolution:

“BE IT FURTHER RESOLVED, that any business enterprise within the above itemized NAICS codes, located within the proposed zone and meeting requirements of Chapter 135 RSMo. As amended, will receive a minimum of 50% reduction of real ad valorem tax abatement on new improvements up to 100% reduction for a minimum of 10 years (or the life of the zone, whichever is shorter) up to 25 years, determined by the EEZ board and based on a case-by-case basis with job creation, private investment and wages and benefits considered.”

BE IT FURTHER RESOLVED that this reduction applies to all ad valorem taxes by all political subdivisions within Phelps County.” (emphasis added)

Translated, this is what those two innocent-sounding sentences really say:

1. **“Any business enterprise”** means they haven’t bothered to develop any uniform jobs-based criteria to use to eliminate clearly unsavory and or unstable businesses and warehouses that produce no jobs. These days the very least we can do to protect ourselves against fraud is require that the company *and the owner* show their credit reports and financials. It should say “any qualified business enterprise” so that someone with good sense (that would *not* be the people who blight entire towns) can set up a sound criteria for eligibility to eliminate the grossly unqualified and obviously unsavory applicants. Jobs or no jobs, do we really want a stinking Tyson hog factory contaminating our air and underground water?

2. **Give away how much?** The resolution says they’ll give away **50% to 100%** of **all property taxes** for **10 to 25 years** (it’s so badly worded you can’t tell which) to “any business enterprise.” Exactly how much and for how long is muddled. Another thing they’ve left out of the resolution is that tax abatement only applies to the *improvements to the property* [RSMo 135.963.1](#). No one gets 50% to 100% of ALL ad valorem taxes abated. Did all these economic development ‘experts’ not read *any* part of this law?

So who will decide how many full-time, sustainable jobs will be given away in exchange for all these “incentives” we will be paying for? According to this blank-check resolution even a warehouse that will create only one part-time minimum wage job with no benefits is eligible for the full 100%, 25-year tax abatement and also according to this resolution all these decisions will be made by the EEZ board and the Bax, Connell and Prigge types who propose maximum giveaway deals for “any business enterprise.” Their jobs depend on putting economic development notches in their belts, not on protecting taxpayers from irrational tax ‘incentive’ giveaways for a quarter of a century.

Note: At the last Rolla EEZ committee meeting they made one minor concession to the growing resistance to the Rolla EEZ. They’ve taken out a few small residential areas of the county (in an attempt to get those county residents to shut up) but they still intend to declare the entire city of Rolla and parts of the county to be “blighted.” They will graciously *only give away 80%* of *everyone’s taxes* instead of 100%, but then

they have decided to extend the minimum years of the giveaway to a vague “more than 10 years” to compensate for the missing 20%. These people must believe we’re all as thick as they are.

The EEZ resolution says the freebies they will hand out will only consider “job creation, private investment and wages and benefits.” That’s way too flexible. Here’s the heart of this whole issue. How many full-time jobs do we want to require before we give away 100% or even 80% of our property taxes for 10 to 25 years? *We get to decide* unless we default and give away all our decisions to these EEZ boards. We can require as many jobs as we want for from 10 to 25 years because it’s our taxes that are being given away. Don’t we want more than one or two measly part-time, minimum wage jobs before we give away all the tax increments on a million dollar warehouse? Don’t we want there to be health care benefits? Do we want the business to contribute to the employee insurance premium? The ‘EEZelots’ are trying to slide a generic non-specific statement past us because they don’t want us to handicap them with any rules or minimum job requirements. They plan to be the sole ‘deciders’ and do it quietly among themselves but smart cities set specific criteria in ordinances and stick to them, why don’t we?

