

OPINION

WHAT KIND OF AGENDA DOES HERNDON NEED IN THESE COVID-19 TIMES?

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The reforms described here are based on Mr. Singh's experience as a councilmember. He served on the council from 2010 to 2012. He served again from 2014 till 2016. Between 2013 and 2017 he wrote more than 40 articles describing how the town works or does not work. These articles provide a useful and appropriate context for transferring Herndon into a vibrant town.

It is clear even to a casual observer, that Herndon needs to modernize, and yet, retain its small-town feel. Accomplishing this objective would be challenging during normal times. However, these are not normal times. Covid-19 has caused once in a lifetime economic devastation in all segments of our society and there is no end in sight. Municipalities across the country have laid off staff, cut capital budgets and even terminated major projects. This dire situation is likely to remain grim until a vaccine is invented. There are those who are hopeful that a vaccine will be found in the next few months, but no one is certain. Even if that is true, economic conditions will not return to normal until at least the second half of next year. By that time, municipal governments may find themselves in even worse financial shape than they are today.

I have asked myself one primary question. What will I do during different periods over the next two or three years? My answers are as follows:

Short Run Priorities (Responding to Covid-19)

With municipal revenues very uncertain, our first priority should be to conserve as much cash as possible, postpone or eliminate projects that are wasteful or require raising capital in the financial markets or require that we give anything free to anybody including developers and special interests.

The downtown development falls in this category. We absolutely cannot afford to give the developer our prized downtown land for free.

Medium Run (or, End of Covid-19) Priorities

Covid-19 has also given us an opportunity – an opportunity to begin putting in place policies and programs that can make our government nimble and efficient. We must get rid of regulations and practices that impose unnecessary burden on our citizens. For example, Revision of HPRB rules that do not make any practical sense and often become regulatory chokeholds should be of paramount urgency. The budgets of all of our departments, including the Police department should be scrutinized for inefficiencies. We should take this opportunity to put in place the best budgetary and management practices as well.

Long Run or Post Covid-19 Priorities

Finally, we should keep an eye on the *long-run*. We should examine whether our political institutions respond to the will of all of our people. If not, we may consider creating voting districts and elect councilmembers who represent them. In addition, we must take actions that have the promise of revitalizing the town and creating a vibrant multicultural society. The details of this framework are discussed in the following sections.

A. SHORT-RUN OR IMMEDIATE PRIORITIES

1. Reverse Anti-Transparency Practices of the Last 8 years

Prior to July 2012, the Town used to have a very progressive policy for making government records available to the public, but then it all changed. Councilmember Singh 's articles on HerndonOpinion.com have already answered the following questions:

- How did the Town make it difficult and costly for the residents to obtain public records from the town?
- How did the Town keep contamination of the Ashwell property hidden from the public when presenting the purchase contract to the public.

- How did the Town keep the land appraisal reports secret for more than 11 years and out of the public view?
- How did the Town decimate the “minutes of council meetings” or render them feckless?
- How did the Town keep the public in the dark while it changed the height, mass, and density of development in the downtown?
- How did the Staff avoid compliance with the spirit and intent of FOIA.

The answers should provide the basis and context for discussing changes that must be made.

To create a sense of renewal and hope, we will discuss the findings with the public at large and begin the process of change. Our *short-term* actions will fall into two categories:

a. Make the Town’s Financial Health Transparent (Under at least the following 3 scenarios)

- i. Without Initiating Capital Projects
- ii. With the Downtown Development’s Capital Requirements
- iii. With the Downtown Development and Other Capital Projects

b. Restore and Enhance Pre-2012 Transparency Practices

Our actions will include the following:

- Restore Pre-2012 policy on preserving public records. We will document the types of records that used to be preserved routinely and made available at little or no cost to the public. Such records included:
 - Draft Reports
 - Final Reports
 - Decision Memos
 - Staff Emails
 - Reports of Meetings with Special Interests, if any.

We will streamline the process to preserve and distribute the records to the public.

- Record Council's Work and Public sessions and provide the transcripts to the public almost immediately after the meetings.
- Record Close Door Meetings – In accordance with the existing state law, we propose to record all close-door meetings. This action should deter unwholesome behavior on the part of councilmembers, town consultants and outside attorneys.
- Make all records, discoverable under FOIA, available to the public at little or no cost.
- Review how the FOIA staff avoided compliance with the spirit of FOIA and find out if it is legally liable for not complying with the spirit of the law, and
- Determine if there are any remedies when the staff deliberately misleads the public and/or the council by not disclosing consequential facts about a project.

