

CWEP BOARD MEETING MINUTES

The Carthage Water & Electric Plant Board met in regular session September 19, 2024, 3:00 p.m. at the CWEP Office, 627 W Centennial, Carthage, MO.

Board:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Brian Schmidt -Secretary | <input checked="" type="checkbox"/> Sid Teel - Member |
| <input checked="" type="checkbox"/> Ron Ross- President | <input checked="" type="checkbox"/> Tom Garrison – Member |
| <input checked="" type="checkbox"/> Darren Collier -Vice President | <input checked="" type="checkbox"/> Mark Gier - Member |
| <input type="checkbox"/> Lori Leece -Liaison* | |

*Present for the end of the meeting but was not present for any of the action items

Staff:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Chuck Bryant-General Manager | <input checked="" type="checkbox"/> Jason Choate-Director of Water Services |
| <input checked="" type="checkbox"/> Cassandra Ludwig-General Counsel | <input checked="" type="checkbox"/> Kelli Nugent/CFO |
| <input checked="" type="checkbox"/> Jason Peterson-Director of IT & Broadband | <input checked="" type="checkbox"/> Kevin Emery-Director of Power Services |
| <input checked="" type="checkbox"/> Megan Kirby- Executive Assistant | <input checked="" type="checkbox"/> Stephanie Howard-Economic Development Manager |

Others present: Mayor Dan Rife, Terri Heckmaster, Councilmember; Alan Snow, Councilmember; Traci Cox, Interim City Administrator

President Ross called the meeting to order at 3:00 p.m.

ADDITIONS/CHANGES TO THE AGENDA:

A motion by Schmidt and seconded by Collier to remove Agenda item #2 from the agenda, passed unanimously.

APPROVAL OF MINUTES:

A motion by Collier and seconded by Garrison to approve the minutes as presented of the regular meeting of August 15, 2024, passed unanimously.

APPROVAL OF DISBURSEMENTS:

A motion by Gier and seconded by Teel to approve disbursements for August in the amount of \$6,416,625.43, passed unanimously.

FINANCIAL STATEMENT:

CFO Nugent presented the August 2024 financials to the Board, noting that combined operating expenses were under budget for the month. She noted combined net position exceeded budget for the month even though operating revenues were below budget for the month. Contributing

factors to the higher net position were lower than budgeted Purchase Power costs, the timing of some expenses, and more crew time being spent on capital projects during the month.

A motion by Collier and seconded by Schmidt to approve the August 2024 financials passed unanimously.

COMMITTEE REPORTS: None.

CITIZENS PARTICIPATION PERIOD: None.

OLD BUSINESS: None.

NEW BUSINESS:

1. Consideration of bids for an Articulating Telescopic Bucket Truck

General Manager Bryant noted a request for approval to proceed with the purchase of a new 2027 model, 41-foot articulating telescopic bucket truck for the electric distribution department. This bucket truck meets CWEP's specifications and requirements and is available for purchase from Altec Industries, Inc. through a competitively solicited cooperative contract for \$265,213.00, which falls below budget.

He noted the projected lead time for this truck is 38-41 months. Due to the extended lead time, irregular inflation costs, and volatility in the market, the pricing for this vehicle is subject to change.

A motion by Collier and seconded by Schmidt to award the purchase of this vehicle to Altec Industries, Inc. in the amount of \$265,213.00, passed unanimously.

2. Consideration of Health Insurance Proposals

General Manager Bryant reviewed the proposed renewal from Cox Health Insurance as well as an alternative competitive proposal from United Healthcare. Cox Health's proposal offers an 8.02% increase in premium whereas United Healthcare offers a -9.61% decrease in premium for the first year with a 2nd year rate cap of 11.9%. Bryant highlighted the history CWEP has with Cox Health noting there not being a premium increase since 2018 as well as a 4% lower premium in 2021. General Council Ludwig reported Cox Health is local and works really well with CWEP, they know the health history of the CWEP employees as well as are in the know of some of the health impacts that are to come this year. Ludwig also mentioned CWEP is currently grandfathered in with Cox to be able to use Mercy in Carthage and there is a potential CWEP would lose that option if we were to leave Cox and later want to come back. Tobacco policies will also stay the same, tobacco users will pay 25% of the cost of their premiums.

A motion by Schmidt and seconded by Garrison to accept the Cox Partners 80 Plan, with no change in coverage and an 8.02% increase in premiums with an incentive for non-tobacco users, passed unanimously.

3. Discussion and review of the timeline of events from 2023 which led to the disagreement between City leadership and the CWEP Board; Discussion of Mayor Rife's recent Press Release and an update of subsequent actions taken by the Board.

General Manager Bryant reviewed the timeline of events that have occurred over the past year and a half between the CWEP Board and City Leadership. Bryant reviewed documentation which includes a sequence of emails exchanged as well as letters and press releases.

A copy of the timeline and associated documentation is attached and incorporated herein.

STAFF REPORTS:

General Manager Bryant gave an update on natural gas prices, he reported on the capacity factors of Sikeston and Plum Point. He noted no supplemental power was received from SPA due to dry weather conditions. GM Bryant noted with Fall upon us, animal activity is at its peak causing damage and outages to both the electrical and fiber systems. He gave an update on the Substation 2 project noting there has been headway made but there will be a 2-week delay waiting on a transformer to arrive. Bryant reported Line crews competed in the MPUA lineman Rodeo and commended Chance Adams and Noah Smith for winning 1st place in the Overall Journeymen Lineman Team Award. Bryant noted Lineman rodeos are good training opportunities and provide an opportunity for teams to showcase their skills and see how they stack up against other linemen.

CFO Nugent commended Kyle Fewin and Jim Willis for completing training to become certified forklift trainers for CWEP and managing the forklift training for all employees. She noted the auditors from KPM, CPAs were in the office this month performing their fieldwork for the annual audit and will finalize and present the audit in the month of November after receiving the pension information from Lagers.

Director of IT and Broadband Peterson gave an update on fiber installs and expansion projects. He commended Meagan Milliken for all her marketing efforts for fiber. He highlighted a various number of certificates and tests his staff have been awarded and passed. Those include as follows: Lathem Stroud and Kevin Williams- Veeam Data Platform Onboarding Certificate; Sabrina Menapace- Juniper Service Provider Routing and Switching, Specialist; Josiah Gilbert- Juniper Service Provider Routing and Switching, Associate; Lane Alexander- Journeyman Electrician License. Lathem Stroud's team also won the SANs Cybersecurity Engineering: Advanced Threat Detection and monitoring course cap-stone competition. Peterson expressed his appreciation for his team and how highly motivated they are.

Director of Water Services Choate gave an update on the Lead Service Inventory project and ACE pipe cleaning project.

Director of Power Services Emery reported the Dogwood resource is doing well, noting that since June, CWEP has been selling capacity to Evergy and energy into the market which has resulted in a \$600,000 net margin.

Economic Development Manager Howard gave an industrial update. She noted the Governor will be in town October 10th.

