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THE STATES AND LOCALITIES

August 2019



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“Somebody called in to complain that the Taco Bell on Gause Boulevard ran out of both hard and soft taco shells. While this is truly a travesty, the police can’t do anything about this. Hopefully, they are replenished in time for Taco Tuesday!”

—A Facebook post from the Slidell, La., Police Department earlier this summer



TACO BELL

TRENDING ONLINE

The High Cost of Probation and Parole

Probation and parole were designed as alternatives to time in prison, but they often end up leading to more jail time, Alan Greenblatt wrote recently in a story on governing.com.

Nationwide, 45 percent of admissions to state prisons are the result of probation or parole violations. Sometimes these violations are serious, but most involve technicalities, such as botched paperwork or missing a drug test, according to a June report from the Council of State Governments (CSG) Justice Center. “Many states have made recidivism reduction a public safety priority,” says center Director Megan Quattlebaum, “but the

harsh reality is that supervision fails nearly as often as it succeeds.” States spend \$9.3 billion a year incarcerating people for parole or probation violations. That doesn’t include the cost of housing inmates in local jails. Although it has long been clear that parole violations account for a substantial share of prison admissions, the CSG report is the first effort to collect information from all 50 states. governing.com/probation



NEW PODCAST SEASON

CHICAGO PROSECUTOR KIM FOXX IS UNAPOLOGETIC



Kimberly Foxx is no stranger to controversy. As the state’s attorney for Cook County, Ill., Foxx has attracted criticism for her handling of the case of an alleged hate-crime assault of actor Jussie Smollett earlier this year. Foxx recused herself from the investigation, citing personal connections to some of the witnesses; later, her office dropped the charges altogether, a move that was denounced by Mayor Rahm Emanuel and by police, many of whom have called for Foxx to resign. But she has remained steadfast, vowing to continue serving the people of Cook County.

Foxx is just one of the guests on the latest season of *Governing’s In the Arena* podcast, which features thought-provoking, unvarnished interviews with engaging public officials including Minneapolis Mayor Jacob Frey, Illinois state Sen. Toi Hutchinson and Philadelphia City Controller Rebecca Rhynhart.

Find new episodes on governing.com, and everywhere you listen to podcasts.

Corrections

Due to an editing error, Candice Norwood’s June feature “Neither/Nor” misattributed a quote regarding the debate in Maryland over whether to allow gender-neutral driver’s licenses. The quote was from the state Senate minority leader, not the House minority leader.

In the same issue, an article on the rising cost of funerals (“What It Costs to Die,” by Liz Farmer and Mattie Quinn) incorrectly stated that New York City requires families receiving funeral assistance to cremate the deceased. In fact, the cost of cremation is not subject to the city’s \$1,700 cap on applicants’ total funeral costs required to qualify for the burial assistance grant. Expenses for preparing the body and embalming, however, do apply to the eligible total cost.

Mattie Quinn’s June Health and Human Services column, “Aged Out,” noted that a model program for transitioning 18-year-olds out of foster care “will be rolled out soon” to agencies in several locations including Allegheny County, Pa. In fact, Allegheny County’s program has been in place since January 2018.

Finally, the byline on the July story “Cities Rethink Employee Reviews” transposed the surnames of two of *Governing’s* longtime contributors. They are Katherine Barrett and Richard Greene, not Katherine Greene and Richard Barrett.



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Regulating carbon emissions
is just one area in which state
policies are headed in very
different directions.

THE BREAKDOWN

29/258

Ratio of bills enacted to those introduced in state legislatures this year to help with consumer pharmaceutical costs.

1,200

Net number of jobs Kansas has lured away from Missouri over the last 10 years of economic development competition between the two states.

17_k

Number of people who are being removed from Medicaid rolls in Georgia because they did not respond to renewal notices. Many say they did not receive them.



4 pm – 9 pm

Hours during which California customers are paying a surcharge this summer for weekday energy use.



A Crush of Candidates

Seattle City Council candidate Pat Murakami, left, is one of more than 700 people running for local offices in Seattle and King County this year.

AP IMAGES.COM

Last year, a record number of individuals ran for office at all levels of government. The trend is continuing in local elections this year. Chicago chose among 14 people running for mayor, while races for the San Antonio City Council averaged nearly five candidates per district. Perhaps no city, however, can match Seattle for candidate enthusiasm.

More than 700 people are running for local offices in Seattle and surrounding King County this year. That includes 55 candidates for seven seats on the city council—not including 17 who filed for those races and then withdrew.

There are several reasons for Seattle's explosion of candidates. For one thing, this is only the second election since the city shifted most of its council from at-large to district seats. That's led to more interest from challengers, and four of the seven incumbents decided not to run. And Seattle itself is experiencing a time of flux. Its growing economy has driven strong population gains, which has led to problems with homelessness, housing affordability, traffic and an array of other headaches. "The local mood here is pretty frustrated with leadership, particularly the council," says Don Blakeney, vice president of the Downtown Seattle Association.

Candidates also have a newly minted ability to gather the resources they need for their campaigns. Four years ago, Seattle voters approved a "democracy voucher" program, giving voters up to \$100 to distribute to the candidates of their choice. This is the first time it's been used. Many candidates will easily be able

to raise tens of thousands of public finance dollars for races in districts with about 90,000 residents apiece.

The vouchers, in turn, have perversely led to increased numbers of local political action committees looking to influence the election. While candidates who receive the democracy vouchers have to abide by strict campaign finance limits, PACs face no such constraints. The chamber of commerce alone is devoting more than \$700,000 to local races. "In a 10-candidate or 15-candidate race, simply having people remember your name is a pretty big advantage," says Seattle political consultant Ben Anderstone.

Turnout for local elections, as in most cities, has historically been anemic in Seattle. This year, numerous groups—everyone from local party committees and labor unions to environmental organizations and bicycle clubs—are holding candidate forums and endorsement interviews. The goal is to get the turnout up, and many of the events are taped and available for streaming online. Still, for all this effort to work, voters will have to have enough interest to seek out the information being offered on as many as a dozen candidates in their local districts.

