

09 September 2010

Note: The following email consists of Mayor Jaworski's reply to my letter of 07 September on, "City Leadership?", followed by my response to his reply. His reply is shown in total; I merely reformatted it to make it easier to read both sequentially. David Stanowski

To: Galveston Open Government Project; JoeJaworski@cityofgalveston.org; joejaws@jaworskilawfirm.com
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The Mayor's reply:

David -

Thanks for this thoughtful note, and it was good seeing you and Jacquelyn recently. I'm glad you are putting on weight and that your health is holding steady.

This response is not intended to be exhaustive, but just a few ideas for you to consider. This is also a response from me personally, not "me on behalf of Council" or "me on behalf of the City."

First, let's consider the issue of leadership. One aspect of leadership is timing: my priority right now is to clear the City Council runway for the hard work and deep deliberation needed to pass a quality city budget. It's a coincidence that your emails have come hot and heavy recently, but if you might join us in pursuing an order of important matters, I'd suggest we focus on the City Budget for another week or so. We will pass the budget on Sept 16, so let's handle that first.

Second, the new GHA Board is a politically diverse board - and they are all outspoken like you are. And that's a good thing. The last thing we need now are passive aggressive, silent leaders. I felt one of your valid criticisms of the previous Board was it was often non responsive; but you've seen a sea change in this Board. The new members respond to citizens' emails and calls, and it sounds like one member rubbed you the wrong way. I know you and James Dennis can each take care of yourselves and correspond in an adult dialogue, so let me know how that goes. I suggest you meet with him in person - as you and I have done - rather than let the tensions build up as the email banter goes back and forth. Or you could speak in person with a different Commissioner - such as Tom Larue - to have your reasonable concerns addressed.

Third, you ask why is Galveston being singled out in the Conciliation Agreement for construction of public housing. I think it's simply because the City reasonably condemned and razed post-Ike every unit north of Broadway, and presently the need for public housing remains. Isn't that right? And the need is clearly so given the number of people who are receiving DHAP assistance in Galveston and the fact that rental rates on the open market increased following the storm.

In fact, the way I interpret the State of Texas's Housing Authorities Law is that a public Housing Authority's operations are appropriate if there exist unsanitary, inadequate housing conditions in which people are living or there is a shortage of sanitary, safe housing at affordable rents. I don't have the statute in front of me, so i am not reciting the precise language, but i believe

it's found in Local Govt Code Chapter 392. Given the conditions we find people living in, in Galveston, and the shortage of affordable sanitary housing, isn't it appropriate under Texas law to continue GHA's operations?

I understand the rebuilding of 569 units was a compromise between fair housing advocates, the State, HUD and GHA, and if there were a new needs analysis done tomorrow, I wonder if the number would come back in excess of 569. Do you know?

Fourth, the Conciliation Agreement is a pretty dense document, but it becomes easier to understand if it's read a few times. I'm on my third read, and it appears pretty clear to me that no back room deal was done; rather, fair housing advocates filed administrative complaints against the State of Texas arising out of the State's method of distribution of \$3.1 billion in CDBG funds, and HUD officials mediated the Complaints. The State entered into a complex settlement agreement in order to secure the State's entire award, which contemplates much more than Galveston's substantial amounts. That GHA's \$70 million award is included as a specific set aside - rather than as a generic award to the City of Galveston for later routing - does not suggest - to me at least - some avoidance of the political process where citizens get to sound off against public housing; instead, it just appears to punctuate a priority for HUD in restoring destroyed public housing units as soon as possible. That's their and GHA's job. Why don't you consider letting the GHA Board creatively do its job, using its new minds for the City's benefit. That's what I plan to do, and I'm looking forward to seeing the Board

implement new standards of weaving market rate, public and affordable housing together in less dense neighborhoods.

Fifth, the State and the City of Galveston have a duty to affirmatively further fair housing for all its residents, and its true that many of us don't need much help in that regard (though I would surely squeal if anyone tried to take away my mortgage interest deduction or my homestead ad valorem exemption). I guess for those Galvestonians who aren't as financially sound as others, one aspect of fair housing would be the opportunity to apply for affordable housing or public housing. I thought the GHA public housing looked pretty grim before the storm, with the exception of The Oaks. Much of that was due to the age and format of the old project-style structures. As I understand it, neither of those issues will be a problem in the new housing units, the plans for which are taking shape currently.

