

# The Bedford Citizen

THE NEWS YOU NEED TO GUIDE YOUR CITY

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## A NOTE FROM THE EDITOR

By Stu Updike

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On Aug. 14, the Bedford City Council voted 4 to 3 to remove three members of the Library Advisory Board. They were accused of plotting, planning, conniving and mounting an "orchestrated campaign" because they had written one letter and two emails to the Mayor and several Council members requesting that they appoint a more neutral Council member to be liaison to the Library Advisory Board.

Since these ladies were publicly accused of wrongdoing and not afforded the opportunity to respond to those charges in public, I offered to publish a special issue of *The Bedford Citizen* – on a date outside our normal schedule - so that their stories could be "heard." This entire special issue is devoted to telling their stories.

This incident was not handled well by the Council and procedures should be established to avoid this in the future.

## DONA WEISMAN'S PERSPECTIVE

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The following is an overview, from my own perspective, of events related to the Council's 4-3 vote to remove three people from the Bedford Library Advisory Board. At the time, I was the Board Chair. Also removed were a person who had been a Board member for nearly four years, and the Board's Vice Chair, who had served as director of the Bedford Public Library from 1969 through 1992 and was about to

complete her first term ever as a volunteer serving on a City Board or Commission.

Jan. 22, 2007

It seemed like a fair request: Allow the Library Advisory Board a City Council Liaison who, as the definition of *liaison* indicates, would be "one who establishes and maintains communication for mutual understanding and cooperation." No other Bedford board or commission was being represented by a Liaison who was simultaneously investigating outsourcing that department, and there were – at that time – four other Council members who weren't members of the Council's Outsourcing Subcommittee.

I chose to mail that request to the Mayor and no one else in order to keep the issue from being blown out of proportion. I did not write nor sign that letter as Board Chair. It did not in any way represent a Board action but, because I knew there were others among the outgoing and current Board members who also felt that the Board should have a more neutral Liaison, I gave all of them the opportunity to add their signatures if they chose to do so. Several did.

Mayor Story never told me whether or not he was planning to address the request, but he began attending every Board meeting from that month through June. The non-answer led me to believe that nothing would be done until Council discussed Liaisons again after the May 2007 election.

July 10, 2007

During the July 10 Council meeting, Mayor Story asked if anyone wanted to resign

from a currently held position. After no one responded, Councilman Turner said that he'd like to serve as liaison to the Library Advisory Board, but Councilman Orea said that he was "not ready to give that one up." Final appointments were postponed until July 24.

The delayed appointments, as well as Councilman Orea's response at the July 10 meeting, prompted two other Board members to send emails before the July 24 meeting to Mayor Story and to Council members whom they believed might understand and support a request for a more neutral Liaison.

#### July 24, 2007

During the July 24 Council meeting, Councilwoman Nail mentioned that she had received "quite a few emails from some board members that are not feeling that they relate to the current liaison that they have," and she inferred that the emails indicated that Councilman Orea had acted at Board meetings in ways that she later (Aug. 14) said actually had not been mentioned in those emails.

During Open Forum July 24, an alternate Library Board member addressed Councilwoman Nail and told her that "whoever sent you those emails lied to you." He presented his view of the Liaison issue and its relationship to the Board itself. He mentioned the letter I had sent to Mayor Story in January, offered to provide copies of all Board-related emails in his file and concluded by saying, "You want to fix the problem? You fire the Library Board and start over again."

The concern we had tried to address

*without* creating a public issue had unexpectedly *become* a public issue. The next morning, several Public Information Act (PIA) requests were filed, requesting all written correspondence to or from myself, Alternate Board Member Chaney, Councilwoman Nail and Councilman Turner regarding the RFP process and/or Councilman Orea's position as Liaison to the Library Advisory Board.

#### Aug. 14, 2007

Much of the discussion during the Aug. 14 Council meeting focused on the two Board members who had each written one email to the Mayor and some of the Council and on myself, who had written one letter.

Although the purpose of all three communications had been a request for a more neutral liaison, we were accused publicly of "fighting a decision of this council." One Councilman said, "They have continued to plot, plan, connive, and frankly stop functioning as a Library Board watching what the library is doing... I don't think we need people like that on our Library Board."

