

## Who's "Disparaging" Whom?

Written by

Wednesday, 25 April 2007 02:15

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href="http://www.musicogomis.es/buy-oem-pinnacle-studio-16-ultimate/">Buy OEM Pinnacle Studio 16 Ultimate</a></li></ul><p> I reread the editorial I wrote on October 2, 2002, <a

href="index.php?option=com\_content&task=view&id=9409&Itemid=42"

target="\_blank"><em>Malin Breaks the Mold</em></a>, critiquing Davenport City

Administrator Craig Malin's performance after one year on the job. All I could think was: What

on Earth happened?! </p> <p> &quot;<em>We must operate in the public trust, which means

we do things in an open, agile, and purposeful manner to accomplish this,&quot; he [Malin]

said. &quot;If we do this, even if people don't agree with something the city is doing, they will

almost always respect it if it is done openly. If we are to become the best place to live in Iowa,

we must be relentless in maintaining an open responsiveness to the community and to each

other.&quot; </em> </p> <p> I remember those honeymoon days. They were real. Five

short years later, Malin's modus operandi is antithetical to the above credo. So what changed?

Either I was thoroughly bamboozled to begin with, or Malin truly took a civic dive. Some would

argue that it doesn't really matter, but I think it does. If you once possessed an honorable civic

character but went astray, then civic redemption is possible. Regardless, at the end of the day,

you are judged by what you do, not what you say. </p> <p> Unfortunately, Malin doesn't

indicate he is even aware of his monumental failure to deliver the open government he so

passionately espoused in 2002. On so many levels, Davenport's civic morale is even lower

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than before his arrival. It is fair to say that Malin reflects the countenance of Davenport's City Council - that is to say, at least half of it (Aldermen Brooke, Howard, Dumas, Frink, and more often than not Barnhill) and Mayor Ed Winborn. As the former mayor of Davenport, Brooke is no stranger to back-room quarterbacking and a covert-ish style of governing. As Sixth Ward alderman, his service has been no different. The consensus is that Malin and Winborn, as well as the rest of the above-named aldermen, are subservient to Brooke, whose obvious allegiance is to DavenportOne. And while DavenportOne has contributed in no small measure to the enlarged credibility gap between the public and its municipality, it is Malin's kowtowing to special interests that is far more injurious to the public's trust. Why? Because, let's face it, elected officials come and go at the pleasure or displeasure of the people. A city administrator has longer job tenure, thus making him or her a greater or lesser public ally. For many, the veil was lifted on Malin during negotiations with the Isle of Capri for its ludicrous 11-story casino-hotel expansion on Davenport's downtown riverfront. He advocated the project, even though it was patently obvious what a disaster it was for Davenport on every feasible level: financially, environmentally, and aesthetically, not to mention the deliberate erosion of the public trust. This project - which would be one of the largest ever to occur in Davenport's downtown - was primarily negotiated in secret and given less than a month for serious public review. The development agreement, putting taxpayers at unprecedented risk, was fast-tracked to the point of approaching actionable litigation. It was arguably the worst agreement ever entered into for Davenport taxpayers. Needless to say, now that IOC has abandoned the location, most of the city leadership, including Malin, admits it was a bad deal for Davenport. Meanwhile, negotiations are occurring in the same secrecy relative to a new location. There is no earthly reason to believe that this leadership will manage a better deal than before, evidenced by the ongoing arrogance and continuous effort to fast-track ever-riskier legislation that further obligates taxpayers financially but benefits only a few, or severely restricts the public's right to participate in the civic process. At the center of this conduct is the same fellow who, in 2002, claimed to believe that the public deserved the truth, which necessarily included availability of information, because Malin viewed Davenport's "citizens as the customer." Five years later, Malin appears to view himself as the customer. He was given an incredibly generous employment agreement, authored by then-Mayor Brooke, that could be challenged in court due to a recent Iowa Court of Appeals decision (*Bass Vs. City of Huxley*). Now Malin wants an equally unprecedented "succession agreement" to augment his position, which would have to be legislated to have teeth. Besides walking away with a minimum of \$156,000, plus any vacation, sick leave, benefits, and pension contributions, the succession agreement also includes a "disparagement clause," whereby any councilman or appointed staff proven guilty of disparaging Malin will be fined \$6,292 for each such indiscretion. You can't make this stuff up! This should be sent to the *Daily Show* for review. And why, pray tell, would Malin need such a protection if his work is so meritorious? Honestly, this clause reflects more of an inherent disrespect for the council than anything else. By its mere inclusion, it suggests that a potential majority of the council is obtuse enough to consider it, and just dumb enough to approve it. Malin claims that *Huxley Vs. Bass* is not applicable, and that therefore a succession agreement is appropriate. Not applicable according to whom? Once again, the council is cautioned not to be intimidated. Opinions are not legal until adjudicated. The Iowa Court of Appeals' ruling was simple enough: Resolutions don't trump ordinances. Davenport's charter-city status would not exempt it from

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this ruling. </p> <p> Consider that all this effort on Malin's part is an attempt to indemnify himself, while exiting with some dough and no blemishes on his carefully constructed résumé. With all the shenanigans that have occurred over just the past two years, the council has all the leverage it needs to part company (or not) with Malin on its own terms - terms reflective of what is best for Davenport's taxpayers! </p>