General Counsel and Director of Customer Relations Ludwig reported two people have been hired for the CSR position. She noted on August 26th SPP issued an EEA alert level 1. She noted one more level would have resulted in an energy conservation request. She reported plans for another Customer Academy later this year and announced several events CWEP is involved with in the next month including Maple Leaf Touch a Truck, Maple Leaf Chili cook-off and Public Power Week with a customer appreciation luncheon on Friday, October 11th. Ludwig gave an update on the USIC contract.

BOARD MEMBER COMMENTS:

Ron Ross stated he makes no apologies for how enthusiastic and passionate he is about the people that work at CWEP. He noted CWEP is full of great employees who do a really good job at what they do.

At 4:50 pm a motion by Schmidt and seconded by Collier to adjourn the meeting passed unanimously.

President – Ron Ross

Secretary – Brian Schmidt

CWEP & City Timeline 2023

March

- March 31: Chuck Bryant ("CB") receives email from Greg Dagnan ("Dagnan") regarding mowing, baling, crops
 - Asks if there is a contract for the land by WWTP

April

- April 3: CB sends brief email response to Dagnan regarding the property, stating we have a contract in place for the land, and have for years
- April 3: CB elaborates on earlier email, outlines our process and desire to continue with current practices
- April 14: CB speaks with Mayor over the phone regarding land. CB sends another email to Dagnan, states he will send him over a copy of the contract. CB requests staff update contract with Mr. Peters and send to Dagnan

May

- May 1: Jason Choate informs CB that Mr. Peters was told by city staff not to sign a contract with CWEP
- May 1: CB has conversation with Mayor regarding land in question. Mayor agreed the situation had gotten out of control. CB informed Mayor this land was different than other city land because we need to spread sludge on the land, and it would be best if it could be kept under our management and control for that reason
- May 9: City Council has closed session to discuss potential legal issue with CWEP Board and management of compensation
 - Found this out via *city employees* who told CWEP employees that the Board was discussed in closed session and the city was "coming after the utility and utility Board"
 - There was zero communication from the Mayor or anyone at City Hall to CWEP management or CWEP Board members regarding items discussed in the closed session.
- May 11: Mayor and CWEP Board President Danny Lambeth ("Lambeth") have video call. Conversation began with land use then transitioned to CWEP employee compensation and board authorization/delegation. Dagnan and Nate Dally ("Dally") were off camera and did not announce themselves until midway through the conversation.
- May 11 (a Thursday): Lambeth receives email from Dally outlining city's perceived issue and instructions to send information regarding compensation
 - Sent at 5:46 p.m. on a Thursday (after work hours)
 - States that board minutes lack specifics
 - Requests: "the last salary study the board conducted *along with all documentation that accompanies a salary study*" and minutes from meetings showing votes (emphasis added)
 - Lambeth forwards email to CB
 - Nothing in this request asks for a list of FY24 salaries
- May 16: (a Tuesday, at 8:00 am) CB met with Alan Snow to discuss the FY24 budget and request from Dally. Mr. Snow indicated he was comfortable with the established process by CWEP regarding compensation
- May 16 (Tuesday, at 11:26 am): Dagnan sends Lambeth a follow-up email requesting the most recent salary study *or* a list of salaries by position "as required" (emphasis added) to include for the budget meeting the following day
 - First time CWEP received a request for a list of salaries by position
 - Again, nothing specifies FY24 salaries; in fact, it specifically asks for the "most recent" salary information

- May 17 (Wednesday): CB met with the Mayor. They discussed the issue and the Mayor indicated he was comfortable with the Board's process and there was no need to include additional compensation information beyond what is normally presented and included in the budget. The Mayor asked that Mr. Lambeth send a letter to him asking for approval of the budget as well as a joint discussion on how to improve the ordinance in question
- May 17: Lambeth sends email to Mayor as requested
- May 17: Mayor responds to Lambeth, thanking him for the email
- May 17: CB delivers budget to the city council budget committee.
 - All FY 24 salaries were included in budget, as well as a 3% COLA and an up to 3% merit, all of which was outlined for the committee.
 - Salaries included in the budget assumed a maximum merit increase for each employee, though sometimes employees do not receive the maximum
 - Salary increases were in line with what the City was planning for City employees
 - No further questions regarding compensation were asked during the meeting
 - No action was taken by committee to approve budget.
 - Compensation was handled the *exact* same way as it has *a/ways* been handled and presented to the budget committee
 - All anticipated FY24 labor costs were in the budget as first presented to the committee
 - Note: While labor represents a vast majority of city expenses, it does not make up the same percentage of expenses for the utility and utility expenses are accounted for in a different way, in accordance with federal accounting guidelines, rules and principles
- May 18 (Thursday): Mayor sends letter in mail to CB and Lambeth requesting a document containing all agency salaries *by position and pay*, including approved salary ranges. He also requested information regarding performance raises and confirmed CWEP was planning for a 3% COLA. He requested information to be provided by May 25 (a Thursday).
 - Letter was mailed on Thursday, May 18, not received by CWEP until Friday, May 19
 - Again, nothing in this request specifies FY24 salaries
 - It requests "all agency salaries by position and pay" as well as the planned increases
 - Third request from someone at City Hall sent within 5 business days
- May 22 (a Monday): Lambeth sends email to the Mayor letting him know CB is out of the office on vacation until Tuesday, May 30. He tells the Mayor he will instruct staff to start working on collecting the information and will aim to provide it to the council by June 1.
- May 22: Mayor responds to Lambeth's email, stating he will get with CB upon CB's return to the office and will get the information needed in time to get it to the budget committee.
- May 30: CB emails Mayor asking him if he could come to CWEP and meet to discuss the salary materials CWEP had put together for the budget committee. Mayor responds, confirming he will meet with CB at 10:00 on May 31.
- May 31: CB meets with the Mayor at 10:00 to go over the salary information. The Mayor indicated he was pleased with the materials and information presented and did not make any recommendations for changes to be made before presentation to the Council budget committee.
 - If the Mayor was not satisfied with the presented information, as later stated via press releases and statements to the media, why did he not address those issues in this meeting and before the materials were presented to the budget committee?
- May 31 @ Noon: CB hand delivers all compensation and statistical information to council budget committee. Each job was listed alphabetically, and information for each job included the job title and job description, current pay, and comparable salary data from APPA and AWWA. Also included in the packet was CWEP's internal policy regarding performance evaluations and setting of compensation, and information on merit and COLA wage increases for FY24 (which were already included in the budget presented to the committee), as well as statistical data involving expenses for comparison to national and regional averages.
 - Cover letter was included to explain the information

- During the meeting, Alan Snow, CWEP Board liaison and budget committee chairperson, stated that he believed CWEP provided all the requested information
- No action was taken by budget committee

