

Hutto Citizens Group

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January 12, 2009

An OPEN LETTER to Williamson County Judge Dan Gattis, Sr. and members of the Williamson County Commissioners Court

(Re: An article by reporter Callie Enlow appeared in the January 11, 2009 issue of *The Williamson County Sun*, reporting on the formation of a new coalition to deal with critical issues in Williamson County.)

The response of County Judge Dan Gattis in the article by Callie Enlow regarding the formation of a coalition to deal with critical issues in Williamson County is disappointing in a number of ways. Primarily, his comments misrepresent the history of how these critical issues have been treated, and his characterizations of citizens' input to the county are, the very least, gratuitous and patronizing.

The truly sad aspect of this situation is the fact that citizens have been forced to go to this level of aggravation and expense just to have a shot at decent interaction with elected officials on issues which are so important. It is not the fault of citizens that county officials have been non-responsive regarding substance as well as superficial in treating citizens' concerns. It is well-documented that it is the county's representatives who have created the smoke screen while citizens have labored in every conceivable way to cut through the smoke.

Most galling is the statement attributed to Gattis in the article in which he is reported to have said, regarding the formation of a citizens', county-wide coalition, "They have a lot of concerns they need to work on, and they need to get organized."

Such a statement makes one wonder on which planet he has been living for the past two years. The implication that citizens haven't been organized, or that citizens still "need to work" on their issues is grossly misplaced and severely erroneous. Just look at the record.

In September of 2008, those concerned about the T. Don Hutto prison issue organized a well-publicized forum held in Georgetown in the effort to find a solution to this troubling issue. As the responsible party in the agreement with the Immigration and Customs Enforcement (ICE) and the Corrections Corporation of America (CCA) regarding the prison's function in detaining immigrant families, Williamson County had (and has) a moral and legal obligation for the facility's proper operation. Yet, the operation and control of T. Don Hutto by the county were so lacking, it took a federal lawsuit filed by the American Civil Liberties Union (and others) to institute reforms which would not have been necessary in a properly-run facility. And, in the context and aftermath of that failure, interested citizens organized the September forum to deal with continuing problems and concerns as well as to discuss the county's central policy decision to be a contractor for this program.

So, what was government's response to citizens' *well-organized* effort to foster dialogue and solutions? No one showed up from any level of government, including Congressman John Carter (or any representative of his office), who put the initial T. Don Hutto deal together. This attendance failure was not announced as a boycott (especially the notable absence of local county officials at a meeting place less than a quarter-mile from the county courthouse), but it had the same net effect. Such non-response doesn't speak very highly of government officials being engaged with their constituency on such serious matters.

There is a cacophony of hard documentation on the landfill issue which belies Gattis' implication that citizens haven't been organized or haven't done their homework. The issues cited below are only *illustrative examples* of literally dozens of instances in which citizens' *well-organized* efforts and substantial *work* have been ignored.

On May 8, 2008, Gattis and Precinct 4 Commissioner Ron Morrison attended a workshop of the Hutto City Council to discuss the landfill. As reported in the May 9 issue of the *Hutto Citizens Group News*, Gattis and Morrison essentially provided nothing new to the discussion. For example, as reported in the newsletter, council member David Begier “pressed the county to explain what kind of plan the county has developed for the landfill site.”

“We don't have any plans,” Gattis said, in response.

Also at that meeting, according to the newsletter, Morrison stated that he “‘probably wouldn't say anything new’ about the landfill issue. Morrison also said, ‘We have the war in Iraq, highway funding cuts by TxDot and gasoline taxes over \$3.50 a gallon, and these problems cause the landfill to pale in comparison’”

On June 16, 2008, the HCG submitted to the county and to Morrison a set of detailed recommendations regarding a “landfill action plan.” There was no response.

On July 7, 2008, the HCG submitted a detailed white paper to the county and to Morrison with numerous, specific suggestions and considerations for reaching a compromise with citizens on design, operation and use of the landfill. Neither the county nor any individual elected county official responded to any of the specifics proposed.

On July 28, 2008, the HCG submitted a detailed proposal to the county and to Morrison, laying out “eight criteria for landfill development”. There was no response.