Until the fields are culled in this month's primary, there's no telling who will emerge on top, whether it's mostly candidates with major financial backing or those who stand out ideologically. There will probably be some wild cards. For campaigns seeking pluralities in relatively small slices of the city, it won't take that many votes to make it through to November. —Alan Greenblatt

ANALYTICS AND HUMAN INSIGHT: A POWERFUL COMBINATION

Content-deep forensics offer a better way to safeguard social services resources.

The federal government, working in collaboration with states, spends billions of dollars a year to fund vital social services and benefits. Medicaid alone costs more than \$500 billion annually.¹ Tens of billions more are spent on the Women, Infants, and Children (WIC) program, Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP) and subsidized childcare.

The effectiveness of these vital programs is negatively impacted by incorrect payments or those based on fraudulent claims. Complex policies, administrative errors and bad actors can all skew the system. Many states are using data analytics to flag potential improper payments, but they need a more comprehensive solution that knits together machine learning, workflow management and human expertise.

Health and human services agencies can also benefit from a broad intervention strategy that extends beyond simply “pay and chase.” This deeper approach can strengthen efforts to reduce error and prevent improper payments. And it enables caseworkers to be even more impactful in the administration of these complex programs.

ANALYTICS ARE PART OF THE STORY

Data-driven machine analysis helps spot anomalies in the payment process, but digital strategies alone can’t do the job.

“The rules are so complicated, everything starts to look like a problem to the algorithms,” says Monte Zaben, a principal in the Deloitte Risk & Financial Advisory practice of Deloitte & Touche LLP. “When the analytics look at eligibility, they can generate so many positives it often overwhelms caseworkers.”

Another example can be seen in the Medicaid space. If the average psychotherapist typically bills for a 45-minute session, a doctor who frequently bills for 60-minute sessions will automatically come under scrutiny. Social programs have gray areas that algorithms can’t see.

“One doctor bills 10 hours and another bills 20 hours. Is that an error or just a hard-working doctor? Analytics alone can’t tell you,” says Brien Lorenze, a principal with Deloitte Risk & Financial Advisory, Deloitte Transactions & Business Analytics LLP. “If one orthopedist prescribes more pain killers, when is that necessary pain management and when is it a pill mill? The algorithm doesn’t know.”

A large volume of suspicious transactions can drive inefficient and ineffective use of resources if caseworkers spend time investigating anomalies that turn out to be legitimate. Likewise, states don’t want false positives resulting from analytics to potentially deny someone a benefit for which they are eligible.

“For this reason, states typically rely on initial eligibility checks rather than post-application eligibility analysis,” Zaben says. “This is understandable because the rules for SNAP and other human services programs are extremely complex.”

Clearly a better solution is needed.

ANALYTICS PLUS

One promising approach might be described as “analytics plus.” The “plus” adds a combination of factors including enhanced business processes, the application of expert human intervention and an intensive effort to improve the analytic outcomes themselves. Also known as content-deep forensics, this approach offers a more holistic, effective solution to combat fraud, waste and abuse in public programs.

It starts with an added level of human intelligence — subject-matter experts with deep program knowledge who can triage the anomalies identified by the analytics.

“They can look at the analytic results and validate them. They can ask ‘What is the risk that we are talking about and is it worthy of pursuing?’ These are individuals who understand the rules and the gray areas,” Zaben says.

Having experts take a first look at suspicious claims is important.

“These experts can look for the improper payment cases that would seem to promise the highest return on effort,” Lorenze says.

“They can look at dollar amounts, patterns of behavior and the likelihood of recovery. They can determine at the outset whether something is a good lead or not.”

A human expert also can spot places where conflicting program rules may trip up a caseworker. This in turn can drive process improvements across the system.

On the technology side, content-deep forensics can help agencies leverage the outcomes of analytics to generate results that are more specific and more accurate.

“Analytics is part of an overall solution, but you have to surround it with a lot of other capabilities,” Lorenze says. “By tightly connecting analytics and case management, you form a closed loop where each event and each case informs the analytics and refines the predictive models.”

At the same time, content-deep forensics envisions a higher-touch approach to managing suspicious behavior. Not every action that falls outside the usual parameters should prompt a criminal referral; a gentle reminder may be all that’s needed to change behavior.

“Say a doctor falls outside the norm, that doesn’t mean he or she is committing fraud. But maybe that person should get a letter that nudges good behavior. For example, the state could let them know that they prescribe certain medications far more often than their peer group or they tend to recommend the highest-cost treatments,” Lorenze says. “A simple letter could encourage some people to self-correct, particularly when it’s a case that can be fixed through some basic forms of training.”

IMPROVED OUTCOMES

There are a range of advantages to augmenting straight analytics with human expertise.

Content-deep forensics can reduce false positives and help prioritize cases, enabling agencies to focus their recovery and law enforcement efforts on egregious violations. They can also help ensure that services go to those who are eligible and that they receive the appropriate level of care.

In addition, content-deep forensics can put investigators in a better position to act on cases of serious wrongdoing.

“By the time investigators receive the information, the case is well-baked because someone who understands what is going on has looked at it and created more data points to support a law enforcement action or a denial of eligibility for services,” Zaben says.

Finally, content-deep forensics can support pre-pay interventions. Suppose analytics find anomalies in the claim data.

TAKING THE NEXT STEP

Government agencies considering adopting content-deep forensics can begin with an in-depth inventory of their existing processes. This inventory can help agencies discover their areas of highest risk, prioritize risk factors and take stock of current interventions.

Once these factors are understood, agencies can dig into the data.

“You need reliable data and alternative cost saving approaches. Analytics do not work with poor data and decisions are not optimized when the only option is to try to recover money after a claim has been paid,” says Deloitte’s Brien Lorenze. “Once analytics help you better understand your vulnerabilities, you can apply a host of different mitigation approaches.”