June

- June 12 @ 2:00: CWEP Board met to discuss compensation issue. Board formally approves all CWEP compensation.
 - The approval contained specific salary information by position, job descriptions, and salary ranges
 - The lack of specific board approval of each position was Dally's original complaint, so formally approving the compensation information should have alleviated his concerns which he stated in his May 11 email to Lambeth
- June 12 @ 5:30: Budget committee votes to approve CWEP budget, approve rate increase, but freeze salaries until a salary study can be completed.
- June 13: City Council meeting
 - Heavily attended by the public and CWEP employees
 - Many spoke to council in opposition of the proposed wage freeze
 - Council decided not to freeze wages, but did vote for a salary study to be completed
- June 14: Lambeth hand delivers (to City Hall) a letter to the Mayor asking what Councilman Mark Elliff meant during Monday's budget committee meeting when he stated the Board "violated city code."
 - Requested legal opinion stating what was violated and how it was violated, along with legal research to support that position
 - *Never received a response to the letter*
- **June 15: City Council holds emergency special meeting**
 - Went into closed session for personnel matters, stayed in closed session for 2.5 hours
 - When back in open session, voted 7-2 to terminate the entire CWEP board for reasons "outlined by City Attorney Nate Dally. Said outlined reasons include the board failing to abide by Ordinance 2-320, and failure to provide budget documents as requested multiple times."
 - *At the time of termination, all requested information had been given to the Mayor and members of council, and the CWEP Board had formally approved all of the compensation as requested by Dally.*
- June 16: City issues unsigned press release announcing board termination
- June 19: Board issues response to press release and termination
- June 20: City issues press release responding to Board's press release
 - "It has come to the attention of the council that the Water and Electric Board was no longer following this ordinance."
 - Have never received an explanation for this statement
 - First time they mentioned their issue with CWEP compensation not complying with ordinance that states pay shall be "consistent with, but shall not exceed, similar work for similar communities in our area"
 - "...once the Water and Electric Board was in compliance with the legal salary rules, the salary function would be turned back over to the Water and Electric Board"
 - Stated this even though Board approved all salaries on June 12
 - Stated that CWEP Board "provided 2022-2023 salary information to the budget committee but did not provide 2023-2024 employee positions and salaries, which is a requirement of city ordinance"
 - The ordinance does not state this requirement, and this has *never* been done because the salaries are included in the budget
 - The Board provided both current salaries and proposed increases
 - All proposed increases were already included in the budget first presented to the budget committee

- Future salaries could not be provided because CWEP had not gone through the process of employee evaluations to determine percentages of merit-based raises given to each employee. This process takes place annually in June.
 - This is why the budget as presented included the maximum possible salary increases for all employees
 - This was explained to the Mayor during the May 17 meeting, at the meeting with CB on May 31st, and at the budget committee meeting on May 31st.
 - City leadership already had each current salary, as well as an explanation that each of those salaries could increase by a maximum of 6% for FY24
 - Simple math can determine what each salary had the *potential* to be in the next FY
- June 20: Mayor sends CB an email stating the council “still needs” salary information
 - Asks it to be a one-page document that lists:
 - “Current salary for each position”
 - “Current salary plus 3% (cola)”
 - “Current salary plus potential merit range (merit range percentage base of history for the past three years for each position)” (*sic*)
 - “Total compensation range”
 - “Total number of employees”
 - All of this information was either already given to them, or needed extremely simple math to calculate
 - They already had current (FY23) salaries by position and pay
 - The budget they were given in May included FY24 salaries throughout
 - This is the first time any of their requests actually mentions FY24
- June 20: CB responds saying CWEP will gather the information
- June 21: CB sends email to Mayor clarifying what is needed
- June 22: CB sends email to Mayor with additional salary information
 - The salary information given could have been calculated by city staff by simply taking the numbers they already had for current pay and adding a maximum of 6%
 - The salaries given were not actual FY24 salaries because performance evaluations had not been completed, so this information was simply what the maximum salaries could be for the next FY.
- June 24: Mayor tells the media that CWEP employees made threats against city employees and that this and that the threats were the main topic of conversation during the two-and-a-half hour, emergency closed session
 - No details about “threats” were given to anyone, including the CWEP Board or CB
 - STILL NO EXPLANATION for these “threats”
- June 24: Mayor also tells media that CWEP Board and staff had changed their process and no longer called local and area public utilities to get their salary structure and verify that employees were being paid a fair salary
 - This statement is not true
 - The process never changed from what it was for many years
 - We had always used the AWWA and APPA surveys because the surveys can group data pursuant to geographic location and revenue to easily compare similar utility positions
- June 27: City Council moves council meeting to Memorial Hall due to expected attendance
 - Motion was made to reconsider the vote that removed the board, but fails 6-4 (needed 7 to pass)
 - Mark Elliff, Ed Hardesty, David Armstrong, and Trudy Blankenship voted “no” to have the discussion reopened so it could be made public
- June 29: Mayor, Dally, Brian Schmidt, Pat Goff, and Bill Lasley met to discuss the board removal. Made agreement to do the following things:

- Board would be reinstated, to serve 4-year terms, with terms realigned so 2 members term out on odd numbered years
 - Was never done
- Process put in place for proper removal of board members (due process)
 - This was done, but was not done the way CWEP Board members anticipated it being done, as it simply refers to the ordinance for removal of city officials rather than being included as an ordinance in the section with the other CWEP Board ordinances
- Committee would be formed to work on ordinance improvements
 - This process was started, and the committee met one time, then was unilaterally dissolved by the Mayor without discussion with the committee or the CWEP Board
- Pending litigation would be paused, assuming both sides carried through with promises
 - Board members complied
- A joint press release would be created and released by both sides, and no other comments would be made from either side until everything was resolved
 - The Board upheld this provision. The city has not:
 - The Mayor did an interview on Aug 2 with KODE where he stated that the Board had given the utility GM the authority to approve salaries and that the city did not have that information (which is false, as that policy and practice had been in place since 2003)
 - Dally stated the Board failing to provide salary information and failing to properly approve salaries in an interview done for the Carthage Chronicle (published August 16, 2023)
 - Several statements made by Council members and city staff during open sessions of City Council meetings
 - The Mayor's recent press release once again refers back to this issue
- All these points of agreement were reiterated during the July 20, 2023, CWEP Board meeting, which Mayor Rife attended.
 - Mayor did not disagree with any of these points during the Board meeting
- June 29: City council holds a special meeting which includes a closed meeting for legal/litigation purposes. No action taken.
 - Presumably, this meeting included an update to the Council on the status of the agreement between the City and the Board
- June 30: Joint press release is released by both CWEP and City
 - States the whole thing was "miscommunication"
 - States "it is now clear that there was *no violation of any ordinance by anyone*" (emphasis added).

July

- July 11: City Council meeting where Board was reappointed
 - Vote was 7-0-2 (Hardesty and Elliff abstained; David Armstrong did not come to the meeting)

Chuck Bryant

From: Greg Dagnan <g.dagnan@carthagemo.gov>
Sent: Friday, March 31, 2023 12:35 PM
To: Chuck Bryant
Subject: Mowing, Baling, and Crops

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chuck,

Here is a weird one, we let people take hay from city property at no cost since they are effectively mowing for free. We are trying to create contracts with these folks. When we were talking about one contract with Jason Peters he says that he plants crops near North Francis on the city land there and gives 30% of his crop earning to CWEP. Is there a contract for this land so we shouldn't worry about it, or what are your thoughts on this?

