

Free Speech and a Councilperson's Role
In Enhancing Our Waterloo's Image

Mr. Mayor and Council,

Free speech is a Constitutional Right which carries with it a responsibility in order for our society to remain a free democracy. A republic where the people elect representatives of their choosing to make decisions for the good of ALL.

Free speech means that we speak honestly, openly and without ½ - truths, deceit or intentionally misleading statements.

As a Councilman I not only took an oath to uphold the U.S. and Iowa Constitutions as well as laws codified by our City – to follow policies set by our City. This includes speaking in ways that enhance and in no way damage our City's reputation, standing and image to those both within and outside our City.

With that, this Council re-wrote our Rules of Procedure.

Needless to say, my last four years on Council have definitely been different than the first four. Never did I, other Council members and the public expect to be exposed to the many, in my opinion, egregious statements, actions and misleading, false or deceitful accusations spewed from the mouth of one of our council members. I have had it! Enough is Enough!

Looking into a camera, smiling and referring to oneself as bringing kindness, gentleness, and accountability is one thing said to a camera. But when that same person's actions are contrary and harm our City's image, is another and violates our oath of office and our responsibility to enhance our City's image.

For this reason, I will at this time file a formal complaint stating that I believe Councilperson Klein has over her time on Council violated the standards, norms and conduct established for Council. I do so, knowing the gravity of my complaint and following the Rules of Procedure: 1-4c-3 (CENSURE) as set out in Ordinance #5585 approved by Council on December 14, 2020.

Accordingly, I make the following allegations as evidence of Councilperson Klein's continuing behavior that has damaged the reputation, image and interests of our City. I will list 9, but reserve the right to add more. I will hand this document to the Mayor Pro Tem per language in the Censure Article C.

#1 - In July of 2018, Councilperson Klein made comments in a public setting to the effect, " Oh, if I was in a dark room with Morrissey (Councilman) and I had a knife". This was overheard by persons attending that public event.

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#2 - She made public comments insinuating that City leaders were hiding/covering up her “manufactured” fact – “that the City was dumping raw sewage into the River” bringing EPA into Waterloo. EPA found this accusation “untrue”. Because of this, Councilperson Klein and all Council were visited by our Insurance carrier re: making damaging statements and liability. False accusations damage our City’s interests – economically and image-wise.

#3 - Looking into the camera, she repeatedly distorted and was untruthful about her past actions, and doing so for her own personal political gain. (Please check YouTube) e.g. – “ I always support the Police” – a) FY 2019 Budget Hearing her vote with 3 others would have cut Police to point of losing several officers; b) with her same majority, she denied Central Garage a budgeted mechanic (who had quit his job to take a City job he had been promised). This left the Garage short that mechanic to help maintain public safety vehicles and equipment; c) she voted to set up a committee to replace the patch; d) she voted against the purchase of new police uniforms; e) she voted against the purchase of equipment for the police.

#4 - On the 10-24-21 KWWL Steele Report she accused the Rebrand Committee of “being rigged”. Again misleading the public on the facts through innuendo and false information thereby damaging our image. The Rebrand Committee was made up of 12 Voting members with six(6) supporting the old patch and Co-chaired by Major Leibold and six(6) seeking a change (of varying degrees) Co-chaired by Tavis Hall. Each Co-chair selected 5 with both chairs aware of all. This occurred in Fall of 2020 with all subsequent meetings being recorded. The final design came from WPPA and Council approved that WPPA design on 5-17-21.

#5 - She has accused one of our 2 African American developers of “fooling” the City Council regarding his Development Agreement. Not only regarding his extension requests but even making insinuations about his payment from the City. She has insinuated our CFO was hiding or sneaking his payment between smaller items (it was not, it was where it should be in alphabetical order). She proudly proclaims that her investigative work located this hidden amount when, in fact, another Councilperson located this. Both of these were shown to be statements that were misleading and devoid of any truth seeking. Tarnishing the name of any developer risks the potential for other developers to question developing in our City. Again, this violates City Council’s policy of enhancing our City’s image to attract economic development, create additional revenue, and lower taxes. This developer has fortunately stayed with his agreement and not been driven away by her.