Finally, thank you for being a watchdog here; there is a need for positive communication among voters and leaders, and I encourage you to continue keeping a close eye on your Government. Isn't that what you are intending to accomplish here? Positive communication with your Mayor? Thanks for reaching out and asking the hard questions. If there is anything I have not answered, just follow up with me - copy anyone you want. All I ask is that you copy the same readers on my response.

Thanks! Joe

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My response:

Joe,

I appreciate your concern for my health and how my recuperation is going. This has been a very difficult year for Jacquelyn and me. Sometime in late April/early May, I mysteriously contracted Q Fever; a disease that only afflicts about 50 Americans each year. Unfortunately, I developed the acute version that proceeded to literally eat my aortic valve, on my previously healthy heart, and throw me into congestive heart failure that was life threatening.

Fortunately, the doctors at UTMB sorted it all out, treated me with antibiotics for Q Fever, and then performed open heart surgery to replace my aortic valve; which allowed me to begin my recovery. Due to the complicated nature of what happened, I spent almost three weeks in the hospital, which is enough to challenge anyone's endurance! I am finally starting to gain back some of the large amount of weight I lost during the ordeal, and my ribs should be fully healed in another month!

When I first began to emerge from this "Near Death Experience", I remained hopeful that the City of Galveston could be saved from its long history of self-destructive impulses which would allow it to find a path back to prosperity, so, yes, you will be hearing from me on a regular basis! The first step on the City's path to renewed growth must be a recognition that any

expansion of public housing will cripple or even kill our best efforts to recover.

Public housing is a failed social experiment that does not serve those it pretends to help, and inflicts great costs on its host city regardless of the race, ethnic origin, or religion of its tenants. The proposed expansion of PH would be no less of a liability and a burden to this city if all of the tenants were White! Race is not, and never has been, any part of the argument on our part, so the cheerleaders for PH need to address all of the public policy issues, and GHA violations of rules and regulations, that we have posted on our web site, rather than resorting to their regular response: racist, racist, racist, racist, racist, racist, racist, racist, racist, racist, racist, racist!

Rather than having the effect of intimidating us, it just proves that the proponents of PH have absolutely no valid arguments in favor of what they want to do. If they did, they would be willing to debate the issue, instead of name calling!

I also want to take a moment before I address your specific points to say that no one was more hopeful than myself that your election would be a big improvement over the last few years of bumbling City government. There are certainly some good things about your early tenure, but I have great difficulty seeing any real difference between what the last Mayor wanted to do with PH and what you want to do.

It's time to put our cards on the table. I am an advocate against any and all types of expansion of PH, or other incarnations of subsidized housing, in this city. I have

written and posted hundreds of pages on the GOGP web site explaining the many reasons why I take this position. You seem to be an advocate for the expansion of PH in this city, but like the other people who take this position, you have not articulated why you do so. It should be obvious that most mayors and city councils throughout the country clearly see the liability that PH creates which is why they choose not to participate. So if you want more PH; please tell us why. More importantly, please explain why the City should take on this liability. I'm sure that you are aware that the people of this city do not want it, so how can a City leader justify pursuing a policy rejected by a majority of his constituents?

Now, on to your points:

First:

I agree that the budget is very important at this time, but we are also aware that the GHA, and its few allies, continue to push forward with their expansion plans, as the rest of us get distracted by other issues, like the budget. This is why we had to remain vigilant even as we share your concern for the budget. Also, additional PH will be a major drain on future City resources, if they are allowed to be built, so Council should be aware of this lurking problem as they work on the budget.

Second:

There may be some political diversity on the new GHA Board, but if they refuse to consider no further expansion of the number of housing units, then how do they differ from the prior board? I have not met or corresponded with any of the new Commissioners, but what is the point if they refuse to consider what the

people of this city want, and only invite you to participate in decisions like what color to paint the new projects? Commissioner Dennis' email to me sure did NOT seem like he was anxious to explore my views on PH!

Friends who have met with some of Your Commissioners assure me that they view anyone who opposes PH as a racist. So, how is this new Board different from the prior Board?

Third:

Galveston was singled out either because it has weak leadership, or because key City leaders strongly desire an expansion of the number of PH units. Texas City demolished 100 PH units after Ike, and is under no such alleged order to rebuild.