Data from web logs might reveal that all suspect claims come from different IP addresses, or they occur at 3 a.m. Spotting suspicious patterns like these can help an agency prevent improper payments and clear up the incongruities, rather than trying to recoup payments that should not have been made.

The approaches mentioned here can help agencies get the most value from their analytics investment.

“Forensic investigations can reduce the generation of false positives or negatives,” Lorenze says. “They can make analytics more effective and hone the number of actual results as the rules and models become more refined.”

Analytics technologies are a powerful tool for fighting fraud, waste, and abuse in health and human services programs. But these digital tools are enhanced by human insight. Content-deep forensics adds human expertise and judgment that unlocks the true power of analytics, empowering states to ensure social services dollars are spent more appropriately and that vital benefits reach individuals and families who qualify for them.

1. <https://www.kff.org/medicaid/issue-brief/medicaid-enrollment-spending-growth-fy-2017-2018/>

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ON LEMONADE AND LICENSES

This June, Texas Gov. Greg Abbott signed a bill blocking local governments from forbidding children to sell lemonade or other non-alcoholic drinks on private property. (Yes, there was a real-life example of cops shutting down a lemonade stand run by two sisters under the age of 10 who lacked a permit.) “This is a commonsense law,” Abbott said. Few people would disagree.

After years of increasing the number of occupations subject to licensing and permit requirements, states are starting to dial back. Where only 1 out of 20 jobs required an occupational license back in the 1950s, now more than 1 out of 4 do. Policymakers are increasingly convinced by the argument that states are stifling economic activity by requiring expensive and unnecessary training and licenses for everyone from cosmetologists to yoga instructors.

This spring, Arizona passed the first law recognizing occupational licenses issued in other states. Colorado Gov. Jared Polis vetoed bills to license genetic counselors, sports agents and managers of homeowners’ associations, calling on legislators to get rid of “existing outdated or counterproductive licenses.”

But which professions require oversight? Deregulating lemonade stands is one thing. Giving free rein to professions that affect health and safety is something different entirely. There’s no disputing that licensing does, in some cases, protect consumers.

The debate about where to draw the line has been playing out most loudly in Texas. This year, the Texas State Board of Plumbing Examiners came up for renewal. Some legislators argued that it was time to shut the board down, after a review found that its examination system was slow and antiquated. They wanted to shift plumbers to the Texas Department of



Almost everyone agrees that lemonade stands don't need a state license to operate. But deciding which businesses do need to be licensed can be controversial.

Licensing and Regulation, which oversees nearly two-dozen other professions. Plumbers themselves objected, not wanting to be lumped in with electricians, midwives and auctioneers.

The result was a game of chicken. Legislators couldn't agree on where to put the plumbers, so they ended up passing nothing. When the session ended, it appeared that the Board of Plumbing Examiners would cease to exist. That would leave no licensing requirement in place and eliminate the mandate that plumbers carry insurance.

The situation led to complaints bordering on panic. Plumbers connect all kinds of pipes, including natural gas lines. At the very least, people wanted

assurances that the plumbers they hired wouldn't get pipes mixed up and send sewage flowing through their taps. Nearly 95,000 Texans signed an online petition calling for a special legislative session to deal with the matter. Although Abbott called a special session two years ago, when the legislature failed to renew the Texas Medical Board, he refused to do so in this case.

It's generally the case that businesses themselves—not consumers—lead the push for licensing, making it more difficult and more expensive for newcomers to enter their fields. This year, Texas roofers unsuccessfully sought to create a licensing requirement, while geoscientists successfully lobbied to reauthorize the Texas Board of Professional Geoscientists. That's despite the fact that almost 80 percent of the state's licensed geologists practice without having passed the licensing exam or putting in the required five-year apprenticeships, since they were grandfathered in when the board began back in 2001.

The reality is that for plumbing and many other professions, state licensing is expressly designed to serve as a barrier to entry. Prospective plumbers have to work for their future competitors for years before they can sit for a licensing exam. “At the heart of this tension is this idea that the plumbing lobby and established plumbers could control entry into their profession,” says Arif Panju of the libertarian Institute for Justice.

But the idea that any Tom, Dick or Harry could call himself a plumber didn't sit right with the public. Not only is plumbing costly and potentially dangerous, but the work is hidden from view and difficult to judge. In June, Abbott issued an executive order extending the life of the Board of Plumbing Examiners for another two years. —Alan Greenblatt

Disease Behind Bars

Prison is no place to get sick.

The nation's incarcerated population is aging rapidly, with nearly four times as many inmates 55 or over as there were at the start of this century. That's led to increased rates of diabetes and heart disease, among many other problems. Younger offenders are hardly the picture of health, given their high rates of addiction. Altogether, prisoners make up 1 percent of the population, yet they account for 35 percent of the nation's total cases of hepatitis C. "They are the most expensive segment of the population," says Marc Stern, a public health professor at the University of Washington, "and they are the sickest."

For all the care that inmates need, they're unlikely to receive adequate medical attention. Over the past dozen years or so, a majority of states have contracted out prison health care to private companies. The leading vendors have all been on the receiving end of hundreds of lawsuits. Some are frivolous, but some have led to multimillion-dollar judgments and court orders to change their practices. It's a problem that could get worse.

Horror stories of needless deaths abound. From Arizona to Florida, prisoners with cancer have been treated with nothing more than Tylenol. A recent Columbia University study found that 97 percent of inmates with hepatitis C do not receive the expensive medication they need. Inmates routinely have to complain of the same symptoms multiple times before they even get to

see a doctor, sometimes waiting weeks. There's no doubt that prisoners have faked illnesses, and escape attempts during medical transfers to hospitals are a real problem. But too often the default attitude among guards and other staff is that inmates are lying about being sick, says Susan Lawrence, a physician and attorney who has worked in prisons.