Greg Dagnan
City Administrator
City of Carthage, MO
417-237-7003 (telephone)
417-359-6223 (cellular)

Please note: I check my email and text messages at structured intervals each day. If you need to contact me immediately, please call me on my mobile phone. If I am helping someone and don't answer the call, please leave a detailed voice message and I will contact you promptly. Thank you for your understanding.

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Chuck Bryant

From: Chuck Bryant
Sent: Monday, April 3, 2023 8:57 AM
To: Greg Dagnan
Subject: RE: Mowing, Baling, and Crops

That is land adjacent to our waster water lagoon. We have had a contract for that land for years. I believe it is the only land we have set up with that arrangement. I will confirm in staff meeting this morning.

Thank you,

Chuck Bryant
General Manager



From: Greg Dagnan <g.dagnan@carthagemo.gov>
Sent: Friday, March 31, 2023 12:35 PM
To: Chuck Bryant <cbryant@cwep.com>
Subject: Mowing, Baling, and Crops

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Chuck Bryant

From: Chuck Bryant
Sent: Monday, April 3, 2023 4:53 PM
To: Greg Dagnan
Cc: Cassandra Ludwig; Megan Kirby; Jason Choate
Subject: RE: Mowing, Baling, and Crops

Greg,

Thank you for bringing this up. Upon review, we do not have a current agreement with Mr. Peters. We will submit an agreement to him ASAP.

We have no other land that we lease like the property on the north end of time. I would prefer to keep the agreement in place with Mr. Peters moving forward. I think a 30% return on the use of the property is fair.

If you choose to use the 30% return to the city, please let me know and we can make sure our contracts are similar. If the city chooses to forgo the revenue, CWEP would prefer to keep our agreement at the 30% as we have for years.

Thank you,

Chuck Bryant
General Manager



From: Greg Dagnan <g.dagnan@carthagemo.gov>
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Greg Dagnan
City Administrator
City of Carthage, MO
417-237-7003 (telephone)
417-359-6223 (cellular)

Chuck Bryant

From: Chuck Bryant
Sent: Friday, April 14, 2023 10:49 AM
To: Greg Dagnan
Cc: Cassandra Ludwig; Megan Kirby; Jason Choate
Subject: RE: Mowing, Baling, and Crops

Greg,

Sorry for the confusion. I visited with the Mayor this morning and understand what you need to build your contract for these services. We will get a copy of the contract over to you this morning.

Again, sorry for the delay and not picking up what you are looking for. If you, or any other city staff, have any detail questions regarding our contract or process, please reach out to me or one of the others attached in this email.

Megan, please forward the contract over to Greg as soon as you have a minute.

Thank you!

Chuck Bryant
General Manager



From: Chuck Bryant
Sent: Monday, April 3, 2023 4:53 PM
To: Greg Dagnan <g.dagnan@carthagemo.gov>
Cc: Cassandra Ludwig <cludwig@cwep.com>; Megan Kirby <mkirby@cwep.com>; Jason Choate <jchoate@cwep.com>
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Thank you,

Chuck Bryant
General Manager



Chuck Bryant

From: Danny Lambeth <dannylambeth79@gmail.com>
Sent: Thursday, May 11, 2023 6:33 PM
To: Chuck Bryant
Subject: Fwd: Section 2-320 City Code

Follow Up Flag: Flag for follow up
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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

For your review.
We can talk at your convenience.
Hope you feel better soon.

Sent from my iPhone

Begin forwarded message:

From: Nate Dally <n.dally@carthagemo.gov>
Date: May 11, 2023 at 5:46:41 PM CDT
To: dannylambeth79@gmail.com
Cc: Dan Rife <d.rife@carthagemo.gov>, Greg Dagnan <g.dagnan@carthagemo.gov>
Subject: Section 2-320 City Code

Here is the section of the code that delegated the power to hire additional appointees and set compensation for employees and officers to the board. The delegation of this power is lawful because the authorization establishes standards for setting compensation. The alternative is what is written in RSMo 91.500 which provides that all pay is established by ordinance of the council.

The reason the question came up about approval of salaries and appointment of employees is due to the fact that the minutes from the board meetings lack specifics when new positions are established, what the salary for a position is, and changes to current position pay rate and salary.

All salaries and votes on salaries are open records and all vote needs to be reported in the minutes, even if the vote occurs in closed session.

If there is a salary study that the board adopted (a base line), and the board adjust salaries for cost of living and step increases from that base line then a simple vote to adjust the salaries by a step and % would be fine. However if the base line is changed in a way that establishes a new salary or pay rate for a person or positions, then the board would need to approve that salary or pay by vote of the entire board.

The council is requesting, the last salary study that the board has conducted along with all documentation that accompanies a salary study and minutes from meeting showing the votes establishing positions and votes on the current pay.

The issue we want to avoid is a citizen asking for the votes establishing pay only to find out we have been paying people without the proper legal authority.

Sec. 2-320. - Employment of personnel.

(a)The board of public works may appoint and employ for the purpose of operating the water, electric and sewage disposal departments such officers and employees as may be necessary, at such salaries or wages as may be just and fair for the type and amount of work done and compatible with, but not in excess of, compensation paid for similar work in similar communities in the area.

(b)All appointees shall be under the supervision and control of the board of public works, and shall be appointed to hold their respective positions at the pleasure of the board, and shall perform such services as may be prescribed by the board.

(Code 1978, § 133.110; Ord. No. 6274, § 5, 9-25-90)

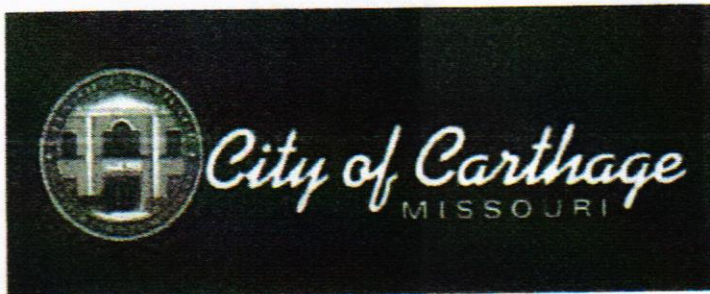
Thank you everyone for your time and attention to this matter.

Nate Dally

City Attorney - Carthage

326 Grant Street | Carthage MO 64836

O: 417-237-7000 | **E:** n.dally@carthagemo.gov



Chuck Bryant

From: Greg Dagnan <g.dagnan@carthagemo.gov>
Sent: Tuesday, May 16, 2023 11:26 AM
To: Danny Lambeth
Cc: mustangdan1963@yahoo.com; Dan Rife; Chuck Bryant; Nate Dally; Alan Snow
Subject: Budget Hearing

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Danny,

The Mayor has asked me to make the following inquiry on his behalf. We have received your budget packet for the CWEP hearing tomorrow. It does not have the most recent salary study or a list of salaries by position as required. We would like to have those items to include in the budget packet for the hearing tomorrow. If we can help in any way, please let us know. Thank you.

