

No Standing News

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

Volume I

Number 31

May 11, 1999

COUNCIL CHRONICLES

5-3-99

By Lois Ann Marler

NEW REC CENTER AD HOC COMMITTEE FORMED

The council approved a new Rec Center Ad Hoc Committee at the April 19, 1999 Work Session. The names of the committee members were not mentioned publicly before the council voted them, nor were they available to the council prior to the meeting. However, voting members of the committee are: Maggie Thomas, Walter Bowe, Dr. Dennis Goodman, Mark Chirban, Councilman Lou Magdits (Chairman), Councilwoman Judy Jepsen, Councilman Don Barklage, Councilman Don Brown, and City Administrator John Butz. Ex-officio members are: Mayor Joe Morgan, Ken Kwantes, and Dr. Bill Moorkamp.

In addition to the list of names, I obtained a copy of the "Rolla Recreation Facilities Ad Hoc Development Committee" guidelines stamped "Preliminary". It outlines the committee's background, goals, responsibilities, and timeline.

One part of this document warrants cause for alarm. In section 5 entitled "Committee-Council Interface" it says, "Some discretion on the release of information may be necessary if the data, assumptions, ideas, etc., are not fully developed." Translation: "The committee can expect more documents stamped 'Confidential', and the public will have information illegally hidden from them."

The newly appointed ad hoc recreation committee met at 6:00 a.m.(that's A.M., folks) on Monday, May 3, 1999. The committee is planning to decide on one of the four preliminary outdoor pool designs prior to the May 17, 1999 Council Work Session in order for the Council to approve it and move on to bid preparations.

An open house is scheduled for Wednesday, May 12, 1999 from 4:00 to 7:00 p.m. in council chambers of city hall, 9th and Elm Streets. The open house is open to the public and will feature preliminary plans for the outdoor pool, and final site plans for the indoor rec center.

A vote on the final site for the indoor rec center is also planned for the May 17, 1999 Council Work Session.

I have requested notification of any and all meetings of the Rec Center Ad Hoc Committee, since few people, if any, knew about the 6:00 a.m. meeting. If any of you would like to be notified of these meetings, e-mail me at chloe@rollanet.org and I'll put you on the mailing list.

CITY COLLECTOR MADE OFFICIAL

Rita Duvall was officially appointed to the office of City Collector by a unanimous vote of the council. She has been the acting collector since January 1998, at which time the council appointed her to the position until receipt and review of the state audit.

In the same vote, the city approved the appointment of Maria Mueller to the position of deputy city clerk.

The City of Rolla still lacks an officially appointed City Treasurer as outlined in their code. These appointments and titles are nothing more than smoke, as Finance Director Dan Murphy runs the entire show. His own position, as I have reported before, is not authorized in the City Code. In late 1997, an ordinance was proposed that would have consolidated the offices of Collector and Treasurer into the position of Director of Finance. Due to public outcry, the ordinance died. The position of "Finance Director" has never been made legitimate by ordinance, yet Murphy is one of the most powerful individuals at city hall. His position, which was created by Former Mayor Floyd Ferrell and Former City Administrator Merle Strouse, was designed not only to supervise the finance department, but is over the City Clerk, a position that is supposed to be independent.

SEMI-ANNUAL FINANCIAL REPORT LATE (AGAIN)

Since the state auditor pointed out the city's failure to publish a fully detailed, semi-annual financial report, the city has reluctantly published something resembling a financial report, though usually not without being reminded that it is overdue by the public.

I asked Finance Director Dan Murphy if the report had been published for the first half of fiscal year 98-99, and he said "no", but that it was on the calendar. He said that they didn't have the April books closed yet. The figures for the first half of FY 98-99 reflect activity from October through March. This report should have been out weeks ago.

ANOTHER WATER TOWER AT HY-POINT

In an 11-1 vote, the Rolla City Council approved a resolution to authorize the transfer of .44 acres by corporation warranty deed from the Rolla Community Development Corporation (RCDC) to RMU for the purpose of constructing a new water tower at Hy Point Industrial Park.

H. Dain Ward, Rolla Economic Development Committee (REDC) Chairman, RCDC President, and RMU board member, addressed the council on the issue, claiming that there is a need for more water and water pressure at the industrial park. He noted also that there are no dollars being exchanged. (Did the taxpayers pay "no dollars" when they bought the land?)

Councilman Brian DeFriese, the sole dissenting vote on the land transfer, asked why a new water tower at Hy Point was such a high priority at this time in light of the C. T. Home and Country fire and the problems associated in fighting it.

Dan Watkins of RMU responded that the new water tower was for "future planning" and to compare the two issues was comparing "apples with oranges."

Fire Chief Keith Crowell commented that problems in fighting the C. T. Farm and Country fire were due to a lack of fire hydrants. (C. T. Farm and Country was located in the newly annexed southside area, which was approved by the voters in April of 1998.)