On August 12, 2008, after HCG strongly urged Morrison to “go public” with his personal position on the proposals made by the HCG, he issued a statement which addressed none of the issues except for recycling, which he said he “supports”, but without any other details.

Also during August, the Hutto City Council secured what appeared to be an agreement with Morrison to conduct a charette for the purpose of discussing and resolving issues involving landfill design and operation, but Morrison never delivered on the agreement, stating informally that he couldn't find the \$10,000 needed for the charette moderator. Members of the Hutto City Council and the HCG pointed out that a competent moderator could be found without such expense—and likely at no cost at all, but Morrison didn't respond with any additional explanation.

On November 20, 2008, the Hutto City Council passed unanimously a resolution directed to the county requesting that the county take action to remove the name of the landfill contractor (Waste Management, Inc.) from the pending landfill expansion permit at the Texas Commission on Environmental Quality (for reasons involving landfill control), and to make a commitment that the county would provide at least 30 days for the public to review any proposed (new) landfill operating agreement (with Waste Management, Inc.) which the county might seek to approve. There was no response from the county.

On December 18, 2008, the Hutto City Council passed unanimously a resolution directed to the county requesting that the county release its plan for the landfill design and operation, and that if no such plan could be produced, that the county should withdraw its application at the Texas Commission on Environmental Quality to expand the landfill from 202 acres to 575 acres. There was no official response. However, Morrison was quoted in an article written by Enlow in *The Williamson County Sun* in which he was reported to have called the Hutto resolution one of those “feel-good, fuzzy things” which has no impact.

On December 26, 2008, a member of the HCG submitted an open records request to Gattis, Morrison and Connie Watson (the county's public information officer) seeking documents relating to inquiries the county has made of Waste Management, Inc. regarding the tipping and other fees Waste Management is charging its own hauling company at the county's landfill. (According to the terms of the 2003 landfill contract now in effect, Waste Management can discount its fees to its own hauling company to any amount it so chooses with no required minimum.) Previously, the HCG has submitted open records requests to the county seeking disclosure of those fees, but the county auditor's office has responded by stating that the county does not have the information. Subsequently, in discussions with Gattis and Morrison, members of the HCG renewed the requests for the information, and both county officials said that even though they didn't know the answer, they admitted the county is entitled to the information and should determine what the fees are. However, after there apparently was no follow-up by Gattis or Morrison over several weeks, the HCG submitted its open records request to determine whether the question ever was asked. As of Monday, January 12, there was still no response. (The deadline for the county to the open records request was January 9.)¹

These few examples are merely representative of the voluminous list of detailed issues which have been put forward by the HCG regarding the landfill. A much more detailed description of these issues can be found at the HCG's website² both in its “current issues” section and in its “library” section.

For Gattis to say that citizens need to “get organized” (with the implication that citizens haven't been organized and haven't been interactive at a very granular level) and that citizens have “concerns they need to work on” (with the implication that citizens have engaged these issues without doing key research and being thorough in their work) is a presumptuous insult. Clearly, the facts dictate that his assumptions are wrong.

¹ This “fee disclosure” information is one example of numerous deficiencies involving the county's audits of the landfill operation. The most recent audit which is available (conducted in January of 2008) appears to consist only of checking the arithmetic in matching royalties paid to the county with stated landfill revenues, with no explanation of how an “unknown” amount paid by Waste Management's own hauling company can properly translate into a conclusion that the county is receiving appropriate royalties related to all transactions.

² The address is www.Huttocg.com

The problems in county government have evolved to the point that the need for reform isn't limited to the T. Don Hutto issue or the long-suffering landfill odyssey. Numerous matters are in play including voluminous transfers of money among highway and road bond accounts, the issue of whether or not the county judge should be the county's chief budget officer, and the failure to properly vett a million-dollar public relations contract (to smooth out the road-building controversy, but paid with borrowed road-bond funds), among others. All of these matters are worthy of attention and better explanations, but overriding them all is the central premise of whether or not county government is sufficiently transparent and, in that context, whether it engages citizens in substantive dialogue at a level of appropriate granularity.