He later added, "These people don't *deserve* to be on the Library Board. They don't understand their *job*. They don't understand that they serve at the pleasure of the Bedford City Council and that the Bedford City Council doesn't work for them."

Another Councilman, having mentioned the PIA requests, said, "I've come to a conclusion that there's (sic) three individuals on the Board that are very unhappy, and it's my conclusion that because they're unhappy it would be in

their best interest that they be removed.” Later he recommended that the Council “consider what I’ve said very seriously when it comes to an orchestrated campaign against any one of these (Council) members. When our character, our honesty and our integrity is impugned by remarks of sitting board or commission members, then we have to take that very seriously.” In closing he said, “We can’t move forward as a Council and be successful in working for our city if we’re going to be fought at every turn.”

A third councilman said, “We have a cancer, so to speak, in that Library Board, and I can’t see delaying getting rid of that cancer right now. It’s time to cut it out. It’s there festering. It’s creating a problem. It’s time to get rid of it. Period.”

That night, Councilmen Cason, Orea and Whistler and Mayor Story cast the four votes which removed us from the Library Advisory Board and replaced us with the three alternate Library Board members.

From my viewpoint, the three of us had been involved enough to voice our concerns and sensitive enough to do so in what seemed to be the least disruptive way. We limited the number of people who knew of our concerns, and we had faith that those people would advise us if what we were asking was not an option or should be handled in some other way.

Maybe no one we contacted felt comfortable providing that advice for us. *That* could be explained by the fact that the City Charter addresses neither the role of the Council Liaison nor how a perceived need for a change of Liaison *should* be

handled.

Discussion during the meetings mentioned above would indicate that Council Liaisons are to attend but not participate in Board/Commission meetings. We weren’t concerned about attendance or participation. We were concerned about how a person who is investigating the outsourcing of a department’s operations and supervision can be the most appropriate liaison to that department’s Board. We were applying the dictionary definition of *liaison*, “one who establishes and maintains communication for mutual understanding and cooperation.” Nothing in the City Charter indicates that we should have used any other definition.

The Ethics division of the City Charter states that “Hearings on complaints shall be closed to the public unless the party charged with a violation of this division requests that the hearing be open.” Why is it, then, that accusations of Board members are allowed to be made public by a fellow Board member and by members of the Council? Why is it that the motion to remove a Board member may be made, and the vote taken, even though *no* Council person has asked to hear, either as a group or one-on-one, from those being considered for removal?

I wonder also why it is that, during Council meetings, Council members were allowed to say things about us that a person addressing the Council would have been stopped from saying about *anyone*.

The City Charter offers no alternatives for Board/Commission members whom Council members openly denounce. This

means that any incentive one might have for serving on a Board or Commission should be weighed against the possibility, albeit small, of being publicly put down for attempting to address concerns a “mere” resident would be allowed to voice. Apparently residents are free to question Council actions at any time but Board and Commission members sometimes are not. Maybe that should be made clear in the City Charter, too.

Anyone who wants a more complete overview of the issues and events that led to our removal from the Library Advisory Board should do more than just read this issue of *The Bedford Citizen*. A much more complete overview would include:

- ◆ Checking out from Bedford Public Library the VHS recordings of the July 10, July 24, Aug. 14 and Aug. 28 City Council meetings, or requesting and paying for VHS copies of those meetings via Public Information request to the City Secretary.
- ◆ Filing a PIA request for “copies of all materials that were provided to the Councilman who filed a Public Information request on July 25, 2007 and subsequently distributed to the City Council for the Aug. 14 Council meeting.”
- ◆ Speaking personally with all of the involved persons.

I urge anyone who wants a broader view to do all of the above since, obviously, each of those involved sees the situation primarily from his or her own perspective.

## KAREN KERSEY'S COMMENTS

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Recently, while I was a Library Board member, I sent an email to some council members asking for a neutral liaison. Unfortunately, the phrase I used “conflict of interest” I believe was viewed only as defined by the City Charter, Div.3 Ethics, Section 2-111 or the Texas Ethics Commission. Since I’m not an attorney, I think in layman’s terms. In the September 6 Northeast section of the Star-Telegram, a story about Trophy Club concerned avoiding the appearance of conflict of interest - something our council could not. That same day Ms. McWhorter’s letter to the editor referred to these Bedford council meetings.

