

On the subject of...

Charter Chatter

By Viki Eggers Mason



THE TRUTH IN BLACK AND WHITE

The Aberdeen Advocate

I was recently given a copy of a letter addressed to the people of Aberdeen from Police Chief Walter Sykes. I read it with some interest, and publish it here this week on page two. In his letter, Chief Sykes begs the voters to take steps to get rid of the charter under which the City of Aberdeen operates because it is old, useless and ineffective. He also mentions that the current board of aldermen uses the charter as an excuse to bully employees and as a means of manipulating all manner of people and circumstances.

The Chief is absolutely right, we need a new charter. But he also misses the more important point. As long as we employ lawbreakers to run our town, we can expect lawless behavior. The charter is not the larger problem, the crooks at city hall are.

Let me begin by telling you about the city charter. The charter was written and adopted by the State Legislature in 1836. In it there is colorful (pardon the pun) language about slaves, masters, overseers and interesting details outlining exactly under which circumstances people of color may congregate in public. This language is STILL in our city charter even though some steps were taken in the late 1990s to update the document. All charter changes must go to the legislature before they can be enacted and it would appear that somewhere along the line, the update process was never completed. If you are a master or a slave, you should know that federal and state laws enacted in the last century have rendered those provisions in the charter moot. In other words, state and federal law trump the city charter every time!

Allow me to repeat myself. **State and federal law trump our city charter every time!**

It doesn't matter one hoot in hell what the charter says or doesn't say. When the provisions of the city charter are not consistent with state and federal law the

charter's language is meaningless. It is null and it is void.

Our Attorney General has opined that aldermen cannot insert themselves into the daily operations of a police department. If they do so, they are breaking the law. Several of our aldermen do this regularly.

State law says an alderman MUST make his primary residence in the ward from which he was elected. (See page 3) If he moves from the ward that elected him, he instantly and automatically vacates the seat. Since he lives in Ward 5, Willie A. Cook is NOT the alderman for Ward 3, nor has he been for at least four years. The voters in Ward 3 have been deprived of representation for at least four years because we elected lawbreakers in the first place.

State law REQUIRES the Mayor and Board of Aldermen to immediately announce and fill such a vacancy in the matter prescribed by law. When they fail to do this, they are in violation of the public trust and are acting in contempt of the voters in Aberdeen and the people of the State of Mississippi. Alonzo Sykes, Cloyd Garth, Willie A. Cook, Brunson Odom, Jim Buffington and Mayor Cecil Belle are all law-breakers.

State law says a majority of the board of aldermen must not meet in secret. Nor may they gather together as a quorum in places other than a properly announced and published place and time. This means that if three aldermen go to Alonzo Sykes' house or McDonalds to discuss policy and strategize ahead of an important meeting, they are all guilty of breaking the law.

State law requires that all but a handful of very specific city decisions must be discussed in the "sunlight" of public presence. Aldermen may not use "executive sessions" to make policy or discuss matters of pub-

lic importance. Ours do, of course.

When a municipal judge is appointed by the board of aldermen and that judge routinely breaks state and federal laws by sentencing people to attend church services, they are bound to dismiss her. If they fail to do so, they are willfully committing the crime of nonfeasance which is, by the way, frowned upon in both state and federal courts.

If a municipal judge appointed by the board of aldermen uses city equipment and city personnel to create, fold and distribute her campaign materials, she is in violation of the public trust and should be dismissed. If the board of aldermen fail to do so, they are also in violation of the public trust.

When an alderman uses city equipment and facilities for his personal entertainment, athletic recruitment activities and/or campaign activities, he is in violation of the public trust.

When an alderman plots to fire two police officers for attempting to arrest him and his contemptuous wife, he is in violation of the public trust. When an alderman seeks to fire police officers because the officers caught him in a compromising sexual situation with a woman other than his wife, he is in violation of the public trust.

All of these situations are very real and very much in evidence in Aberdeen, Mississippi. Of course there are countless ethical questions which come into play, but unfortunately Mississippi's ethics laws are entirely too toothless and vague to do us much good. We could hope that the men we elected to attend to the City's business would be honest and above-

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board in their dealings, but if we did so we'd be forced to ignore years of flagrant misconduct, ignorance and greed.

We can pray that these supposedly "Godly" men would see the error of their ways, but I've learned God works in His own time. Meanwhile, we have ourselves a group of men who call themselves leaders "leading" us into oblivion. What will we do about it?

