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July 13, 2011

Linda R. Charest, BRAC Coordinator  
U. S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street S.W.  
Room 7266  
Washington, D.C. 20410  
Linda.r.charest@hud.gov

Patrick O'Brien, Director  
Office of Economic Adjustment  
400 Army Navy Drive, Suite 200  
Arlington, VA 22202  
Patrick.O'Brien@wso.whs.mil

Re: Muller Army Reserve Center

Dear Ms. Charest and Mr. O'Brien:

I write to inform you that the Base Realignment and Closure process for the Sgt. Joseph E. Muller Army Reserve Center, located in the Wakefield section of the Bronx, New York, has been severely compromised by my two counterparts on the Muller Local Redevelopment Authority (Muller LRA), Deputy Mayor of the City of New York for Health and Human Services, Linda Gibbs, and Deputy Mayor of the City of New York for Economic Development, Robert Steel. These two members of the Muller LRA have submitted an alleged final Homeless Assistance Submission and Redevelopment Plan to the U. S. Department of Housing and Urban Development (HUD) that conforms to neither the BRAC statute and regulations nor the requirements of the agreement that formed the Muller LRA. Due to this failure to conform to the most basic requirements of the BRAC statute and LRA agreement, I respectfully urge you to

reject the Homeless Assistance Submission delivered to HUD by the mayor's office on June 30, 2011, and to convene a meeting amongst the parties to determine how, if possible, a conforming submission could still be provided.

As stated in my prior correspondence to Mr. O'Brien, dated January 4, 2011 (attached hereto), my counterparts on the Muller LRA have undertaken a long series of actions that have compromised the integrity of the process. These actions have included misrepresentations made in a letter from the City to the Office of Economic Adjustment (OEA), dated December 14, 2010, which stated that "significant progress" had been made in determining the reuse of the Muller facility despite a total impasse at that point on how to proceed with Muller's disposition. Additionally, there have been gross omissions in the City's Homeless Assistance Submission, each iteration of which has omitted the consideration of the City's homeless families, which comprise 75 percent of the City's homeless population, in assessing the need for a new homeless facility at the Muller site. As the Bronx already houses 40 percent of the City's homeless families, the failure to include this measure in the LRA's analysis creates a seriously flawed document that ignores how Bronx County already addresses the continuum of care needs of its homeless population. There has also been a failure to seriously consider the Notice of Interest submitted by the New York State Division of Military and Naval Affairs on June 12, 2009, pursuant to which the New York National Guard would acquire and relocate its units and offices currently stationed in the Kingsbridge section of the Bronx to the Muller facility.

Most importantly, the Homeless Assistance Submission provided to HUD on June 30, 2011, was not approved by a vote of the LRA representatives in a formal meeting as required by both BRAC regulations and the Muller LRA agreement. The Muller LRA agreement, which expired for the second time on December 31, 2010, was extended for a second time until June 30, 2011, only in response to the excellent efforts of OEA staff, who hosted a site meeting at the Muller facility on March 4, 2011, to help mediate the dispute. At that meeting, I was assured by my LRA counterparts from the Mayor's Office that the people of the Bronx would be heard at a public hearing, after which a vote would be taken. Assured of both a public hearing and a formal vote I agreed in good faith to reengage in the LRA process, despite our disagreements, and executed an extension of the LRA agreement on April 27, 2011.

A public hearing on the possible reuse of the Muller facility was conducted, without incident, on June 22, 2011. Three hundred and thirty three persons attended this hearing, with 30 testifying and another 20 submitting written comments. With the exception of a statement read on behalf of Deputy Mayor Linda Gibbs, all spoken and written comments put forward at the hearing were unanimous in their opposition to the use of the Muller facility as a homeless shelter.

It has since become obvious that the mayor's office had no intention of considering public input from that hearing, which is an integral part of the BRAC process, particularly the Homeless Assistance Submission or Redevelopment Plan. On June 27, 2011, my office called the City attorney in the mayor's office working on the final submission to request a copy of the document for our review in preparation for the upcoming LRA meeting and vote on the submission. We

were told the submission was not ready and would be delivered for our review shortly. By June 29, 2011, we had not received anything from the Mayor's Office. On the afternoon of June 29, 2011, my office called the City attorney working on the final submission to make a second request for a copy of the final submission for our review. We were informed that the final submission had already been sent to HUD and that it was the City's position that a vote had already been taken to approve the Homeless Assistance Submission at a meeting at City Hall, held on November 23, 2010. On that date, I met with my counterparts on the LRA to informally discuss how we might move forward with the BRAC process. Prior to that meeting's start, it was acknowledged by everyone in the room that the meeting was not an official meeting of the LRA

Despite a number of facts indicating otherwise, such as the aforementioned acknowledgment of the informal nature of the November 23, 2010, meeting, the fact that a LRA meeting was not formally called for November 23, 2010, the fact that a homeless assistance submission was not presented for consideration at the November 23 meeting, that a roll call vote was not taken at the meeting, all of which is required by the LRA agreement; and despite the fact the City's representatives admitted in the December 14, 2010, correspondence to OEA (attached hereto) that the final submission had not been prepared and a vote to approve the final submission would be held sometime after April 22, 2011, the City has created a brazen fiction that the Homeless Assistance Submission provided on June 30, 2011, was approved on November 23, 2010, at a LRA meeting that never happened.

Our contention that the mayor's office has invented a November 2010 vote is backed up by both their own actions and those of the LRA. As far back as April, OEA staff produced documents that created milestones for a public hearing and a formal vote, which the mayor's office was both aware of and agreed to. My staff also discussed the hearing and the vote directly with the mayor's office as early as May 16, 2011. During a discussion on the next steps for completing the process between my staff and that of the mayor's office, it was specifically stated that there would be a public hearing on June 22, 2011, and a vote within seven days of the hearing, no later than June 30, 2011. These milestones were discussed again on June 7, 2011.

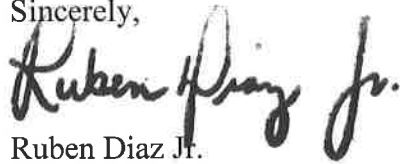
Despite all the prior assurances of a formal vote, the mayor's office waited until June 29, 2011, to inform my office that it believed a vote had already taken place on November 23, 2010, and that no other vote would take place. On June 29, 2011, the City issued the final Homeless Assistance Submission to HUD without providing it to my office for review, despite my standing as one-third of the LRA.

Aside from the failure of the mayor's office to provide the plan to my staff for adequate review, the mayor's office has also failed to explain why they would hold a public hearing to comment on the submission in June 2011 and then claim that a vote on that same submission took place seven months earlier. I, my staff, and most importantly my constituents remain flabbergasted at

this twisted logic, which at best represents a misunderstanding of the LRA process or, at worst, is an outright lie.

I hope that you can assist us in redressing this severely flawed process. If this matter cannot be resolved civilly, however, I will have no choice but to pursue legal action.

Sincerely,

A handwritten signature in black ink that reads "Ruben Diaz Jr." in a cursive style.

Ruben Diaz Jr.

RDJr./p&d/wr

cc:

Lynn Morgan, HUD  
Winston Sale, HUD  
Dan Glasson, OEA