Lawrence once had a patient in prison with liver cancer. Staff video-taped him working out in the yard to prove he was a fraud. He died a month after she was finally able to treat him. "The man had had rectal bleeding over a year. It was never taken seriously," Lawrence says. "They didn't understand how you can still function with metastasis. 'How bad could it be? He's working out. How can he have terminal cancer?'"

States often pay private companies on a per-inmate, per-day basis. That creates an incentive to cut costs. The market forces that discipline private providers on the outside, however, don't apply in prison. There is no consumer choice. An inmate who doesn't think medical treatment is up to par can't switch to another prison, let alone a different hospital. And if the state, not the prisoner, is the customer, state officials don't always know what they're getting. Record-keeping is notoriously poor, and in some states, the department of corrections doesn't even receive annual reports from its vendors.

When prison health care was first privatized in a major way, there was little reliable actuarial data, so it wasn't

clear what a reasonable price structure would look like. Over time, governments figured that information out and started writing better contracts, but that led to shrinking profit margins for vendors.

There have been other stresses on the business model. What was a growth area a decade ago is now stagnant. The state systems and large jails that are likely to privatize have already done so. With few new contracts out for bidding, providers low-ball one another in order to get business. That leaves yet less money available for care.

There's been considerable consolidation within the prison health-care field. At this point, there are three major players—Corizon Health, Centurion Managed Care and Wexford Health



Sources. States unhappy with their services don't have many other places to turn. In December, Maryland gave its business to Corizon, having grown dissatisfied with Wexford. A few months later, Corizon was replaced by Centurion in Arizona. That state, which is embroiled in legal battles with a federal court about monitoring and performance measures in prison health, has now used all three companies. "It's like a game of musical chairs, but there are only three chairs," says David

Farhi, director of the ACLU National Prison Project. "States tend to switch but they can pretty quickly run through all three."

A change in contractors doesn't necessarily lead to a change in care. Medical personnel often keep their jobs, particularly at remote rural facilities. The vendors co-opt each other's staff and cannibalize each other's business. None of that is good for care. It's not clear, however, how many prison systems would be able to build their own medical teams back up, even if they wanted to. Having states provide health care themselves is no panacea anyway. Prison health care in California has been under receivership since 2006, when a federal court found that the

state's delivery of medical care did not meet constitutional standards. That's why Stern, the public health professor, says, "if we focus on [the faults of] privatization, we're not going to solve the problem."

Some argue that prison health would improve if it were treated as part of the local community health safety net system. Communities are not immune to what happens inside their prisons, whether it's opioid addiction or infectious disease. But most taxpayers on the outside don't see prison health problems affecting their own well-being. The reality may be that treatment for those people society wants to punish will never become a top priority.

—Alan Greenblatt



The Democrats' Electoral Ditch

By clustering in cities, they squander their numerical advantages.



Democrats' clustering—even in smaller cities such as Altoona, Pa.—has weakened their political impact.

Like most people who write about politics, I got the last presidential election wrong. I was pretty sure Hillary Clinton would win. But I was right about one thing: I thought she needed a big advantage in the popular vote to prevail in the Electoral College. I guessed that she needed about 5 percent, and that she would get that and become president. She ended up with 2.1 percent, and it wasn't enough.

Why wasn't it enough? The answer became indisputably clear in the first days after the election. Millions of Clinton votes were piled up in enormous clusters she didn't need in states where her victory was a foregone conclusion. Clinton won California by 4.4 million votes, New York by 1.7 million, and Illinois and Massachusetts by nearly a million each. California alone dwarfed her national popular vote margin over Donald Trump of 2.87 million.

A couple of years later, it seems safe to predict that a narrow lead in the national popular vote won't be enough to elect a Democratic president anytime in the immediate future. What doesn't get so much

attention is the existence of the same phenomenon in elections farther down the ballot, for Congress and especially for state legislatures. It is a case of clustering in cities, to the Democrats' distinct disadvantage.

Stanford University political scientist Jonathan A. Rodden has written a book, *Why Cities Lose*, that documents just how important a phenomenon clustering is at virtually all levels of the American political system. When it comes to legislatures, Rodden writes, Democrats "win by excessive margins in the districts they win and fall short by relatively narrow margins in districts they lose. ... The Democratic long-term problem is with seats, not votes."

The most striking case Rodden cites is Pennsylvania. Between 2012 and 2018, Democrats won 15 of 18 statewide elections. But they never came close to a majority in the legislature. In 2016, when Donald Trump squeaked through in Pennsylvania by 0.7 percent of the popular vote, Republicans won 60 percent of the seats in the Pennsylvania House and an even bigger share in the state Senate.

They also returned to power in the lower chambers in Michigan, North Carolina and Wisconsin that year, despite taking fewer votes overall.

There is, of course, a simple explanation for this lopsided state of affairs: gerrymandering. There's no denying that it has made a difference. Republicans have controlled the drawing of legislative districts in Pennsylvania for the past two decades, and they have drawn them to their advantage. But Rodden thinks gerrymandering is significantly overrated as an interpretation. He notes that even in the blue landslide year of 2018, the Democratic Party's aggregate performance in winning seats in the Pennsylvania General Assembly lagged far behind its overall statewide vote.

To make sense of all this, Rodden goes back more than a century in American political history. He looks to small Pennsylvania cities such as Altoona, Johnstown and Reading. All of these grew up as factory and railroad towns settled largely by immigrants from Italy and Eastern Europe. He examines the vote along the rail lines that stretch out from the centers of each of these

cities. Somewhat to his surprise—and very much to mine—Rodden finds that most of these factory towns, in Pennsylvania and other nearby states, still delivered for the Democrats in 2016. They were simply outvoted by Republicans in the further reaches of their counties, both for president and for seats in the legislature.