#6 - Making statements accusing the Mayor and the Human Resources Director of improprieties in business dealings. If she had checked she would have discovered that there was and is no illegality, no conflict and the matter was vetted. Again, the Mayor is African American as is the City Administrator. This succeeded in getting her press as she labeled it “Ice Cream – Gate”. Another “making of accusations before getting the facts”. Her accusations result - lowering our City’s image!

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#7 - Councilperson Klein, in September, chose to accuse the Mayor of having a "tradition of doing things behind closed doors... (creating) this latest stunt...reaffirming no interest in working with the City Council or our police Officers...rather he only cares about his hand-picked chief." These statements were made after her suggested PAC said the Mayor's Fun Run for kids had t-shirts with Chief Joel Fitzgerald's signature above the Public Safety Director title. This was on the back of the t-shirt next to the Mayor's. She only had to do a little homework to find out that Leisure Services printed the shirts for our school children but erred in not changing the title. Director of Leisure Services took full responsibility for the oversight. Waterloo School District even responded as to how this event is "for the kids". Again, she finds a way to embarrass and harm our City's image by her unchecked, unfounded and false claims. Again, no apology, no retraction to anyone.

#8 - Unbelievably, in another public meeting, Councilperson Klein remarked that before she voted on an issue, she looked into the audience to certain individuals as to how she should vote (a nod, thumbs up or down). This shows nothing but disregard for our legislative purpose, for our duty to prepare prior to voting on issues, for our knowledge and respect for the issues we are expected to decide in the best interests of ALL in our community not just a handful in a Council Chamber room. We are to make Decisions for ALL the PEOPLE of WATERLOO! Her admission here is an abdication of her sworn oath to the citizens of Waterloo.

#9 - Finally, I bring to this complaint my belief that Councilperson Klein has, whether by commission or omission, jeopardized the venue for a criminal trial by comments from her and, even an ad, from her PAC (a PAC which was her idea). I worked 30+ years investigating child abuse – all forms. I abhor and condemn child abuse in its totality. Bringing child abuse out of the shadows can mean criminal action through our nation's Criminal Justice system as laid out in our Constitution. The Bill of Rights does include "the right to a trial by an impartial jury where the alleged criminal behavior occurred".

But here, we have Councilperson Klein's initiated PAC being the judge and jury, already convicting the accused by naming him and then saying, "We don't need a Mayor who appoints sexual predators to police advisory boards". This is a Mailer that was mailed to Waterloo citizens. Regardless of the crime, in these United States, a defendant has a right to a fair trial before his/her peers. Evidently the former law enforcement persons who created, paid for and mailed this overlooked this Rule of Law ensconced in our Constitution. Councilperson Klein does the same when on the 10-24-2021 KWWL Steele Report she drew all to embrace the same by accusing the Mayor of appointing a felon to the Rebranding Committee after she mentioned the sexual abuse arrest. She has neither condemned this Mailer nor has she asked for a retraction as to its misleading, false, damaging, and racist content.

The above shows her violation of her oath of office to uphold the Constitution, to honor the Rule of Law, to not bring harm to our City's image/our reputation.

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Furthermore, she has insinuated a total falsehood. The Rebrand Committee Members were chosen by the Co-Chairs in the Fall of 2020. This sexual offense arrest was made on 10-19-2021. Those Rebrand Committee members included 5 current or retired police officers. Those 10 persons were vetted by the Co-Chairs and then given to the Mayor as per Resolution. Her insinuations regarding the Mayor's appointment are not factual and Councilperson Klein knew it. Again, this speaks to her honesty, due diligence in truth gathering and actions violating Council members decorum.

[insert and discuss W. Horton article and the 2 PAC photos]

With that, I now end my formal complaint and hand the packet of info to the MayorProTem for processing according to our codified Rules of Procedure.

**Patrick J. Morrissey
Councilman, Ward 3
City of Waterloo**

November 1, 2021