Greg Dagnan
City Administrator
City of Carthage, MO
417-237-7003 (telephone)
417-359-6223 (cellular)

Please note: I check my email and text messages at structured intervals each day. If you need to contact me immediately, please call me on my mobile phone. If I am helping someone and don't answer the call, please leave a detailed voice message and I will contact you promptly. Thank you for your understanding.

This email may contain identifiable personal information that is subject to protection under state and federal law. This information is intended for the use of the individual named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited and may be punishable by law. If you have received this electronic transmission in error, please notify us immediately by electronic mail (reply).

Cassandra Ludwig

From: Chuck Bryant
Sent: Tuesday, October 24, 2023 12:23 PM
To: Cassandra Ludwig
Subject: Fwd: Response as requested

CB

Sent from [Outlook](#)

From: Danny Lambeth <dannylambeth79@gmail.com>
Sent: Tuesday, October 24, 2023 12:22:14 PM
To: Chuck Bryant <cbryant@cwep.com>
Subject: Fwd: Response as requested

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This the correct one??

Sent from my iPhone

Begin forwarded message:

From: Dan <mustangdan1963@yahoo.com>
Date: May 17, 2023 at 12:34:09 PM CDT
To: Danny Lambeth <dannylambeth79@gmail.com>
Subject: Re: Response as requested

Thank you Danny.

Dan

To make democracy work, we must be a nation of participants, not simply observers. One who does not vote has no right to complain. Louis L'Amour

On Wednesday, May 17, 2023 at 11:57:38 AM CDT, Danny Lambeth <dannylambeth79@gmail.com> wrote:

Mayor Rife,

Thank you for taking the time to sit down with Mr. Bryant and review our comprehensive compensation process. I am pleased that now you and our CWEP Board Liaison, Mr. Snow, have a much better understanding of our process. To quickly recap our procedures, for many years the responsibility for employee management and compensation has been the responsibility of the General Manager, with oversight from the CWEP Board. Our wages are not created in a vacuum. Rather, our General Manager utilizes the annual American Public Power Association compensation report, as well as other industry-specific salary surveys, to help create benchmarks for the compensation of CWEP employees. In addition to salary studies, our General Manager analyzes cost-of-living data on a routine basis to ensure our wages are adjusted when necessary to keep up with inflation. I believe our procedures are not only in line with industry standards, but with the ordinance in question. However, I believe it would probably be prudent to review the 1978 ordinance so we can be sure to eliminate all concerns regarding the compensation process at CWEP and request you, Mr. Snow, Mr. Bryant, and I spend the next 12 months doing so. Once again, thank you for your time and consideration and I look forward to working with you in our ongoing efforts to best serve the City of Carthage.

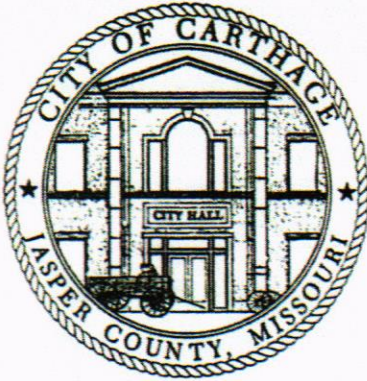
Regards,

Danny Lambeth

CWEP Board President



<image001.png>



The City of Carthage

America's Maple Leaf City

326 Grant St., Carthage, MO 64836 (417) 237-7000 FAX (417) 237-7002

May 18, 2023

Chuck Bryant
General Manager
Danny Lambeth
Board President
Carthage Water and Electric
627 West Centennial
Carthage, Missouri 64836

Subject: Request for Additional Document in Carthage Water and Electric Budget Packet

Dear Mr. Bryant and Mr. Lambeth,

I hope this letter finds you well. As the Mayor of the City of Carthage, I am writing to make a request regarding the Carthage Water and Electric budget packet. We kindly ask for the inclusion of an additional document that would provide valuable information for the Budget Committee and Council to consider during the budget review process.

Specifically, we request a document containing all agency salaries by position and pay. It would be preferred if each position listed includes the approved salary range, in cases where a range is applicable. However, if a single salary is assigned to a position without a range, we understand that it may not be possible to provide the requested information. Please note that employee names should be omitted from this list, including only the position titles and corresponding salaries.

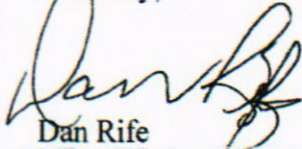
Furthermore, the Budget Committee is also interested in knowing whether performance raises are planned as part of the budget presented during last night's meeting. We understand that Carthage Water and Electric plans to implement a 3% cost-of-living increase.

As the Budget Committee perfects the budget and prepares for the presentation to the Council on June 13th, we kindly request that this information be provided by May 25th. Timely access to these details will enable the Committee to make informed decisions and ensure transparency in the budgeting process.

I would like to take this opportunity to express my gratitude for the informative and interesting budget presentation on May 17th. It is evident that Carthage Water and Electric operates as a highly professional organization, dedicated to serving our community's needs effectively. Please be assured that I stand ready to assist with this request or any other matter. We value the strong working relationship that we have and appreciate your ongoing commitment to the city and its residents.

Thank you for your attention to this matter. We look forward to receiving the requested document and working collaboratively to ensure a successful budget process.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Rife", with a stylized flourish at the end.

Dan Rife
Mayor of the City of Carthage

Cc: Brian Schmidt, Pat Goff, G. Stephen Beimdiek, Alan Snow, Darren Collier, Ron Ross

Chuck Bryant

From: Danny Lambeth <dannylambeth79@gmail.com>
Sent: Tuesday, May 23, 2023 2:59 PM
To: Chuck Bryant
Subject: Fwd: Letter Response

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FYI

Sent from my iPhone

Begin forwarded message:

From: Dan <mustangdan1963@yahoo.com>
Date: May 22, 2023 at 2:23:20 PM CDT
To: Danny Lambeth <dannylambeth79@gmail.com>
Subject: Re: Letter Response

Thank you Danny. I appreciate your quick response, and I will get with Chuck when he returns. We'll gather the information needed in time to get to the budget committee prior to their next meeting.

Thanks again
Dan

To make democracy work, we must be a nation of participants, not simply observers. One who does not vote has no right to complain. Louis L'Amour

On Monday, May 22, 2023 at 02:06:04 PM CDT, Danny Lambeth <dannylambeth79@gmail.com> wrote:

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Mayor Rife,
Per our recent conversation concerning your letter addressed to Chuck the CWEP board, we would propose the following:

Chuck is scheduled back in the office next Tuesday May 30.
We have discussed pulling the information together and have you and Chuck meet to review the data to insure the data is what you are expecting.

Chuck will be in touch with you to set a meeting time and date, but we have set a tentative deadline of Thursday June 1, 2023.