3. **Giveaways will be “determined by the EEZ board.”** Wrong again! The EEZ board doesn’t get to “determine” anything (RSMo [135.957 5.](#)) they can only “recommend” to city or county officials and only that if specifically authorized to make such recommendations. The board’s function is advisory only. That’s the way they do it in [St. Louis](#) and other towns with better (unnamed) legal advisors than we have and that’s what the law in [135.963. 3](#) says, “No exemption shall be granted until the governing authority (that’s *not* the EEZ board) holds a public hearing for the purpose of..” In [135.963. 2.](#) it says, “Such authorizing resolution shall specify...[the exact amount of the giveaways].” We don’t need more back-room RCDC [Briggs & Stratton](#) deals that stayed buried until NSN dug out the secret contracts, and no more secret RMU cash utility rebates of \$250,000 to big international corporations while the poor and elderly freeze.

4. “Case-by-case” handouts. The “case-by-case” method used in the St James EEZ resolution, (which they are planning to use in the Rolla EEZ) is the proverbial ‘slippery slope’ and unfortunately it’s a decision-making style always favored by the naïve and inexperienced. We are a ‘nation of laws,’ they always tell us as they slide their hands in our pockets. True, but we are not a nation of “case-by-case” decisions. What being a ‘nation of laws’ means is we have one-size-fits-all laws, ordinances, zoning codes, and even rules for using the public tennis courts for everyone to follow. If you don’t like being lawful like and think you’re being deprived there are due process appeals which *are* decided on a case-by-case basis but we don’t do things case-by-case which is the same as giving everyone their due process appeal first.

Uniform rules and laws usually work fine until some whiner bleats that the rules are t-o-o hard and shouldn’t apply to him because he’s s-o-o-o special. Then some bleeding heart who thinks everybody has to go away happy comes up with the immature idea of throwing out the rules and doing everything on a “case-by-case” basis because that would accommodate everybody’s whining about their diversity and their need to be oh so special. We don’t do government things case-by-case because it ends in a nightmare of whiners carping that someone else got more than his share because all ‘cases’ in case-by-case are never, ever, equal.

Whenever city councils, zoning boards and especially school boards with disciplinary policy problems discover the brilliant “new” idea of doing things on a case-by-case basis, chaos and breakdown of all discipline is the guaranteed result. Weak managers love deciding things on a “case-by-case” basis because it is a power trip to be the “decider” and case-by-case is tailor-made for subjective decision making so they can play favorites. Smart managers want clear rules for everyone whether they like it or not so a line won’t form outside the door with people whining to get special treatment for their case-by-case cases. We do not want millions in taxes and utility rebates given away on a childish case-by-case basis.

5. **The County gets to raid everyone’s taxes?** Unhappily, the last “BE IT FURTHER RESOLVED” shows that the people who are playing around with this law are sadly ignorant of how our government works and have never heard of the doctrine of constitutional sovereignty. The St. James resolution says whatever giveaway resolution the cities of St. James or Rolla and the Phelps County Commission signs *automatically applies to the school taxes, developmentally disabled taxes, library board, park board and rural fire taxes.* What’s this? Tax abatement across jurisdictions by county edict? Show us where in Missouri law it says the three county commissioners get to unilaterally deprive the school district of the taxes due them by state law. Only a state law can do that and this one doesn’t. Each of those tax-collecting boards is a sovereign political entity with its own voter-given earmarked tax and each can negotiate their own deal or refuse to deal at all as the smart school boards did when cities tried to rip off their taxes for TIF projects. They had to give up the minimum tax for TIF but many negotiated side deals to

recover their tax losses in the form of “gifts” and other “considerations” from the developer. The Rolla school board just wasn’t smart enough to do that.

What [RSMo 135.963 \(2\)](#) does say is this, “Such authorizing resolution shall specify the percent of the exemption to be granted, the *duration* of the exemption to be granted, and the political subdivisions to which such exemption is to apply....” The fact that a formal decision must be made and recorded as to which political subdivisions the tax abatements will apply and for how much and how long is, ipso facto, proof that tax forfeiture by every political subdivision isn’t a done deal just because the county or city decided to arrogantly and unilaterally wipe out their taxes for the EEZ cause. Not every taxing subdivision must join the giveaway! The [City of St. Louis](#) EEZ ordinance was careful to give away only their own taxes. They aren’t politically stupid enough to try to give away the taxes that voters gave to other taxing districts.