Later in the meeting, the council unanimously approved an ordinance for a Neighborhood Improvement District for the newly annexed southside, which will allow for better city services, including better fire protection.

ELECTION OF MAYOR PRO-TEM

This is a strange one. Mayor Morgan opened the floor to nominations for the position of Mayor Pro-Tem after stating the guidelines for the voting process. Councilwoman Judy Jepsen

nominated Councilman Ed Owsley, and Councilman Brian DeFriese nominated Councilman Don Barklage.

The Mayor then asked for a roll call vote for the first candidate, but was interrupted by Councilman Jimmy Dale Williams, who asked if the vote could be taken in executive session with the two candidates absent from the room.

After a lengthy and confusing discussion, Councilman Don Barklage solved their problem by withdrawing his nomination. The council voted 11-1 to elect Councilman Owsley to the position (again), with Councilman DeFriese voting against it.

COMMENTARY

It is no secret that I have been critical of our Mayor, Joe Morgan. On several occasions I have written regarding my displeasure of his actions in council meetings. Just last month I wrote about how his gavel has turned into a billy club by refusing to let a councilman make a motion. It's one thing to watch Morgan the Monarch wield the club, and another thing to be on the receiving end. This is what happened when he gave me a taste of it.

Under "New Business" the council considered a motion to formally establish a policy for fees for copies of public records. City Administrator John Butz established policy for these fees last August, but did not have it approved by the council, which is required by state law (RSMo 610.026). Because of pressure from the public on this issue, he decided to have it approved by the council.

I obtained a copy of the proposed motion and saw that it was flawed. I had several questions and suggestions prepared to present to the council when the issue came up, but Morgan the Monarch refused to let ANY member of the audience speak on the issue. Another citizen in

the audience said they also had comments, but their voice was stifled as well. The mayor said that we would have to wait until it was our turn to speak. Our turn to speak, as it is with every council meeting since Morgan took the throne, is at the END OF THE MEETING! It is very convenient to do this if you don't want to have the public sway any votes on your prefabricated policies and laws.

By the time I was allowed to speak, the motion had passed by an 11-1 margin and my comments were irrelevant. The council now has a policy, not an ordinance, which it cannot enforce. Every sentence of the policy has some vague term which is not clearly defined and which is very arguable. The fees they are charging are excessive and the Sunshine Law only permits them to charge "actual costs." In other words, they have to be able to prove that their charges for copying papers and tapes are not set so high as to prevent the very access to public records that the law intends the public to have easy access to. Remember that it's our taxes that have already paid to produce the records in the first place.

So what's the real problem with this picture? Why are the actions of the Mayor and City Council so offensive? The answer is very simple and is found in the Missouri Constitution. Article I, Section 10 says, "Due process of law.-That no person shall be deprived of life, liberty, or property without due process of law." What Morgan did was to deprive me of my right as a citizen to be heard while establishing public policy. Their policy affects my "property" because they are establishing policy in which they dictate how much I will pay for public records. Any decent, fair, and respectful public official would have allowed for public input first. The reason Morgan didn't is because he wanted to stifle any opposition. I fully believe that Morgan refused to let me speak because of my affiliation with NSN and as someone who is critical of his administration. Had one of his Chamber, RCDC,

or Country Club "buddies" asked to speak, he would have allowed for their comments.

I have watched Mayor Joe Morgan for a full year at council meetings. While he may understand the private business sector, it is obvious that he is grossly deficient in his understanding of local and state laws, Robert's Rules of Order, and good public policy. Former Mayors Ferrell and Wax learned quickly how to properly conduct a council meeting without interfering with the legislative body's exclusive privileges, and that courtesy to the public is repaid with respect for the office. Morgan doesn't seem to be able to learn from his betters.

When the Mayor finally allowed me to speak, I told him that he was in "flagrant violation of Article I of the Missouri Constitution, which allows every citizen of this state the right to due process." He responded that I should have asked to be put on the agenda! This is an underhanded tactic used by the Mayor to inhibit public input. Because I didn't play by his unsubstantiated rules, because I didn't make a prior "appointment" with the council, I was denied a chance to speak before they voted on the issue. When it comes to following the law, this administration will strain out a gnat, but swallow a camel. I think our "Honest and Open" Mayor needs to read Article I, Section 1 of the state constitution: "Source of political power-origin, basis and aim of government.-That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."

Word is out about gangs on the streets of Rolla, but there is a gang of another ilk that has infested the halls of city government. Our rubber-stamp council is more than happy to have their meetings led by a dictator. Why should they oppose him just to receive a thump on the head from the Mayoral billy club as Councilman DeFriese did last month?

In a KTTR interview the morning after the meeting, City Administrator John Butz commented on the issue of denial of citizen's due process by saying, "Due process is a court of law matter, and not a public rights/citizen's rights issue." The administration of Mayor Joe Morgan has sent out a clear message: "When you come into MY meetings, you are to leave your civil rights at the door."

FREE MAYBERRY NOW!!!

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