Please drop me a quick confirmation you received this note and agree to the plan outlined.
Please call on me at your convenience if I can be of assistance.
Regards,

Danny Lambeth

Chuck Bryant

From: Chuck Bryant
Sent: Tuesday, May 30, 2023 11:45 AM
To: Dan
Subject: Re: time to meet

Thanks!!!

CB

Sent from [Outlook](#)

From: Dan <mustangdan1963@yahoo.com>
Sent: Tuesday, May 30, 2023 11:27:04 AM
To: Chuck Bryant <cbryant@cwep.com>
Subject: Re: time to meet

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

That works for me. see you then

Thanks!

To make democracy work, we must be a nation of participants, not simply observers. One who does not vote has no right to complain. Louis L'Amour

On Tuesday, May 30, 2023 at 11:23:40 AM CDT, Chuck Bryant <cbryant@cwep.com> wrote:

Would 10:00 tomorrow work for you to swing by CWEP?

Thanks!

CB

Sent from [Outlook](#)

From: Dan <mustangdan1963@yahoo.com>
Sent: Tuesday, May 30, 2023 10:47:12 AM
To: Chuck Bryant <cbryant@cwep.com>
Subject: time to meet

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chuck,

Do you have time late afternoon today, or early (not as early as last time) in the morning?

Thanks
Dan

To make democracy work, we must be a nation of participants, not simply observers. One who does not vote has no right to complain. Louis L'Amour



May 31, 2023

Mayor Rife
City of Carthage
326 Grant Street
Carthage, MO 64836

Re: CWEP Salary Information Request

Mayor Rife,

Pursuant to your letter dated May 18, 2023, enclosed herein you will find salary and wage information for CWEP positions. As you can expect, this information is highly sensitive and I would appreciate if those with access to it have the professional courtesy to treat it as such. Please refrain from copying or sharing this information with those whom it is not intended.

For each position, you will find a job description, the applicable CWEP wage/salary range for that position, and the actual CWEP pay rate for that position. You will also find salary data corresponding to each position gathered from the American Public Power Association's annual salary survey (from the most recent survey released in 2022, using 2021 data) and/or the American Water Works Association's annual salary survey information (also released in 2022, using 2021 compensation data). These surveys contain the most comparable salary information available because they are focused solely on electric and water industry jobs. While not all the utilities responding to these surveys operate their own power plants, water/wastewater treatment plants, or a fiber-to-the-home network, all of which CWEP does operate, we believe they are the most helpful, industry-specific compensation benchmarks available. CWEP uses these annual salary surveys, broken down by revenue and geographic region, to compare our compensation and ensure we pay fair, yet competitive wages to all our employees. You will see we are well within the ranges of salaries and wages reported for each survey.

In addition to the salary information for individual positions, you will also find the following data comparisons: total operation and maintenance expense (excluding power supply expense) per retail customer; customer accounting, customer service and sales expenses per retail customer; administrative and general expenses per retail customer; and labor expense per worker-hour (all data provided by the APPA salary study). As you can see, CWEP is well below or within industry norms for each of these calculations, even with the additional cost of the economic development activities CWEP currently supports to help grow the Carthage community.

You will also find included a copy of CWEP's policy entitled "Salary/Wage Administration & Performance Appraisal Programs," passed by the CWEP Board back in 2003. This policy outlines the way CWEP approaches the setting of salaries and wages, pay increases, and performance evaluations.



CARTHAGE WATER & ELECTRIC PLANT

Finally, your letter requested information on planned wage adjustments for the 2023-2024 budget year. CWEP budgeted for a 3% cost-of-living adjustment for all positions, with most employees also eligible for up to an additional 3% merit-based increase (based on individual performance within established evaluation metrics). CWEP has not given wage adjustments since last July 1, and our planned wage adjustments appear to be in line with what the City plans for City personnel.

As always, I am happy to discuss this information or any other utility information with each of you. I also invite you to visit our main office or any of our plants for a tour; we are more than happy to show you around and give you a close-up look at what goes into providing essential utility services to our customers each day. Most importantly, as CWEP celebrates its 125th anniversary this year, we remain focused on serving our community and we appreciate the leadership you provide to help ensure Carthage continues to thrive well into the future.

Sincerely,

Chuck Bryant
General Manager



CARTHAGE WATER & ELECTRIC PLANT

hand-delivered 6/14/23

June 13, 2023

City of Carthage
ATTN: Mayor Dan Rife
326 Grant Street
Carthage, MO 64836

Mayor Rife,

During Monday night's budget committee meeting, Councilman Elliff stated the Council's position that the CWEP Board has "violated city code." Can you please outline the Council's position? The Board is unaware of any code violation and believes our actions are, and always have been, in line with all legal obligations placed upon us.

On behalf of the CWEP Board, I am requesting the legal opinion from the City Attorney regarding which ordinance was violated and how it was violated, along with any research he has done to support his opinion, so the Board can better understand this serious allegation.

Sincerely,

Danny Lambeth
President, Carthage Water & Electric Plant Board

Press Release

City of Carthage, Missouri

Carthage City Hall

June 16, 2023

I would like to start by thanking the Carthage Water and Electric Board for their many years of dedicated service to the City of Carthage.

Last night, an emergency council meeting was held after it was discovered that a City ordinance was not being followed that regulates the authority of the board to create employee positions and assign salaries. Action was required by the Water and Electric board to correct this error and comply with city code and Missouri state statutes by providing documentation to the budget committee. This information was not provided after repeated requests and resulted in the Carthage City Council voting to remove the current appointed members of the Carthage Water and Electric Board.

City officials would like to stress that this is in no way a reflection of the city employees that work for the Carthage Water and Electric Plant. This will not negatively affect the employment or salary of any Water and Electric employee. The council supports these highly trained and dedicated employees, and values them as they do all of our excellent employees, City wide.

The Council stands by their decision to approve the Water and Electric Fiscal Year 2024 budget, including current salaries, merit increases, and cost of living adjustments, with no reduction in staff or salary.

There are no planned changes in the operational structure of Water and Electric as the current structure designated by the City charter seems very effective.

This decision will not affect our citizens negatively and they will continue to receive the same quality service that they are accustomed to receiving from Carthage Water and Electric.

A new board will be appointed as soon as possible.

For further information, please refer to the minutes of the meeting that will be published on the City of Carthage website or please call Carthage City Hall at (417) 237-7000.

June 19, 2023 – For immediate release

We, the six members of the Carthage Water and Electric Board of Directors, would like to set the record straight concerning the attempted dissolution of the Board by the City Council on June 15th, and the subsequent unsigned press release issued June 16th.

On advice of legal counsel we believe this was not a lawful action by the City Council and that we remain the duly appointed members of the CWEP Board.