Yes. We need a new charter. But first we need ethical, honest leadership. If Aberdeen is to survive, we must first dispose of the incumbents and replace them with individuals who have proven themselves in the business world and who have demonstrated themselves to possess extraordinary integrity.

Let me remind you about who ISN'T the answer to Aberdeen's problems. Cecil Belle is not the answer to Aberdeen's problems. Alonzo Sykes is not the answer. Cloyd Garth is about as far from an answer as you can get. And, not only is Willie A. Cook not the answer—he's the biggest part of the problem!



What is undeniably worse, Jim Buffington and Brunson Odom, who had it in their power to fix the problem, didn't even try. Most of these men have announced their intention to run for election again. We cannot be stupid enough to allow these mess-makers another go at putting Aberdeen's toothpaste back into the tube.

We need a new vitality in our community. We need people who know that the word "can't" really means "won't." We must locate, enlist and elect honest men and women who will take on this monumental and thankless task.

I know you're out there. You're the one who doesn't fudge on his expense report. You're the one who keeps his pants on. You're the one who listens carefully to your customers and are a mentor to your employees. You're the one with vision and ambition. You understand about direction and goals. You are committed to forward motion. You're the one who can help save us. Will you? Please?

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Your Municipal Employees

Cecil Belle, Mayor

369-4165

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369-7705

Ward 2 Alderman Cloyd Garth

369-5734

Ward 3 (Seat Vacant)

Ward 4 Alderman Brunson Odom

369-2246

Ward 5 Alderman Jim Buffington

369-4985

To the people of Aberdeen

GET RID OF THIS OLD CHARTER!!!!

This Charter has allowed this board to misuse its power even in direct conflict with state and federal law in its dealing with the citizens and employees of this town. The Board has been selective in its handling of disciplinary problems within each of the city's departments. The city has a personnel policy and each department has an operating policy. Under this old charter the board is not bound to honor any part of these two documents. Therefore, does the city really have a policy if the decision-makers are not bound to honor policy?

Within my department, the police, as with all other departments, the employees work under the right to work laws which basically says you work at the pleasure and goodwill of the people who hire you. You can be terminated for reason or no reason at all. Yet there is a procedure manual which spells out how things are to be done and what those discipline processes are. The old charter gives them the power not to be bound to honor these procedures. This board has fired and suspended officers without due process or giving officers the basic rights to a hearing as spelled out in policy manuals. This Board has selectively chosen to ignore violations by some officers while choosing to enforce discipline on others for similar violations. This Board has chosen to interfere with the daily operations of this department in violation of state law by not following its own rules and regulations of the charter by allowing the duly elected Chief of Police to run his department.

If you are serious about moving the City of Aberdeen forward in a positive way, I strongly suggest you think carefully about the people you elect to serve for the next four years. Those you elect should have a strong commitment to creating a new charter to bring Aberdeen into the modern age of government because the old charter is a modern form of slavery.

As your Chief, I am proud to share with you that we have about a 98% felony conviction rate resolution and I have had many compliments from people around town about how quiet the town was during the holiday. Also from out of town people about how the officers do not harass people when they visit from out of state anymore. I advise them that this Chief will not tolerate harassment from his officers. This has been done in spite of obstruction by the board. Thank you to the people who elected me.

Chief Walter O. Sykes

Knights in knotty armor—a damsel rescued!

By Viki Eggers Mason

Earlier this week, after finishing my sections of *The Advocate* I was lying around the house resting upon my laurels when I had a stunning revelation. Rowe is on a short hiatus. There was to be no contribution by the contributing Comma Coach in this first edition of the new year. (Allow me to assure you, nothing wilts faster than a laurel rested upon!) It was Thursday morning and I suddenly had to come up with three to five hundred new words in great haste.

What followed was not an official panic. It was more like bug-eyed hysteria wrapped up in thin gauze and duck tape. Then, as if my magic, I was saved by a knight in knotty armor. As if pre-ordained, Willie A. Cook (of 505 South Matubba Street, Aberdeen, Mississippi, USA) marched right into City Hall and signed an affidavit announcing his intention to run for alderman in the upcoming elections IN WARD 3 and promising that he was, indeed, qualified to do so. He lied.

Now, I've made the following points to many of you in person. I've attempted, on numerous occasions, to explain to you exactly why Willie A. Cook is not qualified to run for a seat in Ward 3 in this newspaper, but many of you still have questions. Here we have a bonus! Thanks to Willie himself, (and Rowe, of course,) we find ourselves with space and time to give you a few definitions, a statute or two, and a short narrative that may, finally, put an end to this nonsense. Hopefully, you will now understand why Willie A. Cook is counting on each of you to be dumb as a box of rocks.

