

The Maggie Carter issue

Chief Bob Fecht of the Cheyenne Police Department has told the Herald that their work on the allegations of abuse of city council credit cards by the former city council executive assistant will be completed by January 19, 2004.

At that time, the file will be presented to Laramie County District Attorney Jon Forwood for his disposition. The police department makes no recommendation as to whether to prosecute or not.

The information contained in that file, at the conclusion of the police department's work, is public record.

Based on previous communications from Mr. Forwood's office regarding staffing levels, it may be some time before a determination is made as to whether further action will be taken or not. The next issue of the Cheyenne Herald (January 31, 2004) will report on whether a determination has been made at that point.

Jim Mathewson, in an article published in the October 11, 2004 Herald disclosed the questionable use of city credit cards by Ms. Carter and city council members.

On the day the Mathewson story hit, the city council and mayor placed Maggie Carter on paid leave. Later, a fraud audit was completed and all allegations of the Mathewson story were confirmed.

After approximately six weeks of paid leave, Maggie Carter resigned her position.

Other questions were raised by the fraud auditor, Alexandra Wilkinson of the city's auditing firm of Porter, Muirhead, et al. It is unknown whether she was directed to complete an audit on those other unusual spending areas or whether she was directed to go further into any city council members spending.

Ms. Wilkinson has not returned calls made to her by the Herald. The documents provided on the day of the fraud audit were incomplete and conflicting explanations have been given the Herald for that. Five attachments were not provided. It is uncertain at this date if her work is done.

NOTICE

The Annexation Bill (SF0061) is set to be read on Tuesday, January 18, 2004, at 7:30 am.

Public comment will be possible.

This is a Bill of the Joint Corporations, Elections and Political Subdivisions Interim Committee.

The meeting is to be held in Room 302 of the Wyoming State Capitol.

Effects of smoking bans

If a Gallop poll in California is indicative of sentiments around the nation, 95% of nonsmokers and 69% of smokers support a ban on smoking in almost all workplaces.

California law prohibits smoking in workplaces, including offices, stores and restaurants. Bars are exempted, as are businesses with fewer than six employees.

The same survey supported protection for employees from secondhand smoke. That was 88% of nonsmokers and 83% of smokers. Also, nearly four of five polled believed there had been a decline in smoking since the law took effect.

Another survey showed that smokers were increasingly banning smoking in their own homes out of concern for children and other family members. That voluntary ban by smokers had grown from 22% in 1994 to 30% now.

Other researchers had found that over half of hospital workers covered by a smoking ban had quit smoking within five years of the ban taking effect. And, a private, non-profit research organization estimated that workplace smoking bans cause a 5% drop in the number of smokers and a 10% drop in cigarette consumption by those who continued smoking.

There is ample evidence that smoking bans have been well accepted by even smokers and that the ban had residual benefits to public health.

There has been much talk about imposing a smoking ban of some extent in Cheyenne. Don Pierson had an ordinance drafted several years ago but has not brought it forward for consideration. His position is to ban smoking in restaurants only. Jimmy Valdez, on the other hand, seems to favor the ban for both restaurants and bars.

If the ban, however unlikely to be passed by the timid governing body, applies to restaurants but not bars, the challenge would be to determine what the definition

of restaurant would be.

The position of the Cheyenne Herald is to ban smoking in restaurants only on the basis that the ban should be for the protection of children. Adults are able to make the buying decisions and do not have to enter restaurants that allow smoking now. Children go where the adults take them and are needlessly exposed to this great health hazard without their consent.

Children cannot enter bars so only adults would be poisoning each other there.

An argument against the ban is that establishments would lose business. That is not necessarily the case. And, as written before, there are bar and restaurant owners who support the ban. They are afraid of that very possibility (losing business) so will not impose a ban on their own.

Across the nation from California, Maine has a ban on smoking in restaurants. Health officials in Maine have declared the law a success and restaurant employees don't think it has driven any customers away. More importantly, state revenue figures showed that business in restaurants actually increased by 7% during the first three quarters with the smoking ban. Public support for the ban is also high - 85% of those polled.

While bans at a state level are not common, some have enacted them in at least restaurants. Utah, Maryland and Vermont, as well as Maine and California. Denver residents also prefer smoke-free restaurants. If not smoke-free, they prefer restaurants where the smoking areas are enclosed and separately ventilated. Once again, even smokers said they didn't mind not smoking in places where it is restricted.

It will be interesting to see if the daily newspaper's editorial stance changes. The owner of the Tribune-Eagle has come out publicly against the ban that the editors had supported. What's next? Which councilman will move the ban forward?

Term limits legislation

House Joint Resolution HJ0004

Even though 77% of Wyoming voters favored placing term limits on state elected officials, their effort was thwarted by a Supreme Court ruling last year.

In spite of having twelve years to challenge the will of the voters, no legislator was willing to bring a legal action against the voters while having unused years of service still available to them.

Once the twelve years were up, however, Rich Cathcart and Pete Anderson lent their names to litigation on behalf of those about to be term-limited.

The referendum in 1992 limited Senators to three four year terms and Representatives to three two year terms. As quickly as possible, the legislature changed the vote of the people to make both limits twelve years.

Only those term limits were challenged. Those limiting the Governor and four other executive branch officials to two four year terms was untouched.

In this session of the legislature, Representatives Becket Hinckley (Cheyenne) and Frank Latta (Gillette) have filed a term limits Bill.

If approved, and odds are against the legislators being willing to risk limiting their years at the trough (even if 77% of the voters want term limits), voters will again be able to express their preference for or against term limits. Except, this time it will be done as a constitutional amendment as should have been done in 1992 - according to the Supreme Court.

The weakness of this well-intended Bill constitutes a violation of the will of the voters.

When voters overwhelmingly approved term limits in 1992, no Senator or Representative could have served beyond 2004.

This new Bill, instead of making a retroactive date for those in the legislature now, which would have come closer to recognizing the preference of voters in 1992, the limits do not begin until 2007.

Someone like Pete Anderson, who was to be term limited with twelve years in the House at the end of 2004, will have gained the additional two years until the meter starts again - then another twelve years after that.

Voters who spoke loudly in 1992, albeit not specifically against any legislator but in favor of term limits as a policy, did not vote to adopt term limits of 26 years. On that basis, of course, there are no term limits.

Perhaps, these courageous legislators believe their best chance of advancing the issue of term limits to another election is served by allowing 26 years or more - instead of a total of twelve approved by voters in 1992. Will voters be denied the possibility of voicing their choice? Almost certainly. Watch the votes.

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