Gattis' perspective, most recently exemplified by his comments in the *Sun*, seemingly dismisses the long-standing efforts by citizens to be involved in county government at a meaningful level. The bottom line is that even though there might sometimes be the appearance of an appropriate give-and-take, the typical result is that serious discourse is short-circuited when the time comes for providing the detailed explanations or difficult answers, and to take the necessary actions to make things right.

For example, why has county government not answered the question regarding *why* Williamson County should be the entity which connects the dots between ICE and CCA on the T. Don Hutto issue. Where is the requirement that the county should be the key intermediary involving a program for which the county has little or no expertise? Is it only a *revenue* issue for the county (one dollar per person per day for families incarcerated at T. Don Hutto), or is it something else? In the absence of a real explanation for being part of this deal which has substantial legal and moral questions, citizens are left to speculate about why the involvement is structured and how it came to be.

And so, where the Williamson County Public Policy Coalition (WCPPC) is concerned, the decision to expend the time, effort and resources to create such an organization has been mandated by circumstances orchestrated and controlled by county officials and NOT by any failure of citizens to properly *organize* themselves or do the necessary *work* to address the salient issues. As most poignantly illustrated by the prison and landfill issues, the *problem* has been the lack of adequate dialogue with the county. It is easy for a county official to cite a time and place when a conversation was held, or to note that an e-mail was received and answered, but superficial communication does not substitute for valid process.

The *Sun* article reports Gattis as having said that “100 [form] e-mails don't do me any good,” and he is also referenced as stating that he “is more inclined to respond to well-reasoned arguments delivered by a personal e-mail, phone call, or visit to his office.” Let there be no doubt about the fact that citizens involved in the landfill and T. Don Hutto issue have gone to great lengths to present “well-reasoned arguments” and continued personal contacts. The answer to such conscientious inquiry should be more than just “no”, an inadequate, superficial response, or no response at all.

The outpouring of public response on the landfill and prison issues alone have left no doubt about a singularly-important issue, and that issue is the the manner in which county government functions. The fact that so many people have concerns across multiple issues leads to the strong conclusion that the processes involved in doing the business of county government, at some levels at least, are broken, and need to be fixed. To be sure, the citizens involved in the WCPPC would prefer to

find a cure some other way, but the bottom line is that we have been left with no real choice unless we simply are willing to sit back and take whatever comes, and clearly we are not willing to do that.

The failure of county officials to provide appropriate and on-point explanations for some actions raises a serious question about why decisions result as they do. In the case of the landfill, for example, are any county officials too aligned with representatives of the landfill contractor to be sufficiently objective? In the case of the T. Don Hutto issue, are county officials too willing to bend to the will and intent of some force or interest higher up the political food chain? These questions are not easy to raise, and they are cited with great reluctance. Nonetheless, the chain of events, non-responsiveness and lack of reasonable explanations on some issues opens the door to questions which otherwise could be put aside in the process in general were more conducive to better decision-making.

Especially relating to the prison and landfill issues, efforts to characterize the engaged citizens as “emotional” or “unreasonable” are clearly misguided. The individuals active in these issues are articulate, respected citizens, many of whom are well-educated, civic-minded professionals in a variety of disciplines, including attorneys, clergy, teachers, and college professors. They are not rag-tag hippies, metaphorical bomb-throwers or rabble-rousers who rouse rabble just for the heck of it.

As a means of establishing a viable and sustainable process for citizen communication with members of our Williamson County Commissioners Court, we believe a necessary starting point is for Gattis, Morrison, and any other member of commissioners court who wants to comment to explain (1) why county officials decided not to attend the T. Don Hutto forum in Georgetown last September, and (2) why the numerous proposals and communications from the HCG regarding the landfill have gone unanswered.

The WCPPC website has acquired the domain name, www.RenewWilco.org, and the website will be activated at 8 a.m. on Tuesday, January 13.

Sincerely,

THE HUTTO CITIZENS GROUP

Steven Salfelder, President
Jeff Maurice, Treasurer and Chairman of the Landfill Committee
Kurt Johnson, Sr., member