Willie A. Cook eats, sleeps, brushes his teeth and stores his socks at 505 South Matubba Street in Aberdeen. It is at that address that he gets much of his mail and where the telephone directory directs us to him. It is where meter readers go to measure his electric/water usage figures each month. It is there that he mows his grass and parks his several vehicles. I further suspect Willie has that structure covered by his homeowner's insurance.

For the geography challenged among you, that residence "lives" in Ward 5, ergo, so does Willie.

§ 21-3-9 of Mississippi Code of 1972 defines the qualifications for Mayor and Aldermen as follows: "...*aldermen shall be qualified electors of the municipality and, in addition, the aldermen elected by and for wards shall be residents of their respective wards.* (I add emphasis, of course, but pray tell me, reader friends, exactly what part of this is difficult to understand??)

All of this brings us to the interesting wrinkle Wee Willie clings to in his quest for continuing compensation and prestige—the matter of homesteads.

Several of you have come to me telling me to go easier on Willie A. because the four-flusher "has a homestead in Ward 3."

Oh! My aching elbow!!

Let's go over this homestead deal.

The "homestead" refers to the property-owner's *dwelling* [hello...where he *dwells* and/or lives] and the land upon which that *dwelling* rests. Mississippi law and Federal law place great weight upon the right of citizens to own property. It is for this reason that homeowners may claim a homestead exemption upon their primary *dwelling*. This gives the owner a tax break and the right to keep that *dwelling* safe from creditors in the case of bankruptcy. According to the Mississippi Bar Association, "The sole requirement of a property owner to receive this exemption is to occupy the property as his or her primary residence."

I hate to DWELL on this, but here is precisely what Mississippi law has to say about homesteads:

§27-33-3. Homestead exemption generally. *In order to recognize and give effect to the principle of tax-free homes as a public policy in Mississippi, to encourage home building and ownership, and to give additional security to family groups, it is hereby declared that homes legally assessed on the land roll, owned and actually occupied as a home by bona fide residents of this state, who are heads of families, shall be exempt from the ad valorem taxes herein enumerated, on not in excess of seven thousand five hundred dollars (\$7,500.00) of the assessed value including an area of land not in excess of that specified hereinafter in this article. (Again, I add emphasis for those of you who are still confused:)*

If you don't live in it, baby, it ain't your homestead and you can't claim it as such just to get yourself a cushy job with the city and endless benefits including health insurance, travel compensation, monogrammed shirts and the "gravitas" to help you (allegedly, of course) lure women who are not your wife into sexual situations.

Let me translate.

If Willie A. Cook wants to be the alderman for Ward 3, Aberdeen, Mississippi he must LIVE in a house that exists in Ward 3.

Oh! But wait! Willie A. Cook keeps an OFFICE over on Vine Street. That ought to get him certified, shouldn't it?

("Arghhhhhhhhh!" she screamed as she ran off madly into the night tearing her hair!)

Here it is again in case you haven't caught on: An alderman must (not ought to or should, **MUST**) live in the ward in which he runs.

Get it?

Willie A's final argument is usually this; "If it was illegal, wouldn't they have stopped me by now?" Here is the answer directly from the law books.

§21-3-11. If any person elected as an alderman from a particular ward shall remove his residence from said ward, this office shall AUTOMATICALLY be vacated. The vacancy shall be declared by the mayor and board of aldermen in the case of an alderman and by the board of aldermen in the case of a mayor, and such vacancy shall be filled in the manner prescribed by law.

Bottom line? The people charged with setting things straight are the Mayor and the board of aldermen. Ours have failed to follow several of Mississippi's laws with regard to our old friend Willie A. Cook. The consequence is, of course, that residents of Aberdeen's 3rd Ward have spent the past three years without representation. Those "public servants" have also failed to follow several of Mississippi's laws with regard to the late Bob Patterson and former Mayor William Tisdale. I can't fix that. We cannot go back and undo the damage inflicted to the City of Aberdeen by administrations past. We CAN, however, keep this from happening in the future. (Keep this handy guide to election law in your back pocket—you may need it.)



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“One of the saddest lessons of history is this: If we’ve been bamboozled long enough, we tend to reject any evidence of the bamboozle. The bamboozle has captured us. Once you give a charlatan power over you, you almost never get it back.”

...Carl Sagan