I am well aware of the conditions cited in Texas law as a possible reason to activate the local housing authority, and build PH. These conditions exist all over the State, including in our sister cities in the County, so why aren't they seeing a need for PH, and we are? It's not the conditions in Galveston that call out for these actions; it is the local leadership who WANTS to expand GHA!

The concept of "need" is a red herring in this whole argument! Rewarding people based on need only leads to permanent problems:

"because housing subsidies are provided on the basis of need, not effort or accomplishment, such a policy threatens not to solve our social problems but to make them permanent."

Howard Husock

Actually, ANYONE who wants to live in a nicer home than they can afford has an automatic need to be subsidized! I want to live in a penthouse at Palisades Palms, but I can't afford it. Is the GHA going to subsidize my need?

We have heard comments at recent meetings, from GHA supporters, that their future tenants cannot live in crummy old rehabbed units; they have to have brand new units! Need is only limited by what you can spend on your pipe dream!

The building of 569 PH units is NOT any kind of compromise! This was a deal between two far-left non-profits, and two State agencies that were anxious to appease HUD, by forcing Galveston to be the dumping ground for PH for a large portion of SE Texas. People from those non-profit groups and state agencies, who live in Austin, don't have to live here after they inflict more PH units on this city; so why should they care? If we are weak enough to allow this to happen; we will continue to be the dumping ground! Once again, where is the leadership representing our interests?

Fourth:

The Conciliation Agreement does NOT clearly say that Galveston has to build those 569 PH units unless it takes the money earmarked for this purpose.

It does seem odd that you are not outraged that a deal was made bypassing Council's oversight, unless you are in favor of what this backroom deal will accomplish; expansion of PH in Galveston!

I would consider letting the GHA Board come up with “creative ideas”, except the ideas that they are considering do not include what the residents of the City want; shutting down the GHA, and halting its expansion plans. The ONLY thing that they are considering is where to put the first 569 units! I have little doubt that they will then move on to implement the “rock star’s” plan for another 1,500 units. The “rock star” who does not want his family living where he is doing his social engineering experiments on us!

Fifth:

As a real life Libertarian, I actually believe in offering the maximum amount of personal freedom to every citizen of this country, and that we should all rise or fall on our own merit and character. At the same time, every able-bodied adult should be self sufficient; i.e. living without subsidies. If you read the Thompson v. HUD case, you will realize that GHA’s plans fail all of the current tests on AFFH, and any competent court would agree! The only way that they would have a chance of passing an AFFH is by scattering PH in an equitable way throughout the entire County; something Your Commissioners have absolutely no intention of considering, much less doing. How could that be??

Finally:

Yes, the GOGP was set up to be a government watchdog, and, in that role, I’m going to comment on your responses to the voters who are contacting you to say that they do not want more PH units in their city. I have read dozens of your email responses that people have sent to me, and it seems that you are using three diversionary arguments, in an attempt to appease them,

instead of explaining why you intend to build more PH units, in their city, against their wishes! Please explain to them how you can justify pushing such a policy that is so adverse to what they want.

1. The Conciliation Agreement forces Galveston to build 569 PH units or lose other federal recovery funding. As we both know, this document is open to varying interpretations and does not clearly support your argument any more than it clearly supports mine. We also know that if Galveston had any leadership representing the wishes of its people, this Agreement would never have been consummated, but now that it has, it should be vigorously challenged by City Council.

2. Galveston has a demonstrated need for at least 569 PH units. If we were to start from scratch to determine our need, we might have to build many more. You are ignoring the fact that no city has to build any units if they don't want to, so it can't be forced to build any more than it agrees to build. What other city in Galveston County is building? Why isn't Texas City being forced to rebuild?

3. Don't worry; the new PH units are going to be different. They won't turn into slums. We are well aware that you think that by using the Village of East Lake model that you are going to be able to build the Disneyland of housing projects. We are studying East Lake, and there is no evidence that this model can survive without enormous subsidies from non-profit groups. Subsidies that are grossly unfair to the people who actually have to work and take care of themselves, and subsidies that cannot be guaranteed in Galveston. At

least, we can only hope that local non-profits will not be misguided enough to support such a boondoggle!
It is most encouraging that you are willing to discuss these issues, since your predecessor was not, so I believe that you have opened a new era in City government; and I congratulate you!

It is my hope, that from now on, we can put all of our cards on the table and begin discussing all of our public policy choices instead of just those considered acceptable by the GHA Board, and other advocates for the expansion of PH.

I look forward to a continuing dialog.

David