

# City attorney's office has "no comment" on report of employee suspension with pay

I, like many others, probably hoped there would be an improvement in the city attorney's office when Dan White was chosen by new mayor Rick Kaysen to head the office.

It is becoming painfully obvious that is not likely to be.

Obviously, a "rainmaker" attorney would not trade in the challenges and income of a private practice to deal with whether still another ordinance has the proper number of "Whereas's" and "Heretofores" of that public position.

Dan White probably had personal reasons for choosing to leave private practice for such a generally unchallenging, insignificant and meaningless legal job.

It has been interesting, during the nearly eight years I have published the Cheyenne Herald, to watch city employees either shrink from the glare of the public spotlight I put on them or take their jobs seriously and consider the Herald just another challenge in doing their job.

The city attorney's office has long been one of providing a supportive legal opinion sought by the mayor or defending action already taken by the mayor or city council - whether legal or not. Who can forget the repeated approvals of illegal annexations that were triggered by poor legal advice? And the illegal billboard permits?

Now, the mayor evidently has the support, perhaps even the wrong legal advice, of a new city attorney, that he can usurp the power and standing of the governing body (which also includes the mayor), by ordering "grace periods" and suspending action on legally approved and published ordinances. He can't.

And, this city attorney is confident he does not have legal standing to require removal of graffiti from buildings and asked the Cheyenne Herald to provide him case law so he could learn if he *does* have that authority. Of all the assignments I have been asked to undertake, that is not one I'm about to undertake. I'm not paid to do his job. When questioned about the problem of graffiti that has not been removed from privately owned property, he cited a case in Indiana that was not "on point" as his excuse for not taking action to clean up the city.

Obviously, it would help if the city had a competent city attorney but, based on the past several years, that is unlikely to happen. And to throw a good man, an experienced corporate executive like Rick Kaysen, into the mess he inherited with poor legal counsel will only make his difficult job nearly impossible.

When Rick proposed holding a meeting that included many city council members but few enough that the meeting would not constitute a legal quorum, a good attorney should have advised him that he could do that but it would be poor PR to initiate or continue to attempt

"government by secrecy." The WTE has already sued the City about a meeting held behind closed doors for an insignificant demolition permit issue.

Trust me, it will only grow from here.

It is not in Rick's best interests to meet in secrecy about the upcoming budget crises. He is almost blameless. The problem was not of his doing. He should be open with discussions and let the public see for themselves, not get the story through the filtered words of a former WTE employee. In fact, before Rick "furloughs" any city employees, he should revisit hiring *that* guy when there is not a need for a city public relations person. There is not enough work for the position. It should never have been created.

On Thursday, December 10th, at about 11:00 am, I placed a call to city attorney Dan White. This exchange took place:

Dave: "Dan, this is Dave Featherly. What can you tell me about city employees being suspended with pay?"

Dan: "Nothing."

Dave: "Do you know about this matter?"

Dan: (after a long pause) "No comment."

Dave: "You can't tell me if you know anything about this?"

Dan: "No comment."

Dave: "Good luck, Dan."

The stonewalling I expected. What I expected, hoped, to hear from him was something like this: "Dave, that would be a personnel matter and, as you are well aware, I cannot discuss personnel matters with you." But, then I got to thinking. What if he *doesn't* know anything about the matter? Could that be possible? Had I made that contact when Jack Spiker was mayor, I would have seen a "spin" in the WTE the next day. We'll see how this plays out.

When the Cheyenne Herald disclosed that several City employees were spending a great deal of time each afternoon at a local restaurant, the waste of time ended but there was no discipline imposed. It will be interesting to see if the infractions now being alleged result in discipline.

I used to put at the top of the front page of the Herald: "Anything two people know is not a secret." You might want to remember that, Dan. If you don't remember anything else, remember that.

*Note: There were two city employees in the past who never ducked me. I could write extremely critical things about their performance and they never refused to take my call or return it if they weren't there when I called. They were Jackie Smith and Ken Lewis. Courage is a disappearing trait in government.*



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