The only character assassinations were done by the councilmen, not to them. Ms. McWhorter stated Dr. Turner unsuccessfully tried to oust Mr. Orea from the liaison post. Dr. Turner did not try to oust Mr. Orea from the liaison post any more than Mr. Whistler tried to oust Mr. Savage from the Economic Development Foundation. They simply expressed their interest in the position.

Although there were no accusations of payoff, Charles Orea defended himself against them, creating a diversion from the neutrality issue. The comments concerning the neutrality of the library liaison were never addressed by council. I followed the council’s code of conduct by addressing this issue privately but wasn’t given the same courtesy. They could have spoken to us in private but attacked us publicly.

I was an appointee and can be and was

removed. I can accept that, but I did not give up my concerns as a citizen when accepting a board position. Ironically, our request is now a moot point. I also did not have a problem with Mr. Orian as the liaison other than this outsourcing issue.

But if some council members are concerned about their integrity, then work harder to keep it. This issue needs to be considered prior to appointments, liaison or others, being made. One section of the Texas Code of Judicial Conduct, Canon 2, is titled "Avoiding Impropriety and the Appearance of Impropriety in all the Judge's Activities." As you work on developing your liaison policy and revisions to the city charter are contemplated, remember that perception is reality in a constituent's eye. That's why it's in the judicial code of conduct.

#### **CLAIRE KAMEGO'S OBSERVATIONS**

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The dismissal of the Library Board Members was an example of "kill the messenger." Councilman Orian carried out his act of indignation at what was in the letters. He stated he would have the letters read out-loud, but it would prove too embarrassing. Unfortunately, the City Council did not stop and get clarification of what was stated in the letters. Instead they fell for Mr. Orian's over dramatization and dismissed the board members. Mr. Orian succeeded in getting rid of his opposition.

#### **PERSON TO BE HEARD: JACKIE REILLY**

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Jackie Reilly, one of the Bedford residents who spoke during the Persons to Be Heard Segment of the Aug. 24 City Council meeting, explained that she was there as a concerned tax payer and a very frustrated citizen. She expressed concerns about the possible outsourcing of the library, about the Council's Outsourcing Subcommittee and about the treatment of volunteers who serve on the Library Advisory Board.

Referring to the 4-3 Council vote to remove three Library Board members, she said, "I have to tell you I was appalled when I read that," she said. "I've served as a volunteer in many different facets in the community and *especially* in the public schools. I cannot *imagine* treating a volunteer in this way.

"Why *have* a Board if you can't appreciate their differences and their concerns? I can understand that at times Board members will be at odds with one another ... but if you follow Parliamentary Procedure, most Boards find a way to work through it. I can understand a Council Liaison having a personality conflict with one person on the Board, but when there's a removal of *three*? That indicates to me an inflexibility on the part of a Liaison to work with the Board that he or she represents.

"When the Council supported removing *three* people from an Advisory Board, you guys sent a message to any citizen wanting to volunteer: If a volunteer has a different opinion or concern and they *voice* that opinion, that you as a Council have a

right to remove them. I think that's an embarrassment to our City."

Following Ms. Reilly's presentation, Councilman Orea told her, "The entire Library Board was not removed. It was only those three members. Those three members were removed because of libelous statements that they made about me. I too am a volunteer, and I don't deserve that kind of activity. I have a right to do the things that I told the citizens that I was going to do when I was elected to this position, and I certainly don't appreciate being accused of some sort of activity that I am not guilty of. It had nothing to do with their opinions about, that we should outsource the library. It had to do with the comments that they made about me. That's why I voted to remove them from the Library Board."

## **DONA WEISMAN'S LETTER**

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January 22, 2007

Mayor Jim Storey  
2136 Shady Brook Drive  
Bedford, TX 76021

Dear Mayor Storey:

I'm writing to ask you to replace Mr. Orean as City Council Liaison to the Library Board.

