

# OPINION

## HOW DID I END UP WRITING SO MANY ARTICLES ABOUT HERNDON?

By

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I served as a councilmember, first from July 2010 to June 2012, then again from July 2014 to Dec 2016. I had believed that I could contribute to public life with considerable ease, but nothing turned out that way. My first term was the most challenging. Often, it appeared that my experience as a consultant with Federal and State Governments and Regional law firms and my background in Engineering and Public Policy was not going to be of much use, if any. The administrative processes of the town, the work of its staff and the behavior of fellow councilmembers were, at best, baffling.

During the very first Council public session, the Town staff had opined that it would take about \$560,000 to move an electric pole just a few feet and that the builder should be exempted from the requirement to move the pole. A few years earlier, I had built a 5,800 sq. ft home for about \$350,000 and I could not understand how it could possibly cost so much to move the pole. The builder's attorney took offence to my questions and creating doubts about the veracity of information. No other councilmember asked any question. The Town staff was also mum except to say that the figure of \$560,000 had been supplied by a representative of Dominion Power. Now, you know the first half of the story.

A year and half later, another project – an extension of the first one, came before the council. This time the town was responsible for moving several poles. The council was supposed to approve the budget for the project. I could not help but notice that the budget for moving the poles was only about \$10,000 per pole. "Is this really correct?", I asked an employee of the Town in private. She replied, "The budget is more than sufficient. In fact, the real cost is about \$6,000 per pole?" Finally, I realized that a year earlier, the builder and his attorney, Dominion Power, the town staff, the then Town Manager, the Public Works Director, the Community Development Director and the Town Attorney, were all on one side – on the side of approving the project. I was the only one left sort of hanging in thin air – trying to protect the Public Interest. Such faith-shaking events took place again and again throughout the first term.

By the time, I had started to get a handle on things, two years were gone, and the first term was over. I had done my best. I felt like I had accomplished a lot; perhaps, I wanted to feel like that. After all, some citizens had come to appreciate the hard work I had put in, the Council had approved the Downtown Master Plan as well as the Metro Area Plan. It seemed I had learned a lot, but there was a sinking feeling that I had not gotten to the bottom of anything.

Not to be deterred, I started to examine a few issues on my own. These included "the lack of parking in a relatively new development", and "the town's shared parking policy". Fortunately, the Town had the policy of creating and keeping fairly complete "Review Files" for every major initiative and I could examine them at will and essentially no cost. The Town also had a policy of keeping detailed minutes of the council meetings. These minutes were available on line. Before long, I had written 14 or 15 articles on my blog and raised many issues about governance in the town. I finally had begun to understand the town. The town folks had seen me work hard and elected me as a councilmember again in 2014.<sup>1</sup>

Upon returning to the Council, much to my surprise, the Downtown Master plan had been changed completely to allow for buildings as tall as 65' (rather than about 40' height approved in 2011 and much higher density. When I started to ask questions, our councilmembers said they had done no such thing. So, once again, I dug in and wrote four articles showing how the regulations had been changed under the "cover of darkness" (even though everything was done legally!). After the passage of the Master Plan, the public's attention had shifted to other issues. The public did not notice the changes until I wrote the articles in 2015. Even then, many people did not believe my findings.

I also learned that the Mayor had changed the policy for recording the "Minutes of the Council Meetings" (in the very first meeting after being

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<sup>1</sup> There were things I have not written about, because I did not have the time to do so. Most things, in this category, were related to regulations designed to deter illegal immigrants from affecting the quality of life. Once people realized that I did not hesitate to talk about discrimination, they began to tell me their stories. I was surprised to find that most stories of unfair and inequitable enforcement came from legal (not illegal) immigrants. One of first requests came from two Police Officers. Then, homeowners and businesses requested help or just complained about the unfair and discriminatory regulations. I examined in detail by using the available data and came to know how and why the regulations were developed and enforced. Sometimes, in the near future, I plan to write those stories. **However, the regulations are still on the books and are enforced against the nonimmigrant, US-born white Americans.** They impose unnecessary costs on individual citizens and take vibrancy out of their life. We must get rid of such regulations.

elected in mid-2012) and rendered them feckless. Essentially, "I spoke, she spoke, and he spoke", now qualified as the "Summary of the Discussion". I took exceptions to this consequential change and wrote an article or two about it. By the time a few people took notice, major decisions had already been made. It was not until mid-2016, I started to hear faint complaints about the lack of substance in the "Official" Minutes. When I complained to the Town Attorney about the change, he noted in a rather nonchalant way, "In my legal opinion, the Minutes do provide the substance of discussion." I walked out of his room after blurting out an ugly epithet. I went home and wrote an article discussing the town's history of summarizing the Minutes and how the policy was changed.

The Town also changed its FOIA policy in 2015 (or earlier) to make it almost impossible for people to obtain official records about anything, much less about the downtown development. The town had started asking for hundreds or thousands of dollars just for document searches. In the past, similar searches used to cost very little money, if at all. The Mayor even tried to deny councilmembers documents they needed to inform themselves and make decisions! Our current attorney, when questioned about the policy, claimed that the Mayor had "broad" powers to do so! In response, I had to arrange with the Town Manager to review the documents after the decisions had been made. He had done so at his peril. However, he conditioned the access on "not photographing anything". If it was difficult for councilmembers to review the information, it was even more difficult for our citizens to do.

By the end of 2016, the Town made its decision to select Comstock and its proposal to and the Council gave its approval to conduct "further negotiations to develop its downtown". Only one councilmember had dissented. When Comstock in its first proposal (in April 2016) indicated that the value of the entire 5-acre lot was **zero**, no councilmember (except one - me) had objected. I continued to dissent in meeting after meeting. During many close-door meetings, our outside attorney and consultants had maintained that the land was not being given away for free. The Town's draft agreement with the Comstock, in the very first clause, states that the Town will give title to the entire property at closing!

The last of my articles I published in 2016. Most people did not believe my figures then. The draft agreement, though, shows clearly what the town is getting and what it is giving up. Give and take a few dollars, **the Town will have a minimum loss of about \$12 million in the deal!**

**Now you know why I ended up writing so many articles. The attack on the Public Interest was constant and persistent. It still is.**