Keith Strassner’s fingers are in too many pies. Rolla’s newest Johnny-come-lately apparatchik, **Keith Strassner**, is the treasurer of the Rolla School Board which is targeted to give away at least 80% of their school taxes for the EEZ one if **Keith Strassner** has anything to say about it and **Keith Strassner** does because he’s also President of the Rolla EEZ committee that is making up the tax giveaway rules and they’ve decided to put 80% of *ALL* of *everyone’s* earmarked taxes in Rolla’s EEZ pork pot. The school board is currently trying to get up their nerve to ask us for more school taxes and they will surely need more taxes if **Keith Strassner** and his fellow school board member **Molly Malone** (both on the EEZ committee) keep throwing school taxes away on projects that have nothing whatsoever to do with education. **Keith Strassner** is also on the RREC board – they’re the geniuses who hired Bax and have dumped the EEZ on us three times and the failed TIF twice. **Keith Strassner** was also on the TIF committee where he made a big speech about how glad he was to giveaway education taxes to developers. **Keith Strassner** “does development” at S&T and makes over \$100,000 a year plus state perks having meetings with E. Bax to plan how they can use Rolla taxpayers as an ATM card for their idiotic RREC-designed development schemes such as TIF, EEZ, CID and the \$35 million Rolla West Road to Nowhere.

Raise your hand if you think both of **Keith Strassner’s** hands are dipping into entirely too many tax pies in Rolla and you think **Keith Strassner** needs to be taken off the school board in 2011. Raise your other hand if you think **Keith Strassner** should be removed from all these other spheres of public influence because he has proven his personal state welfare check depends on giving away things that don’t belong to him – something he’s much too eager to do. With **Keith Strassner’s** off-the-charts list of conflicts of interest and his on-record giveaway speeches, how objective will **Keith Strassner** be about throwing away our taxes on any fly-by-night business con artist with a convincing tale? How much of our city, county, handicapped, fire district, school,

library and park taxes, plus utility rates and other ‘tools in the Bax toolbox’ do you guess *Keith Strassner* will happily squander on a case-by-case basis?

What is it about ‘NO’ they didn’t understand the first two times we told them to take their EEZ and shove it?

PUBLIC HEARING on County/Rolla EEZ: The Phelps County Commissioners have announced THERE WILL NOW BE A **COUNTY EEZ HEARING** on **October 21st at 7:00 pm** in the **community room** in the **Courthouse**. This one is separate from the public hearing for the **City of Rolla** on **October 13th at 6:30 pm at City Hall** although they will be about the same EEZone. Anyone in the county or city can attend either or both even the people living in the already totally blighted City of St. James.

Some people are already registering their dislike of the EEZ with its admittedly over hanging possibility of eminent domain to the County Commissioners at their regular Tuesday and Thursday morning meetings. There is as yet no indication that they are getting the message so on this *third attempt* at an EEZone you’ll have speak up because both the **Rolla City Council** and the **County Commissioners** are tone deaf and insist they know better than the people who put them in office. How many times will we have to kill this already outdated EEZ before it stays dead?

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Members of the two EEZ boards: Rolla EEZ board members: **Doug Cresswell** - 364-2442, **Keith Strassner** - 341-3676, **Mary Davis** - 341-8109, **Bill Jenks** - 341-3249, **Molly Malone** - 364-4780, **Bud Dean** - 364-5866, **Ted Day** - 341-3479, **Don Morris** – 364-8682. Don’t hesitate to call and let them know how you like their plan to have your home or business declared “blighted.”

St. James EEZ board members: **Gary Huffman** - , **Janice Cunningham** - **John Smallwood** - **Brad Frazier** – 573-265-4801, **Butch Tucker** - and **Aaron Hunter** - They would surely like to hear how thrilled you are that they have already declared your home and your entire community to be “blighted.”

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