The most important reason for this, though, isn't history. It's demographic change. The industrial cities that have remained Democratic are not home to the same cohort of ethnic residents that provided reliable support for Franklin Roosevelt. They are increasingly the home base of more-recent immigrants, especially Hispanics. Reading is now 60 percent Hispanic. In the larger Pennsylvania and Ohio cities, Philadelphia, Pittsburgh and Cleveland, the minority vote is augmented by a growing presence of highly educated white professionals, the "creative class" that Richard Florida writes about, and by the residual strength of public employee unions. In those cities, Democrats do win their share of state legislative seats. But in most of the smaller, older, less prosperous industrial cities of middle America, this patchwork urban coalition is not enough to match the tide of Republican votes from exurban and semi-rural precincts.

Democrats would be strong enough to win more elections in states like Pennsylvania if they were distributed differently. But they huddle together in urban clusters that squander their electoral influence, much as they do at the statewide level in California and New York. They are packed together much more densely than Republicans are. In 2016, Clinton won two districts within the town of Reading by overwhelming margins. But she lost everything else in Berks County to Trump, who carried it by 18,000 votes.

"Democrats," Rodden says, "are more likely to live in homogeneous Democratic neighborhoods, and Republicans are more likely to live in mixed neighborhoods." This is pretty much a statewide reality in Pennsylvania. In 2008, a quarter of the Democrats there lived in neighborhoods that were at least 70 percent Democratic. It's a recipe for winning a couple of battles

decisively in each city while losing virtually everything else around it.

All of this is made worse, from the Democrats' point of view, by the increasing ideological rigidity of their national party. A generation ago, Democrats won nearly 60 percent of the seats in state legislatures across the country—and comfortable majorities in the U.S. House—by fielding candidates who matched the sensibilities of their districts' voters rather than the national party consensus. Some of those who made it to Congress were Southern conservatives who voted with Republicans more often than they did with their own Democratic colleagues; some were so-called "blue dogs" who catered to rural or small-town Midwestern preferences; some were simply clever liberals who knew how to push the right buttons at home even if they were loyal to the Democratic leadership most of the time in Washington.

It is very difficult to play that game now, either in a congressional district or in a state legislative constituency. More than ever, the Democratic Party is a monolith, in the state capitals as well as in Washington. The opportunity for mavericks or renegades to succeed is not what it was. This is not a good way for a Democrat to get elected to the state Senate from a district on the outskirts of Reading or Altoona.

Democrats don't have to do that, of course. They could loosen up on their ideological purity and support more candidates who could tailor their message to the suburban vote. They could tell their nominees in places like suburban Berks County that if they want to be pro-life, that's acceptable, and if they support gun rights, that's permissible as well. We did see some of this at the legislative and congressional levels in 2018, not because of any national strategy but simply due to the circumstances of the year itself. Moderation wins elections outside the central cities, and it can win back lost legislatures. But it isn't the direction Democratic activists are moving in, either in presidential campaigning or in contests down the ballot. It's hard to imagine that changing anytime soon.

The most intriguing idea is a move to proportional representation, reducing or abandoning winner-take-all in small legislative districts and giving each party a share of legislative seats roughly equal to its percentage of the vote in a much larger geographic region or even an entire state. Rodden demonstrates that in all the western democracies that use proportional representation, parties of the left have been in power for most of the last half-century. They have spent heavily on health care, old-age pensions, unemployment insurance and affordable housing. Proportional representation, Rodden asserts, "is a boon not only for cities, but for the political agenda of the urban left."

There would be some non-ideological advantages as well. A proportional representation system usually generates multiple parties offering widely different agendas. With six or seven parties appearing on the ballot, an ordinary voter would have a better chance of finding one that matched his or her own combination of preferences. Entire states would become battlegrounds—a lonely Republican vote in Democratic Reading would still contribute to the GOP totals in the legislature.

But there are reasons why most Americans are suspicious of proportional representation. If they are old enough to remember the 1950s, they probably recall the multiparty chaos that bedeviled France and Italy in those years, with coalitions made and unmade week by week and prime ministers moving in and out of office with every political breeze that blew. Those too young to remember the '50s might cast a glance to present-day Israel, where the squabbling of tiny ideological parties can prevent any coalition from governing at all for weeks at a time.

It's a fascinating subject for debate, but for the United States at least, it's also a moot point. America isn't ready for proportional representation. Democrats—and cities—will have to find some other strategy for lifting themselves out of their electoral ditch. **G**

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Split Ahead

The Trump administration has stirred more action in the states than any presidency in recent memory. But the states are going in wildly opposite directions.

Justice Brett Kavanaugh had barely settled into his Supreme Court seat last fall before many states began focusing on the possibility of overturning *Roe v. Wade*, the 1973 case that legalized abortion. In his confirmation hearing, the conservative Kavanaugh called the case an “important precedent,” but 15 years earlier he had written that the Supreme Court “can always overrule” precedents. Anti-abortion campaigners immediately saw these statements as creating a crack big enough for a successful challenge to *Roe*.

Ten months later, Alabama has the nation’s toughest abortion ban, with new provisions that make abortions illegal anytime after a fetal heartbeat is detected—often at about six weeks, before many women even know they are pregnant. Georgia, Kentucky, Mississippi and Ohio have gone down a similar road. Of course, all these laws will be unenforceable unless *Roe v. Wade* is overturned. But for the first time in a long time, that seems like a possibility.

It would be a fascinating bank shot, from a handful of Republican-led state legislatures, through the red velvet curtains of the U.S. Supreme Court, to a new precedent that would remake national policy. Indeed, that’s the whole point. Conservatives in these states are creating legislation deliberately designed to provoke judicial review at the highest level.

The question is whether the red states leading the charge have gone too far to advance the agenda from the right. The Supreme Court doesn’t like to be backed into a corner, and the justices often prefer to pick their way carefully to new precedents rather than take a single big leap. That’s especially true of Chief Justice

John Roberts, who has expressed concern about the growing politicization of the court. He’s nervous about the public debates discussing the court’s “partisan balance,” and he’d likely be especially reluctant to tee up a big decision on whether to reverse *Roe* in the middle of the 2020 presidential campaign. So Alabama’s law might be the wrong case at the wrong time for conservatives, and it’s certainly fired up the liberal base in blue states across the country.

