

No Standing News

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

Volume II

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IT'S ALL ABOUT THE MONEY

- Council approves **\$659,085** deficit budget. • Justice - a Cash Cow? • The Morrison Appointment • The Autopsy Report •

Items of interest at the 9-2-'03 Council Meeting: As predicted, **James Stoffer** was reappointed to the RMU board. Someone wondered how long he has been on the RMU board but it's been so long no one could remember. They figured out that he had served four or five four-year terms. Someone else wondered if there were limits on how many times someone can be appointed to the RMU board. What? You mean they're not appointed-for-life?

RMU's total revenue for July, the month *before* they announced a 10% rate increase was **\$4,588,958**. Councilman Barkledge wondered what the **\$2,304,937.48** item was listed as "Misc. Non-Operating Revenue." No one knew because the RMU department manager does not attend council meetings like the rest do. We later learned that the "Misc. Non-Operating Revenue" were Treasury Bills transferred to a Money Market account; just conversion of cash already on the books not new revenue "misc." or not. With bookkeeping like that no wonder why they can't come up with a credible explanation for their 10% rate increase and \$6 per month water meter 'service' fee. That was the first question about RMU's operations that has been asked by the council since before Stoffer was appointed for life five, four-year terms ago – but it wasn't the last. After closed session the subject came up again with council members expressing irritation with RMU's policy of charging homeowners for all expenses and repairs from the main to their homes. They said they wanted an ordinance to make it clear that RMU must pay for RMU's equipment from the meter to the main. We'll see if they actually follow through with an ordinance or if Butz and Watkins will head them off.

Council approves a \$659,085 deficit budget by double-counting revenue. September 2nd, the Mayor and Butz presented the city council with a deficit budget. At first glance the budget looked like it had a surplus; a second look revealed that "City Revenues" for next year had been inflated by including \$6,000,000 in bonds the voters haven't voted on yet! Without that \$6 million the '04 budget is **\$659,085** in the red. Butz presented the budget by rattling off some numbers that no one could follow and said and the deficit was only a "couple hundred thousand." Actually the deficit is closer to a quarter of a million dollars. It was sticking right out there on the first page of the budget, didn't anyone on the council see it?

The really shabby trick here about adding in \$6 million in bonds to the estimated city revenue was that Morgan and Butz were *double counting the money*. The April

'04 vote will be a "no tax increase" G.O. Bond issue. If voters approve the new debt for Joe's Road, instead of paying the general obligation bonds with increased property taxes the way GO bonds are normally paid off, the city plans to *pay off the bonds out of the existing sales tax revenues they already collect from the Capital Improvement Sales Tax* passed by the voters in 1996 to get their streets improved. In other words, under "city revenue" for '04 they included \$3.8 million anticipated revenue from the 1996 Capital Improvements Sales Tax and then added in the \$6 million in bonds, which they will pay off with the same Capital Improvements Sales Taxes. Is this kind of phony Enron accounting the best our 'Biz-ness' Mayor can do? How did this bogus accounting get by Councilman Barkledge and the new Finance Officer? Both of them are CPA's.

To compound the city's budget pains, during the last eleven months the overbuilt Recreation Center (all hype to the contrary) didn't get above 71% in recouping their \$1.6 million overhead; they lost about \$456,000. NSN predicted a \$400,000 to \$600,000 deficit two years ago.

Butz suggests "revenue enhancers." The problem is they've been raising trash, sewer and every other fee they could find for the last two years so there isn't much left. Butz suggested increasing the merchant's license fee. It only brings in about \$40,000 and they think they can easily squeeze \$100,000 out of the merchants. He also suggested charging a user fee \$5 to every little kid an adult who wants to play ball or do anything else in a city park. A few months from now a new ordinance raising fees or charges will suddenly pop up. They'll try to get a vote on it before anyone catches on to what they're doing – the way they tried to quietly slip through the pornographer's rezoning. Butz didn't waste any time floating the idea to council members and the newspaper that increased merchants and fees for little kids to play ball could 'fund' the RREC's idea for another "full-time economic developer professional." Which is it, increased fees to get the red ink out of the budget or to cater to the RREC's new employee? With a \$659,000 deficit can we afford another \$150,000 'Petersen'?