1. It is completely untrue that we failed to comply with the city's request for CWEP salary information. Mayor Dan Rife sent a letter to our Board president May 18 "kindly asking" for salary information for all CWEP positions and the planned adjustments for the next fiscal year. Upon receipt of that letter, our president emailed Mr. Rife suggesting we create that document and deliver that information by June 1, to which Mr. Rife replied that he appreciated the "prompt response" and agreed to that date. A salary report was delivered May 31, of approximately 200 pages detailing each CWEP position, salary, job description, and industry comparison by position.
2. City Attorney, Nate Dally, also in May, notified us that he had re-interpreted a long-standing, well-established ordinance which changed the way CWEP should report payroll detail to the council. Although we have opinions from multiple respected Missouri law firms who specialize in Municipal and Utility law that his new interpretation is wrong, we complied with the request as pointed out above.
3. All allegations made in the press release from the city are, therefore, untrue.
4. Why did the city call an emergency closed session under the guise of discussing city personnel issues and then come out of that meeting and attempt to dismiss the CWEP Board?
5. We view the actions of the council as a personal attack upon our character and believe that a public apology is in order.
6. We are incredibly proud of the 125 years of excellent utility services provided by the hardworking men and women at CWEP and don't want to see our utility disrupted by politics or personal agendas.

Brian Schmidt, Danny Lambeth, Ron Ross, Steve Beimdiek, Pat Goff and Darren Collier
the CWEP Board of Directors.

June 20, 2023

City of Carthage Press Release:

The Water and Electric Board is established by the City Charter subject to the rules and regulations established for Public Utilities in City Ordinances and State Statute. In 2014, the City of Carthage had jointly agreed with Water and Electric to a meeting with outside legal counsel to discuss the role of the Water and Electric Board. In that legal opinion, it was outlined that the Water and Electric Board, pursuant to city ordinance, could establish salaries provided as long as their "pay was consistent with, but shall not exceed, similar work for similar communities in our area". This is wording directly from the city ordinance. It appears that the Water and Electric Board followed this ordinance for many years, however it had come to the attention of the council that the Water and Electric Board was no longer following this ordinance. If the ordinance is not followed, then the rules fall to state statute. The Missouri statute says any government entity must publicly approve the number of employees and the salaries for each position. This was not a new opinion by the City Attorney but a well-established and discussed opinion in agreement with the 2014 independent legal counsel opinion.

Furthermore, the joint meeting in 2014 provided that the Water and Electric Board must follow the budget process as outlined by the council, as established in the City Charter. Again, this is not a new opinion and these rules are established in the City Charter. The budget request this year provided that the Water and Electric Board needed to include salary information for the upcoming budget so it could be approved. The President of the Water and Electric Board was advised that it would be approved and that it was not the intent of the council to control salaries, just make them legally compliant. Furthermore, it was noted that once the Water and Electric Board was in compliance with the legal salary rules, the salary function would be turned back over to the Water and Electric Board. The Water and Electric Board provided 2022-2023 salary information to the budget committee but did not provide 2023-2024 employee positions and salaries, which is a requirement of city ordinance. The city council approved the Water and Electric budget submission with the information provided, including a 3% cost of living increase and up to a 3% merit increase, although, the required information was not submitted. The Mayor and the Water and Electric General Manager are working together to obtain the required information to provide to the council prior to the final budget approval to remain in compliance with city ordinance and state statute.

The Water and Electric Board is a Mayoral appointed Board and can be removed by a majority vote of council with approval of the Mayor. This removal was done in open session at an emergency meeting.

Following the removal of the Water and Electric Board, the Mayor, as the custodian of all city employees, has taken an oversight role with the current management structure of Water and Electric remaining in place.

There have been no new legal interpretations since the 2014 opinion. For this reason, the Water and Electric Board was legally removed and they have no authority to act on behalf of the city. The best interest of ALL City employees and the welfare of the citizens of Carthage have been and will remain the primary focus of the Mayor and Council.

From: Dan Rife <d.rife@carthagemo.gov>
Sent: Tuesday, June 20, 2023 12:22 PM
To: Chuck Bryant <cbryant@cwep.com>
Cc: Nate Dally <n.dally@carthagemo.gov>
Subject: follow-up on request for information

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chuck,

The Council still needs the information for FY 2023-24 as discussed on 6-16-23. This can be a simple one page document, with the following:

- current salary for each position
- current salary plus 3% (cola)
- current salary plus potential merit range (merit range percentage base of history for the past three years for each position)
- total compensation range
- total number of employees

In addition, the City does not recognize the former board. There should be no board meetings until the new board can be appointed.

Thank you for your attention to this matter

Dan Rife, Mayor Carthage MO.

Chuck Bryant

From: Chuck Bryant
Sent: Tuesday, June 20, 2023 1:04 PM
To: Dan Rife
Cc: Nate Dally
Subject: RE: follow-up on request for information

Yes sir. We will work on putting the information in that format.
Thank you,

Chuck Bryant
General Manager



From: Dan Rife <d.rife@carthagemo.gov>
Sent: Tuesday, June 20, 2023 12:22 PM
To: Chuck Bryant <cbryant@cwep.com>
Cc: Nate Dally <n.dally@carthagemo.gov>
Subject: follow-up on request for information

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Chuck,

The Council still needs the information for FY 2023-24 as discussed on 6-16-23. This can be a simple one page document, with the following:

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- current salary plus potential merit range (merit range percentage base of history for the past three years for each position)
- total compensation range
- total number of employees

In addition, the City does not recognize the former board. There should be no board meetings until the new board can be appointed.

Thank you for your attention to this matter

Dan Rife, Mayor Carthage MO.

Gotcha

I will have to you today.

I know our Tuesday plan got sidetracked, but when do you want to sit down with me to review potential board candidate's names and qualifications?

Thank you,

Chuck Bryant

General Manager



From: Dan Rife <d.rife@carthagemo.gov>

Sent: Wednesday, June 21, 2023 12:58 PM

To: Chuck Bryant <cbryant@cwep.com>

Subject: Re: follow-up on request for information

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I think the thought behind that was for each position, have they generally gotten the full merit amount, or a lower percentage of it. Not wanting to give away names, just an idea over the last two to three years of what might be expected of each position.

From: Chuck Bryant <cbryant@cwep.com>

Sent: Wednesday, June 21, 2023 12:02 PM

To: Dan Rife <d.rife@carthagemo.gov>

Cc: Nate Dally <n.dally@carthagemo.gov>

Subject: RE: follow-up on request for information

CAUTION: This email originated from outside of the organization. Verify all requests or information before clicking any links.

Dan,

We are putting together the information in the format you requested. Could you give me a little more information on what exactly you are looking for in your most recent request "historical merit range percentage" in the parentheses of the third bullet?

Thank you,

Chuck Bryant

General Manager



Chuck Bryant

From: Chuck Bryant
Sent: Thursday, June 22, 2023 1:45 PM
To: d.rife@carthagemo.gov
Subject: RE: follow-up on request for information
Attachments: City requested Compensation information.pdf; City requested Merit information.pdf

Dan,

I am attaching the information you have requested. We have taken all information and condensed it down as much as we can, but it is still more than the one page document you referred to in your email. Regarding the merit request, we've included information on that for each position but please know there are several employees who are no longer with us due to poor performance and evaluation, but are not on this list because they have resigned or been terminated. Those employees would not have received the full merit in the years listed, but there is no way to reflect that in this documentation so we did the best we could. What we believe we have now is a vast majority of employees who are well-trained, well-educated and consistently scoring high marks in an evaluation process. We can probably expect the majority of the employees eligible for this year's merit to receive between 2-3% merit, based on their evaluation scores and how their scores line up with the merit calculation.