While conservatives ponder whether they are making the right moves on abortion, state officials on the left are struggling with a similar set of challenges. They’re fighting their war on the turf of environmental policy. Under Trump, the Environmental Protection Agency (EPA) has worked to unwind a generation of tough federal environmental regulations, and that’s fueled an aggressive countermovement in more than a dozen states. Hawaii and New York have banned a pesticide that some scientists believe causes neurological problems in children. Colorado and New Mexico are cracking down on greenhouse gas emissions from wells drilling for fossil fuels. Oregon embraced the federal standards that were in place before Trump took office and folded them into state law, so it could enforce them regardless of what changes the EPA made.

And California has challenged Trump’s EPA on a broad front, from fuel economy

Liberal and conservative states are both stirring things up. Very different things.

standards to tailpipe emissions. It's fighting to keep the national leadership role the state earned through the waivers it won over decades of negotiations with the EPA. At the same time, more than 250 mayors have staged a campaign opposing the Trump administration's efforts to roll back the Obama-era rule requiring power plants to reduce their greenhouse gas emissions.

The blizzard of environmental actions is making life difficult for quite a few industries. Whichever side businesses find themselves on, the one thing they dislike most is uncertainty. These battles have introduced enormous long-term uncertainty about where the regulatory balance will end up. Industry groups have been pleading for some measure of standardization so they don't find themselves whipsawed between competing strictures.

There have been many periods in the past century when the states, the "laboratories of democracy," as Justice Louis Brandeis called them in 1932, experimented with new policy strategies. When it's happened in the past, however, they created crucibles to transform existing policy into some sort of broad national consensus. That was the case in the 1990s, when Republican governors such as Wisconsin's Tommy Thompson and Michigan's John Engler reached an unlikely bargain with President Bill Clinton to transform national welfare law.

This time, though, the states are pushing in diametrically opposed ways. Some are tugging hard to the right. Others are pulling strongly to the left. That hasn't happened, to this degree, in a very long time—perhaps not since the civil rights era, when Southern states fought a rearguard action against desegregation efforts.

The Trump administration, to be sure, has cut back the federal government's role in many areas. But its most important influence might be in the way it's fueled aggressive steps in the states to find a new federal-state equilibrium. The real action is happening out in the country, where the states are riding off in different directions. There might well be a new balance, but it's increasingly uncertain where it will end up. **G**

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Online Census Worries

For the past year, the Trump administration's attempt to include a citizenship question on the 2020 Census was by far the most visible issue surrounding next year's population count. But the citizenship question isn't the only aspect of the Census that has been bothering experts. At a recent congressional hearing, Census officials and immigration advocates voiced concerns about the failure to engage citizens without internet access and underfunding of Census workers and offices.

This will be the first Census in which most households are encouraged to participate online. But many of the IT systems that will be used are untested, notes Greta Byrum, co-director of the Digital Equity Laboratory at The New School in New York City. "You just assume people can get online, and that's not a safe assumption to make," she told *Governing*, noting that the U.S. Government Accountability Office recently flagged more than 500 Census cybersecurity vulnerabilities. Another concern is a reduction in federal resources. The Census Bureau plans to cut in half the number of its local offices across the country, and also reduce the number of enumerators—workers who follow up with people who don't respond to initial Census requests. —*Graham Vyse*

Wavering on Waivers

The Trump administration has always made it known that it wants to give states more flexibility in health-care policy and ease the regulations of the Affordable Care Act.

Last fall, the Centers for Medicare and Medicaid Services sent guidance to states encouraging them to apply for "State Relief and Empowerment Waivers," which would let states sell insurance plans that avoid Obamacare regulations and use federal subsidies to make them more affordable. Some of these plans remove the coverage of preexisting conditions.

Not one state has applied for a waiver. Legislators may not want to take the

political gamble of rolling back consumer protections. They are well aware that Republican attempts to repeal Obamacare hurt the GOP in the 2018 midterm election.

It's virtually certain that as soon as a state won a waiver, consumer health advocacy organizations would file suit against it. And there's reason to believe the waiver wouldn't hold up in court. States have to prove a waiver will meet several standards: provide coverage that's at least as comprehensive and affordable as other plans; cover a comparable number of residents; and not add to the federal deficit.

—*Mattie Quinn*

Siding with the Tribes

Native American tribes have won two significant legal victories before the U.S. Supreme Court this year, both in cases where state officials challenged the tribes' assertion of long-held treaty rights. The two wins are especially noteworthy because, for years, Native Americans faced steep odds before the high court. The difference seems to be Justice Neil Gorsuch. President Trump picked Gorsuch based on his conservative record as a federal appeals court judge. But on both of the treaty rights cases, Gorsuch sided with the liberal wing of the court.

With Gorsuch in the majority, the court held that members of the Montana-based Crow Tribe still enjoyed the off-reservation hunting rights they negotiated for in an 1868 treaty. Later, the same five-justice majority ruled that Washington state couldn't impose fuel taxes on a gas station owned by members of the Yakama Nation. The Yakama argued that the state's fuel taxes violate a provision of their 1855 treaty that guarantees them the right to travel freely on public highways. Gorsuch wrote a separate opinion along with the court's decision in the Yakama case, expressing sympathy for the Yakama Nation's situation. "Really, this case just tells an old and familiar story," Gorsuch wrote. "Today and to its credit, the court holds the parties to the terms of their deal. It is the least we can do." —*Daniel C. Vock*



Stressed-Out Suburbs

Traditional working-class suburban towns face a growing list of challenges.

There's been endless discussion on the impact of new residents in core cities, but we're not talking enough about what's happening in the suburbs and whether those peripheral areas are ready for the accelerating changes taking place there. Growing numbers of African-Americans, Latinos and Asians are finding new homes on the metro periphery—contributing to the diversification of American suburbia but also to its difficult problems.