Wait till Butz and Petersen hear this! The little town of Washington Park, Illinois, five miles east of St. Louis, has balanced its budget by encouraging strip clubs to locate there. The town collects \$30,000 a year for each adult entertainment license and \$1 admission for each lust-driven customer. Larry Flynt's Hustler Club, one of five in the village, is now the

leading corporate citizen. A civics lesson in how to use G-strings to generate G's. With Rolla's soft-on-porn ordinance there's an idea here for the budget deficit.

'Joe's Road' coming soon to your April '04 ballot. A \$6 million dollar G.O. Bond issue will be on the April '04 ballot. Three million of it is voter bait - allegedly for storm water and flood control. The 1996 ballot language for the Recreation and Storm Water Control bonds said some of the Recreation bonds were supposed to be used for storm water and flood control but all \$11.7 million of it was used on the Rec Center and Splash Zone. If \$3 million isn't enough to build Joe's Road you won't be seeing any storm water and flood control this time either. Once you give the OK to the whole tax package, someone else will decide how to spend it just like they did in 1996 and you can bet the priority is what Morgan wants - his road and several other roads developers want in the Southside. Joe has been blackmailing the council into this project by threatening to withdraw his offer of a right-of-way (to the back of his subdivision) if they don't build the road by '04. If they don't build the road who loses? Joe Morgan and the other land speculators on the Southside. So what. If the voters turn down this GO Bond issue Mr. Public Spirited Mayor Morgan will take his toys and go home anyway. These roads are a priority to no one but the guys who think the building boom will go on forever. They've invested money out there and they want the taxpayers to pay for the new arterial and collector streets that they must have to exploit their investments, but Rolla's forecasts of big expansion have been wrong before and there is no indication in this 'jobless recovery' that their wishful thinking won't be spectacularly wrong again.

Another "No Tax" G.O. Bond issue. Normally the \$6 million in GO Bonds would be paid for with a special assessment on your property taxes. But we don't do things the normal way here; we look for a 'free lunch' lie to tell voters like the "no tax increase" GO Bond issue the school district just got passed. Voters so far, have been stupid enough to fall for every live-it-up-now-pay-later scheme that they've been offered.

This is how the city's "No Tax" GO bond issue works. The city takes in about \$3.7 million a year in earmarked sales taxes for the Street/Capital Improvement fund; they will *repay the \$6 million bond issue out of the money they have been spending on Rolla's streets which never goes far enough or gets enough done.* That's the 'free lunch' no-tax deal. Everyone else in Rolla will go without street work for years so the Mayor and the Southside developers can get all these city improvements 'free.' This is exactly like the fool who maxes out his credit card but can't afford to make more than the minimum monthly payment. Then he gets a notice they have raised his credit limit. Whoopee, rich again! He tells himself he can indulge in another spending binge and buy more stuff and somehow he'll be able to pay it off from the same salary he had when he could barely make the minimum payment before. City voters should ask themselves if they're willing to help with another financial juggling act and what will happen if all the

balls come down at once. What will happen is the city will then start collecting the GO bond payments from your property tax.

Southside gets more gravy. In addition to \$3,000,000 in new roads, the city also plans to spend \$400,000 to buy two 15-acre parks in the Southside and improve the existing 17-acre park in the Oak Knoll subdivision with water, sewers, parking lots, ball fields and/or soccer fields. This is from the Mayor who considers all Rolla's existing parks to be "surplus" and up for sale. It looks like the value of a park is measured by whose neighborhood it's in. High income folks need parks but lower income folks don't? They also plan to buy land "on or near Joe's Road" on the Southside for Fire Station #3. We wonder who owns all this land they're going to buy?