B. MEDIUM RANGE PRIORITIES

1. Implement Best Budgetary and Planning Practices

- a. Set Goals and Establish the Long-term Town Budgets
- b. Brief the Council Annually on Compliance with the Budgetary Goals.
- c. Evaluate the Effect of Major Developments on the Town's Financial Health
 - i. Evaluate the effects of the giveaway of the downtown land to the developer for free (it is worth \$15-\$30 million) on the Town's current and long-term finances
 - ii. Evaluate the effect of the Art Center on the Town's financial health.

2. Implement Best Management Practices

- a. Modernize Staff's Presentations to the Council and the Public. The presentations should be structured for the benefit of an ordinary citizen and for councilmembers who need to understand the issues quickly and vote on them. The presentations must be transparent. All data and information that has any material effect on the final decision must be discussed.

b. Set Best Standards for a Responsive Council

- i. Invite residents to meet with the Council at bi-annually
- ii. Review violations/issues reported by a Councilmember
- iii. Address issues of public concern proactively

c. Eliminate Discriminatory Enforcement, if any

- i. End discriminatory enforcement of community development regulations
- ii. Evaluate the past use of the "citizen complaint" system

3. End Regulatory Chokeholds – Heritage Preservation

The HPRB guidelines have been very problematic, divisive, and even maddening to a large number of our residents. It is time to take a hard look at them.

We need to learn from the difficulties people have had in applying DOI Guidelines to our nation's often majestic Historical Properties. An article titled, "**Why Historic Preservation Needs a New Approach**" by Patrice Frey is particularly insightful in this regard. Needless to say, homes in Herndon are hardly of national importance, yet we try to apply DOI standards to our properties. It is clear that it has been fool hardy to apply DOI guidelines to our "historic" homes. We must:

- a. Determine which HPRB regulations we should keep and why?
Perhaps, it is time to get rid of the HPRB or limit the HPRB review to the architecture, height and mass of buildings.
- b. Determine how the regulations should be applied to commercial areas that are in the HPRB districts. Sometimes politicians take actions that are conflict with the regulations. (It is worth noting that Mayor Merkle effectively negated the Town's 2001 Master Plan by allowing much taller and massive buildings and by not honoring the objective of creating "a gathering place" in the downtown.) We should develop clear guidance in this regard.
- c. Seek advice of the homeowners of 175 or so homes that are in our HPRB districts before making any changes.

4 End Regulatory Chokeholds – Other Regulations

Numerous regulations, particularly those pertaining to Community Development, impose significant costs on our businesses and households. Consider the regulation that requires a homeowner to cover his cars even if they are parked in his or her own drive way! One of my neighbors, when faced with this regulation, covered his car, but thought the regulation was foolish and mindboggling. Why should our citizens be subjected to the associated costs? Why should we as tax-payers have to pay the cost of employing the enforcement staff?

We will end the regulatory chokehold of such regulations and make our town a vibrant place to live.

5. Review and Reform Public Safety

We will evaluate and consider taking the following initiatives:

- a. Reduce the Size of the Police Force. Herndon is a relatively safe place and the police have a tradition of not using firearms indiscriminately. Still, we must review the size of the police force; because, on a per capita basis, the size of police force is reportedly quite a bit larger than it should be. There are also reports that prospective home purchasers do not want to reside in the town, because its police force is much larger than that of other towns. Therefore, we must undertake a review of the size of Police force.
- b. Make changes to police training as new standards evolve. The “I’m in control” attitudes and “war-zone” mentality must change. Officers must not abuse their badges by using fire arms when they don’t have to.
- c. Enhance community policing
- d. Encourage officers to live in the Town.
- e. Evaluate Discriminatory Police Practices, such as:
 - Asking people to show their “papers”
 - Minor Traffic Violation stops
 - Police stops based on “rich or poor areas”, “old beat-up or new cars.”
- f. Provide No Support for the Re-enactment of Mosby’s Attack in Town

C. LONG RUN INITIATIVES (OR, POST COVID-19 PROGRAMS)

After the town has put its house in order, in a year or two, it will be ready to undertake initiatives that have the promise of substantially increasing the quality of life of our citizens. These initiatives would include the following:

1. Build the Town for Excellence and Vibrancy

- Create New Gathering Places – For a long time our town has focused only on the downtown. If the planned downtown development goes to closing, the downtown area will cease to be a gathering place. We will identify and develop other gathering places for young children, parents and older folks. The people must have places to “hang around”, eat, buy, play, etc.
- Develop all banks of waterways and turn them into picnic areas, walking trails
- Teach kids about the wildlife (including foxes, birds) in our parks.
- Identify areas for wildlife development and create places for observing the behavior of the animals. Such areas, if properly developed would make Herndon unique.
- Develop Unique Multicultural Activities – Folk Festivals, Multi-cultural music & dance. Friday Night Live should have music programs for all its residents)
- Develop an Art Center that meets the needs of all residents.
- Schools – Herndon has little or no control over how and what children are taught. **Many young families have left our town** after they found that Herndon Elementary is ranked low or that it teaches in Spanish. We should find a way to exert appropriate control. The teaching must focus on children learning English quickly and on achieving high standards.
- Help immigrant children become outstanding citizens
 - i. Provide tutoring assistance and create support groups – to help the children fit into the new culture, focus on excellence in education and learn the history of this country
 - ii. Provide opportunities for attending affordable summer camps
 - iii. Provide free recreation at the Community Center
- Help adults with opening new businesses and expanding existing ones

2. Invest In Existing Neighborhoods

Many neighborhoods suffer from significant “problems” for two main reasons:

- They are managed by “Associations”
- The Town made poor planning decisions when the areas were approved for development.

It is necessary to reconsider whether the “Association” form of management is compatible with our objective to create “Excellence” in the town. We should also evaluate how concessions granted to developers can create long-term “livability” issues. Consider the following cases:

- a. Parking Overflow from the Clearview Development- Residents of this development used to park (probably still do) in the much more expensive and elegant Leona Lane neighborhood. The overflow of cars created public safety, grassy area upkeep, snow removal issues for the residents of the Leona Lane. They did not appreciate the encroachment.
- b. Area around Wilshire Drive – Currently this area operates as an Association. However, they have not managed themselves well for a long time. It appears no one wants to do the day to day management jobs. Several years ago, their swimming pool was “filled-in” and shut down, because they could not manage the operations. The cost of snow removal exceeded their annual budget a few years ago. The cost of such services (which under normal circumstances would be provided by the town) makes the housing excessively expensive. Consequently, many residents are unable to invest in their own properties.
- c. Overflow of Parking from President’s Court – Even though it was a new development back in 2002, it began to experience “visitor parking” problems right from the start. The developer, after receiving the Council’s approval of its GDP, went back to the staff for more concessions and received permission to remove all of the street parking and replaced it with a few visitor’s spaces. Consequently, visitors sometimes have to park in “far away” public streets.
- d. The Cavalier Street and Trevino Lane areas experience parking issues throughout the year – once again because the developer had

built fewer than needed parking spaces. One solution might be to construct a parking garage for the Cavalier street neighborhood. The Town could construct a parking garages and then charge them a monthly fee for parking.

- e. Storm-water drainage issues exist in almost all neighborhoods. They are the result of lax enforcement of storm-water drainage rules by the Public Works when the properties were originally constructed.
- f. Damaged and broken fences in the town are “notable” fixtures in the town. They are particularly unattractive in some areas. They create poor “first impressions” of our Town and of its neighborhoods; however, if fixed properly, they can serve as vehicles for inducing prospective home buyers to “come in and take a good look”.

3. Creating Voting Districts & Changing the Structure of the Town Council

All members of the Town Councils are elected by the entire populace of the town. This system tends to concentrate power in the hands of a few members of the society and the unique needs of a precinct or that of neighborhood cannot be met easily. If a councilmember were to be elected from a precinct, he/she would be accountable to the voters of that precinct only. The mayor, under this structure, would have to negotiate with that councilmember to achieve his/her own goals. Herndon could, in the future, consider using not only 3 voting districts but also a system in which the mayor is selected by fellow councilmembers. Our state provides many models of governance that include the following features:

- Voting Districts
- Mayor Selected by the Council
- Rotating Mayor-ship Each Year
- Term Limits

We will get our citizens talking about such long-term initiatives right after the election.