South Cook County, immediately south of Chicago, is an area with nearly a half million residents, comparable in size to the city of Atlanta. It has long been an affordable bedroom destination for people who worked in factories on Chicago's South Side, or later at factories that relocated to the suburbs.

Racial change in south Cook County began in earnest in the 1980s. In 1970, 89 percent of its residents were white and 7 percent black. By 1990, blacks made up 30 percent of residents; by 2010, 54 percent. Today, 26 out of south Cook's 36 municipalities are majority black. The area has

become one of the nation's largest concentrations of black suburbanites. Meanwhile, south Cook's much smaller Latino population has begun a recent uptick.

South Cook has seen more of the downsides of contemporary suburbia than the benefits. Its residents were impacted heavily by manufacturing job loss, and the area was especially vulnerable to the run-up of subprime mortgages that helped cause the Great Recession. As a result, incomes and property values have stagnated. In 2017, the city of Chicago surpassed suburban south Cook overall in median household income for the first time since 1980. Median home values in south Cook remain about half as much as for the metro area.

Other factors contributed to south Cook's present status. As a cluster of bedroom communities, the area developed few of the village centers that thrive elsewhere in suburbia today. South Cook is also surrounded by low property tax jurisdictions—Will County, Ill., to the south and west, and Lake County, Ind., to the east—and this has put considerable pressure on businesses to leave. It also appears that south Cook has

inherited many of the old segregation patterns of Chicago's South Side.

If you think south Cook is a special case, think again. Analogs in the Washington, D.C., area (Prince George's County, Md.), Atlanta (DeKalb County, Ga.) and St. Louis (north St. Louis County, Mo.) immediately come to mind. All have become or are becoming havens for poorer residents and for immigrants newly arrived in the United States. These areas often escape the view of those examining metro area trends. But they are dealing with seemingly intractable issues and require policy strategies that speak to their needs.

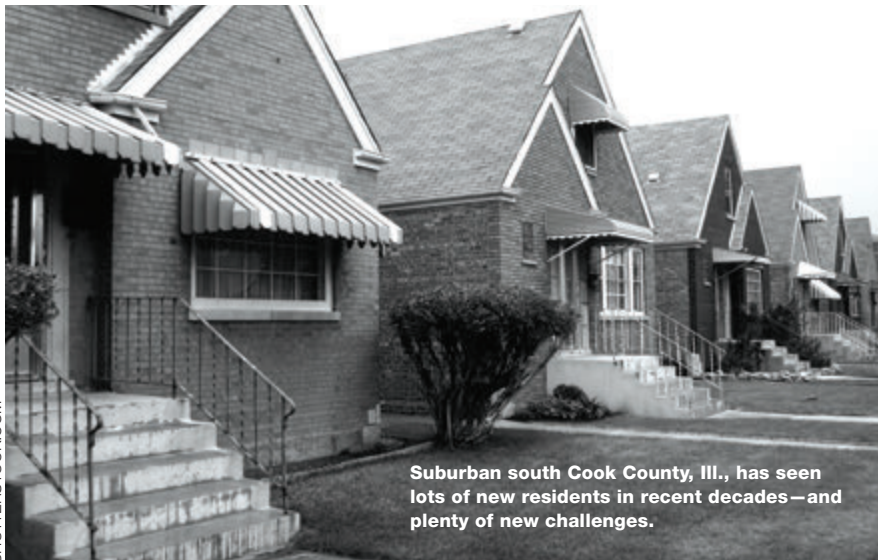
One such approach is a reimagining of the physical environment. Many suburban regions like south Cook have been wedded to the model of single-family homes dependent on highway access. But today's successful suburbs are prospering in part by offering a wider range of housing options.

Another is sharing services with other jurisdictions, or possibly consolidating special districts overseeing things like firefighting and, in some places, school systems. Yesterday's suburbs were rarely burdened with increasing costs because they enjoyed continued growth. As growth has slowed, costs have increased, straining budgets. Today's suburban municipalities will have to find ways to increase efficiency.

Finally, they must make racial equity a priority. Cities have a considerable head start in addressing the race gap, even if they haven't always been successful in working to close it. Today's diversifying suburbs must make themselves comfortable with the language of current discussions of racial justice.

Increasing diversity may be the development that bridges the longtime gap between city and suburb. Let's take advantage of the transformations. **G**

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Suburban south Cook County, Ill., has seen lots of new residents in recent decades—and plenty of new challenges.

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The Nonprofit Nexus

When a community is in fiscal trouble, nonprofits are often a big help.

Governments can't always do all the things they want to do. When their resources are stretched too thin, or when the public determines they don't want government involved in a particular area—nonprofits often step in to fill the gap. But not all cities benefit from nonprofits in the same way. Some places have a far more robust nonprofit sector than others.

Older, more established communities, especially in the Northeast and the industrial Midwest, tend to possess more legacy wealth and established institutions, so they generally have far more nonprofits than more newly developed regions do, although the amount of resources individual groups have varies. Capital cities also typically have many nonprofits. The Trenton, N.J., metro area is home to more locally focused nonprofits per capita than any metro area with a population exceeding 300,000. Madison, Wis., and Boulder, Colo., are not far behind. Among metros over 1 million, Boston registers the highest rate of locally focused nonprofits, followed by San Francisco and Washington, D.C.

To assess the concentration of nonprofits across the country, *Governing* reviewed 2018 IRS data published by the National Center for Charitable Statistics. Nonprofits with very narrow interests, such as college scholarship programs, or those dealing with national issues not specific to their communities, like medical research, were excluded.

What we found was that the concentration of locally focused nonprofits doesn't

just vary from one part of the country to another—it varies a lot. The top 10 metro areas on our list have more than twice the number of nonprofits per capita as all those in the bottom quarter.