Short on Cash and Ethics

Rolla Municipal Court a Cash Cow? The council budget committee also noted a sharp drop this year in Municipal Court 'revenues' from \$264,000 to \$150,000. They erroneously consider court fines and fees to be their 'revenue' - that's their first mistake. This was explained to the council as "problems" with **Municipal Judge Wm. Hickle** and **City Prosecutor Jeff Stoltz**. Judge Hickle isn't hearing enough cases or assessing big enough fines, which is not the council's business, and Stoltz (they complain) doesn't have an office so people can't reach him by phone. Presumably he has a phone so why aren't they giving out his number? Butz suggested the council change the ordinance, instead of voters electing the city prosecutor the mayor and council would appoint the prosecutor. Butz said they would have to change the ordinance before the December filing opened or it wouldn't go into effect until '06. If they appointed a lawyer he said, they could make sure it was somebody with a law practice and office so the prosecutor would have a secretary and a phone where he could be reached.

What problem was being solved here, the phone problem or the cash flow problem? Setting aside for the moment *the fact that they can't legally appoint a prosecutor*, or even make a condition about having a law practice and a secretary, wouldn't it be simpler to get Stoltz call forwarding and a desk? Former city prosecutor **Pat King** had an office in city hall, why not Stoltz? If the idea of appointing the prosecutor was to solve their revenue problem, the implication that it would be desirable for the mayor to handpick a lawyer who would oblige them by prosecuting more people to fatten the city treasury, shows either abject ignorance or utter contempt for democracy and the constitution. The suggestion that municipal 'justice' should be prostituted to the service of city cash shortages has a stench that should have been noticed even by council members, but it wasn't. Any fascist mayor would love to be able to send out his hand-picked Gestapo Prosecutor to find petty violations to soften up some uncooperative developer like **Chapman** or to intimidate protesting neighbors like the ones in the unpopular **Voss/Hermann** project. That Butz dared to use two unrelated issues to slyly leverage more power for the Mayor, power that Morgan can absolutely be

trusted to abuse, is chilling. One shudders to think what Morgan and Petersen together could accomplish with such a prosecutor tool in their hands. Morgan and Butz have already 'summoned' Stoltz to the woodshed; Stoltz should have ignored them and instead he and Judge Hickle should have filed a complaint with the Circuit Judge that their cheap mercenary attitude is putting a 'For Sale' sign on Municipal Court which in reality is a division of the state court system. The city provides a pound for mangy dogs but they can't find a small office for the elected Rolla City Prosecutor? Small ideas spring from small minds.

Courts do not exist for the purpose of making money - justice is not a profit center. The reasons should be obvious. Municipal government is supposed to be a mini-model of our constitutionally designed three-branch system. Each branch of municipal government, Executive, Legislative and Judicial, are supposed to be independent, a check and balance system that hopefully will short-circuit certain types of collusion, graft and dirty dealing at public expense. When the Administrative branch (Morgan and Butz) collude in this way with the Legislative branch (City Council) to emasculate the Judicial branch (Hickle and Stoltz); that isn't budget management - that's malfeasance in office. The state provides a remedy when the level of politics sinks this low - its **Recall of Elected Officials** for third-class cities found in **RSMo 77.650-77.660**. Morgan and Butz should read how easy the recall process is before they temp someone to use it.

Crossing the ethical line, City makes the bleeding obvious official. At their meeting on August 18, reporter **Bill E. Morrison** was appointed to the Rolla Police Personnel Board. He will now be 'reporting' on the government he is officially a part of. Could this explain why the RDN was discretely silent on the recent rash of *secret public* meetings? With Morrison now voting on PD raises promotions and disciplinary matters, will he be denied any 'inside' information he wants as a reporter - even if he shouldn't have it? How might his real or imagined access to sensitive information compromise criminal investigations in the future? How objective will Mr. Reporter/Board member be in reporting police matters when he has knowledge of certain information reporters aren't allowed to have from officer's confidential personnel records, investigations, arrest records? Now that he's a member of the City Hall Boys Club how objective will his city reports be? Well that was a foolish question wasn't it?