I understand that the Liaison is to represent the City to the Board and the Board to the City. Mr. Orean has, whenever asked to do so, appropriately kept the Library Board apprised of the actions of the City Council. However, I have known him to appropriately represent the Library Board when making his reports to the City Council only twice in the 20 months that he has served as Council Liaison to the Board. The rest of the time, Mr. Orean has rarely commented on activities of the Board at Council meetings and, when commenting on activities of the Library and its staff, usually has been critical and accusative. His determination to outsource the operation of the Library, particularly after the Board has recommended against such outsourcing, prevent the Library and its Board from getting fair representation to the Council.

The Merriam-Webster dictionary defines "liaison," as used in this application, as "one that establishes and maintains communication for mutual understanding and cooperation." The City Council Liaison to the Library Board should be someone who can do just that rather than someone who has made it clear – to the Council, the local media and residents who have attended or viewed council meetings – that he is extremely displeased with the Library Board, the Library Manager and the services offered by the Library.

If you agree to change the Council Liaison to the Library Board, please consider taking that position yourself until the next time Council members choose the Boards or Commissions for which they will serve as Liaison. At that time, I trust you to see that the Liaison to the Library Board will be someone who is supportive of the Board – and of the Library itself.

I am sharing this letter with others who have served on the Board recently and have voiced similar concerns. Those who choose to add their signatures below are in agreement with the points in this letter.

Thank you, in advance, for supporting this request that the Library Board be represented fairly by its City Council Liaison.

Sincerely,

dona weisman

## KAREN KERSEY'S EMAIL

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From: Karen Kersey

Sent: Tuesday, July 17, 2007 10:27 PM

To: 'jstory@ci.bedford.tx.us';  
'roysav@msn.com';  
'turner@ci.bedford.tx.us';  
'lnail@sbcglobal.net'

Subject: Board Appointments

I was sorely disappointed last Tuesday night when such a weak attempt, if you can call it that, was made to change some board liaison assignments.

Where I, and some other Library Board members, see a conflict of interest for Councilman Orean to be the liaison, the city staff tells me otherwise. The Outsourcing Committee role was only to look into and bring forth the ideas to the entire council. Any contact he had with LSSI should have ended long ago but I don't feel it did. He worked on the RFP while being our liaison, while in contact with LSSI. I think other council members have recused themselves from a vote or situation for less reason. I believe it's a conflict of interest, and ethically, I feel it is not kosher for him to be in that position. Certainly, moving him off would avoid the appearance of impropriety.

Mr. Orean stated at one of our board meetings that only after he mentioned the library should be open more hours, he was amazed when two weeks later the library announced additional hours. Maria informed him that the expansion had already been planned but she certainly was

not going to implement new hours until she was back from maternity leave to oversee it. At a city council meeting soon after, he made that statement again. It came across exactly as he wanted, the new hours happened only done under pressure. At that point he knew what he was saying was wrong.

Also, a few council meetings later, Bob Whistler made the same comment about the library only adding hours under pressure. Our liaison was the only person who could have and should have corrected him but did not. I feel he didn't because it didn't help his agenda.

At Tuesday's council meeting, Councilman Orean said "he wasn't ready to give that one up" concerning the liaison position to the Library Board. I didn't realize it was his to give up. He was elected to his council seat, not to a particular assignment or liaison position.

City staff tells me that only the city council can change that. Your four votes could give that liaison spot to someone more neutral. Lori Nail said at the May 8 City Council meeting as a lesson learned, that the RFP should have been done by someone more neutral. If the RFP should have been done by someone more neutral, neutrality should apply here also.

Our board and committee appointments come to an end every two years. We can be reappointed or the council may decide to appoint someone new. The liaison spots also are appointments and it's time for someone new. Perhaps it's the norm to allow a council person to stay on a board or committee. Perhaps, it hasn't been done

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before to move someone off a board that doesn't want to move. When you know it should be done and don't, that's taking the easy way out. It takes leadership to be the one to set a precedent rather than look for one. Perhaps a schedule rotating council liaison board positions every couple years would give all council members exposure to more areas of city concern.

I look forward to hearing from each of you.

Sincerely, Karen Kersey