

March 12, 2023

Dear City Council Members and Mayor Barbara Buffaloe,

We are writing to you today seeking answers to multiple questions. It has become obvious to us that the city's administrative apparatus has for some time been functioning without proper oversight or accountability and this has wrought dire consequences in terms of community members' material lives and caused irreparable harm to the community's trust in authentic engagement with our Government. This is perhaps no better illustrated than by details that have come to light in the days since one of our members, Anthony Willroth, informed you of details contained in CPD bodycam footage related to the Jackson e.t. al. vs Jones et. al. federal civil rights case that was recently dismissed after the Jackson family could not find new counsel following their attorney's death.

Since informing you of the existence of the lawsuit and the related bodycam footage during general public comments at the 3/6/23 Council Meeting, we have learned through communications with council members that council was never briefed on the lawsuit at all, let alone the details of the case against the City. It cannot be overlooked that the City of Columbia was a defendant in this lawsuit, a lawsuit that accused city employees of denying citizens of multiple constitutionally guaranteed rights. Without such information, it is unclear to us in any way how the City Council and Mayor can carry out their primary duties of overseeing the City Manager and City Counselor. The City Manager, according to Article II, Section 11 of the City Charter serves "at the pleasure of the council." The Mayor, too, has this power as described in Article II, Section 10 of the City Charter, which, describing the mayor, states, "The council member-at-large shall have the same right to vote as any other member of the council." According to Article VII, Section 65 of the charter, "The city counselor shall be appointed by the city manager by and with the consent of the council, and may only be removed by the city manager with the advice and consent of the council."

Through further conversations, multiple council members have expressed to us that they are unsure to what extent a council member is allowed to ask for such information from the City Manager and City Counselor. This is spelled out very clearly in Article II, Section 12 of the City Charter, which states, "Neither the council nor any of its members shall direct or request the appointment of any person to, or the removal of any person from office by the city manager or any of the manager's subordinates, nor in any way interfere with the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, or as otherwise provided in this charter, the council and its members shall deal with the administrative officers and services solely through the city manager, and neither the council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately. The office of any council member violating the provisions of this section shall be forfeited." We understand why the line "The office of any council member violating the provisions of this section shall be forfeited," would cause one to tread lightly, but it is our belief that the line "Except for the purposes of inquiry" gives council members plenty of room to demand answers of the City Manager about our Police Department. Even if the council cannot instruct the City Manager in the day to day operations of the police

department or on hiring and firing of police department personnel, they certainly can and should demand to be informed about the police department's actions, especially when those actions lead to a federal civil rights lawsuit against the city. Article II, Section 12 of the City Charter as written leaves open to interpretation the definition of the term inquiry, but even taken in its strictest legal sense, with the City of Columbia named as a defendant in a lawsuit, it would seem to us that even a legal inquiry could and should have been made while the case was being litigated. Of Course, this could not have happened because City Manager De'Carlon Seewood did not even inform you of the lawsuit.

As to City Counselor Nancy Thompson's apparent duty to have informed you about such litigation, we believe that is covered in Article VII, Section 65 of the City Charter, which states: "The city counselor shall direct the management of all litigation in which the city is a party or is interested. The city counselor shall, in person, or by assistant counselors, represent the city in all legal matters and proceedings in which the city is a party or interested, advise the council or any committee or member thereof, and the city manager and heads of all departments, boards, commissions and offices concerning any legal questions affecting the city's interest." While one could interpret directing the management of all litigation in which the city is a party or is interested to give City Counselor Nancy Thompson broad leeway to handle litigation against the city, it is our contention that when combined with Section VII, Section 68 of the City Charter, which states: "Nothing in this article shall prevent the council from employing special or additional legal counsel," that the council can and should take that to mean special or additional legal counsel can only be employed at the direction of the City Council. Either way, it is unclear to us how the City of Columbia could be named as a defendant in a federal lawsuit represented by outside counsel without the City Council and Mayor so much as knowing about its existence.

Furthermore, we would like to know when and how Mr. Seewood is planning to release the CPD reports related to the Quillan Jacobs shooting he said could be released at the conclusion of Monday night's Council Meeting. It has now been an entire work week and the public has heard nothing. This, too, is indicative of the city's pattern and practice of inauthentic engagement.

We do not want City Manager De'Carlon Seewood to become a convenient scapegoat for you and we are not at this point in time asking for you to consider his removal. We are asking you to take steps to rectify the culture in our city government that is sorely lacking in will to hold our City Administration accountable. We are asking you to ask more of Mr. Seewood. It is our understanding that Mr. Seewood has either recently had or will have a performance review. It is our hope that with these new details having come to light, you will push for a full accounting of our city's legal liabilities among many other things. Recently other community members have once again started pushing for a performance audit of the City Manager. Hold CoMo Accountable, too, is officially asking that a performance audit of the city manager be carried out, followed by a performance review.

We are asking you to consider relieving City Counselor Nancy Thompson of her duties. It is clear to us that she is not the correct person for this position at this moment in time. Nancy Thompson, her views, her behavior at council meetings, and particularly her maneuvering around a Federal civil rights lawsuit behind council's backs is emblematic of the lack of transparency that has led us to this moment.

Sincerely

Hold CoMo Accountable
Race Matters, Friends
CoMo For Progress