

True Grit

by Ken Casper

My immediate reaction when I see officials stonewalling and obfuscating is to ask what they're hiding. Such was my experience when I attended the Zoning Board of Adjustments meeting Monday afternoon. The agenda was supposed to be to discuss the frac-sand transfer facility on Hill Street, based on the prior meeting. Just days before, however, the Santa Rita homeowners and their attorney were informed no decision would be made at this meeting, except to set a later date to hear the matter.

That brought up another question: did they violate the Open Meetings Act by making this decision behind closed doors? It would seem so. Will there be any penalty for breaking the law? Good question.

The daggers came out, however, when H.R. Wardlaw, III, the co-counsel for the Santa Rita homeowners tried to introduce and distribute information germane to the case. The city attorney, Lysia Bowling, objected, insisting it was outside the scope of this meeting which was only to agree upon a date for the next meeting and determine the protocol to be used. When a board member, Louis Rork, complained that having to read a forty-page document at the actual hearing might be difficult for him, her attitude was that it was his problem. Her role seemed quite clear—obstruct any and every move by appealing counsel, even if it compromised the integrity of the board.

The City Planning Department gave its approval for the frac-sand transfer facility on Hill Street on August 14, 2014, deeming the operation to fall within the light-industry designation. On October 30, 2014, Jesse Martinez et.al. (Mark Theiman, Dennis Grafa, Chris Cornell, and H.R. Wardlaw III) appealed to the City of San Angelo, challenging the Department's decision.

The law specifies that upon the filing of an appeal, the city must immediately furnish the interested parties, including the Zoning Board of Adjustment, all pertinent information and documentation relating to the matter. To date, the city has not complied. The city attorney, rather than acknowledge the oversight and agree to comply as soon as possible, chose instead to quibble over the meaning of "immediately" and whether board members should go on their own to see similar frac-sand operations on Hughes Street and in Barnhart in preparation for the next meeting. Ms. Bowling insisted those frac-sand operations were ex-parte, that is, not pertinent to this case, because they are not the subject of the appeal. Using that logic, not sticking your hand in a fire because it burned someone else would be irrelevant because their hand isn't yours and it's a different fire.

The frustration in the room at times brought groans and laughter.

It should also be noted that the next meeting to address this issue was postponed until February 2, 2015, more than three months after the appeal was filed.

On Monday, I saw the reason our country is in the mess it's in. It wasn't a pleasant sight. It made me feel helpless and angry, but even more it made me feel dirty. I watched civic leaders play word games with smug disregard for what is right. I saw their disdain for the people they were supposed to be serving. God help our city and our country.