The **Kansas City Star** (post Jason Blair) published their ethics rules. KC Star reporters don't just take dictation when utility rates are raised 10%, they ask why and if they don't get answers they dig for them. They don't take press releases and use them as 'news' reports, they write their own stories. KC Star reporters aren't allowed to serve on public boards because "*holding public office is considered a conflict of interest.*" The KC Star rules explain that, "*their profession requires stringent efforts against partiality and perceptions of bias.*"

The council obediently approved the Morrison appointment, a gross disservice to their police department and

the public, with only a whimper that "maybe" it was a conflict of interest. "Maybe"? Maybe dogs bark? Maybe birds fly? Morgan snarled at them and the council cringed and voted. No wonder they're losing their experienced cops to the county. The glaring ethical flaws in this appointment should have killed this usly idea at birth but it survived because Morrison wanted it, the Mayor was eager to do it and the council didn't have the guts to oppose either of them. It probably guaranteed softball coverage (or no coverage) of select city hall 'news' but was that really necessary? How much softer can soft balls be?

The Autopsy Report. We don't normally comment on the misfortunes of private persons unless there's a public principal at stake - in this case there is. The RDN made it a public issue by publicizing their Sunshine Law demand for the Stevenson autopsy with the veiled threat that they will not "litigate the matter at this time." At every governmental meeting in Rolla there's at least one Sunshine Law violation (lately there has been a record number), in between public meetings the Sunshine Law is casually raped as elected officials discuss and decide public business in e-mails - serial violations. The RDN has never been aggrieved by any of those blatant abuses. They ignore the local stew of Sunshine lawbreaking because to protest would rock boats, boats that are rowed by their friends. For opportunistic defenders of "the public's right to know" to dust off the Sunshine Law at this late date merely to pander to rampant gossip and speculation is hypocritical. To dress it up as a public service to resolve the "shadow of doubt" over Rick Stevenson is a feeble guise. Would RDN sleuthing through the report reveal a compelling clue overlooked by pathologists and lawyers and dramatically dispel this "shadow of doubt?" Unlikely, but more likely someone's been watching too much Court TV.

Suspicious deaths and other personal tragedies aren't uncommon here but we don't recall the paper showing such interest in other autopsy reports, or doing follow-up reporting on less socially prominent unfortunates under a "shadow of doubt" - often due to RDN guilty-as-arrested coverage. A lot of people have learned to live under a permanent "shadow of doubt" because their arrests were a front-page sensation. Later dismissal of the charges or continuing harassment, foot-dragging or cover-ups by their accusers weren't given the same prominent exposure. Where's the demand for information to dispel the "shadow of doubt" hanging over ex-city employee **Daniel Murphy** or ex-principal **Lynn Reed**? City Hall and the School Board, two groups that are on the RDN "most favored" list, created those clouds of doubt. After the first juicy coverage of each scandal the paper didn't pursue these matters to see if there was any truth to the charges or if those who made the accusations had less obvious motives.

Almost as bad were **County Coroner Larry Swinfard's** lame reasons for denying them the report. An autopsy report is not, as Swinfard claimed, "a private record for the family." Any report paid for with public funds is a *public report* even though the public, including the family, may not be allowed to see it if it is part of an active investigation. Swinfard needs to spend more time reading the

Missouri's coroner's statutes and the Sunshine Law and less time watching Laci Petersen coverage. In fact, if **County Prosecutor Ken Clayton** hasn't made a decision on whether he will prosecute or not, why did he let Swinfard pass copies out to over a dozen people? In a small town you might as well publish the whole thing in the paper.

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