I believe the rest of this information should be self-explanatory but as always, please reach out to me with any questions and my staff and I are happy to help.

Chuck Bryant

General Manager



From: Dan Rife <d.rife@carthagemo.gov>
Sent: Thursday, June 22, 2023 11:49 AM
To: Chuck Bryant <cbryant@cwep.com>
Subject: Re: follow-up on request for information

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you.

I'm working on getting the list contacted right now.

From: Chuck Bryant <cbryant@cwep.com>
Sent: Thursday, June 22, 2023 7:41 AM
To: Dan Rife <d.rife@carthagemo.gov>
Subject: RE: follow-up on request for information

CAUTION: This email originated from outside of the organization. Verify all requests or information before clicking any links.

City, CW&EP working through spat that saw employees threatened, utility board removed

By Carthage News Online - June 24, 2023



CARTHAGE, Mo. — Carthage Mayor Dan Rife said he and the city council were working to find new people for the Carthage Water & Electric Board of Directors and obtain the information the council needs to finish its fiscal year 2023-2024 budget and get past the disputes of the past few weeks that have left the utility in turmoil and the public on [social media](#) incensed.

Rife said he was working with CW&EP General Manager Chuck Bryant to get the utility's salary information for the next fiscal year before the city's budget has to be given final approval at the Tuesday, June 27 meeting.

"I'm still in conversations with the General Manager and I'm confident that it will be done," Rife said. "The way their budgets are developed, there are no line items that can be identified as salaries, so it's difficult to determine what salaries are. That was the reason we requested the list of all positions and their salaries so it was right there and clearly, easily read and could be understood by council.

"The general manager and I have had conversations and been working to come up with a plan to get the list we need, and we've been back and forth about what do you need, will this work, and I think we're to that point where it's going to be there before this final reading of the budget."

Bryant confirmed that he and the mayor were working on getting the required information to the Council.

Threats among employees

Rife said the Carthage City Council took the unprecedented move to remove all six members of the CW&EP Board not just because of the missing salary information but "also the fact that employees were being threatened."

"We had threats from (CW&EP) employees to other city employees, some physical threats but mostly you better come down on the right side of this whole issue," Rife said. "This is not the kind of thing we want city employees to be going back and forth with. I think Water & Electric staff believed they were fighting for their jobs and their livelihood and I get that. But at the same time there are things that should just not happen, and I believe the management is responsible to make sure that's not going to happen. I've been told that he's going to put a stop to that from his employees and I have no reason to believe that's not the case."

General Manager Chuck Bryant said he was unaware of any accusations of anyone threatening anyone, "and I will not ever stand for that."

"I do not know what that means, I don't know how it's defined, I don't know if it's true, but our employees will not threaten anyone and have not threatened anyone and the fact that that accusation is flying is deeply disturbing to me," Bryant said. "Threatened is a dangerous word. Every day our employees work hand in hand with good employees of Carthage to make our community a better place to live. Any confrontation between departments is absolutely not tolerated. I expect my employees to handle themselves in a professional manner every day and I fully expect city employees to do the same. There would be no reason ever for one party or group to threaten another when we all have the common goal to make our community better."

Rife said the reported threats were the main topic of conversation during the two-and-a-half-hour, emergency closed session held by the City Council on June 15.

He said the Council did not talk about the CW&EP Board during that closed session, something that would have violated the Missouri Sunshine Law, according to Missouri Press Association Attorney Jean Maneke, because the utility board members are not city employees.

The 7-2 vote to remove the board came after the council came out of that closed meeting.

Council members Brandi Ensor, Chris Taylor, Trudy Blankenship, David Armstrong, Ed Hardesty, Mark Elliff, and Tiffany Cossey voted in favor of removing the board and council members Terri Heckmaster and Alan Snow voted against.

The CW&EP Board Members removed by the council said in a [written release](#) earlier this week "on advice of legal counsel" they believe that the council's decision to remove all of them all at once is unlawful, and they believe they are still the CW&EP Board.

The city followed with another [release](#) doubling down on the removal. "... the Water and Electric Board was legally removed and they have no authority to act on behalf of the city. The best interest of ALL City employees and the welfare of the citizens of Carthage have been and will remain the primary focus of the Mayor and Council," the release said.

In a telephone call late Thursday, one of those Board Members, Danny Lambeth, said he didn't have enough information about what Rife said on Thursday to comment about it.

Following the ordinance

Rife said for years the CW&EP Board and staff had called local and area public utilities to get their salary structure and verify that utility employees were being paid a fair salary compared to utilities in the area close to Carthage.

But at some point the utility board stopped doing that and relied on salary surveys provided by the American Public Power Association and the American Waterworks Association.

"The city ordinances delegate to the Board the authority to establish the compensation of employees and officials subject to standards that must be just and fair for the type and amount of work done and compatible with, but not in excess of, compensation for similar work in similar communities," Rife said. "The CW&EP Board and management followed this process for many years as verified by speaking to employees that were involved in the process of surveying similar utilities in the area to ascertain wages. It was discovered that this practice stopped in the last few years."

Rife said the surveys by those professional organizations are only surveys and cover a wide geographic area.

"Not all utilities reply to this survey which can skew the results," Rife said. "All other city departments must comply with salaries determined by a salary study with defined pay ranges that were adopted by Ordinance. Water and Electric must have specified guidelines as well. A salary study creates a pay structure that is just and fair for all employees."

Salaries for city employees, including CW&EP, are public information and are viewable at <https://govsalaries.com/state/MO?employer=Carthage>.

Bryant said he is working with Rife to get the information the Council needs, but he decried the politicization of the utility board.

"The political process does not work with a utility operation for this reason," Bryant said. "Our goal is to provide low rates, reliable service and safe service. That means the safety of my employees is paramount. We ought not to ever be a political hot potato for anyone. My job is to make sure the people doing a very dangerous job every minute of every day, go home to their families every night. That is my goal and it will be for the rest of my career."

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City, CW&EP working through spat that saw employees threatened, utility board removed - Carthage News Online



Carthage, Missouri - The Maple Leaf City

June 30 · 🌐

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**JOINT PRESS RELEASE
OF
CITY OF CARTHAGE AND CWEP BOARD**

At the suggestion of the Mayor, representatives of the City and the CWEP Board have met. As a result the parties have resolved their differences. There were some miscommunications which obviously got out of hand. The motion to remove is to be reconsidered and the present Board will continue to serve out their present terms. There will be an open meeting where the issue will be addressed. In the meantime, the present CWEP Board will continue to function and perform its duties. To be clear, both sides thought they were acting properly, but it is now clear that there was no violation of any ordinance by anyone.