Consider Madison, Wis. The metro area has long ranked among the top in the country for its concentration of nonprofits, says Tom Linfield of the Madison Community Foundation. Along with the state capitol and the state's flagship university, there's a large park system and a cluster of lakes, both of which have numerous nonprofit groups advocating on their behalf. There's even a virtuous circle of nonprofit activism, Linfield says, with the city's rich history of foundations and charitable organizations spurring the creation of new grassroots groups focused on individual neighborhoods and specialized issues. "There are many people just full of passion who feel the need to do something," he says, "but they don't want to join [an existing organization]. They want to start their own thing."

By comparison, fast-growth cities in the South and the West don't have nearly as many nonprofits, at least on a per capita basis. The Las Vegas metro area, which has roughly doubled in population over the past two decades, has only about a quarter as many locally focused nonprofits as the top metros. The same is true in expanding communities in Florida, Texas and Utah.

In many older communities, especially those that are economically depressed, strong nonprofit sectors are helping beleaguered governments. A recent

article in the journal *Urban Affairs Review* examined nonprofits in Midwestern cities that had endured significant public workforce cuts. In Flint, Mich., 82 percent of surveyed nonprofits reported providing additional services following the 2014 contaminated water emergency. Same with Detroit after its 2013 bankruptcy, when 56 percent of local nonprofits stepped up their services. The bottom line, says Sarah Reckhow of Michigan State University, one of the authors of the survey, is that "nonprofits are responsive and can be nimble in adding services when a crisis emerges."


Within individual metro areas, nonprofits are typically most active in disadvantaged neighborhoods. A 2015 Urban Institute analysis found that Census tracts with higher poverty rates had more community-oriented nonprofits per capita, with particularly high concentrations in the poorest places.

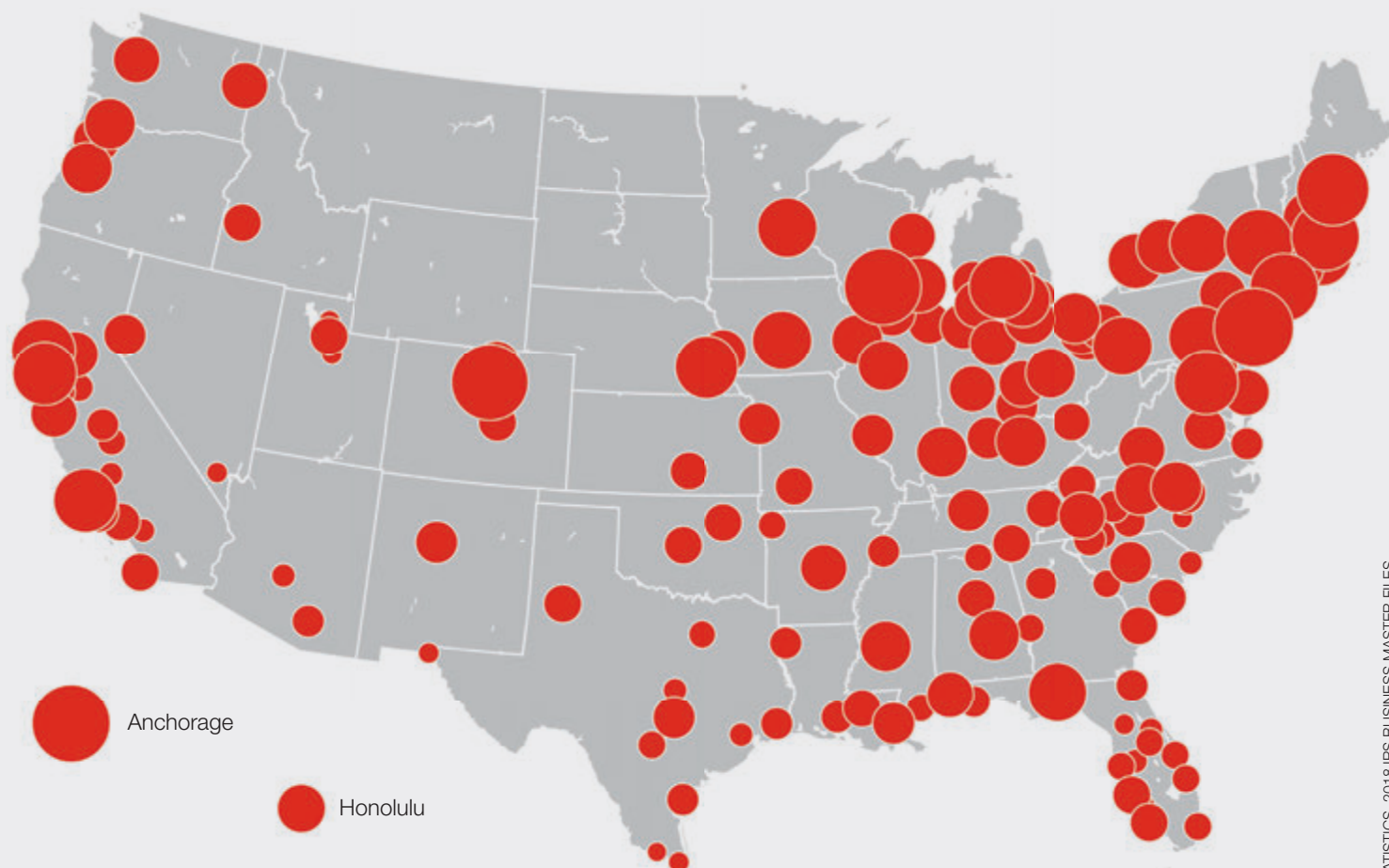
Whether residents actually seek out nonprofits depends on a number of factors. One of them, according to recent research, is their perception of local government. A study by American University researchers found that the more positively citizens felt about their government services, the more likely they were to use nonprofit services as well.

This all suggests that nonprofits and local governments rely on each other, rather than one sector acting to supplant the other. **G**

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Sizing Up Locally Focused Nonprofits

 Larger icons represent more metro area nonprofits per capita.

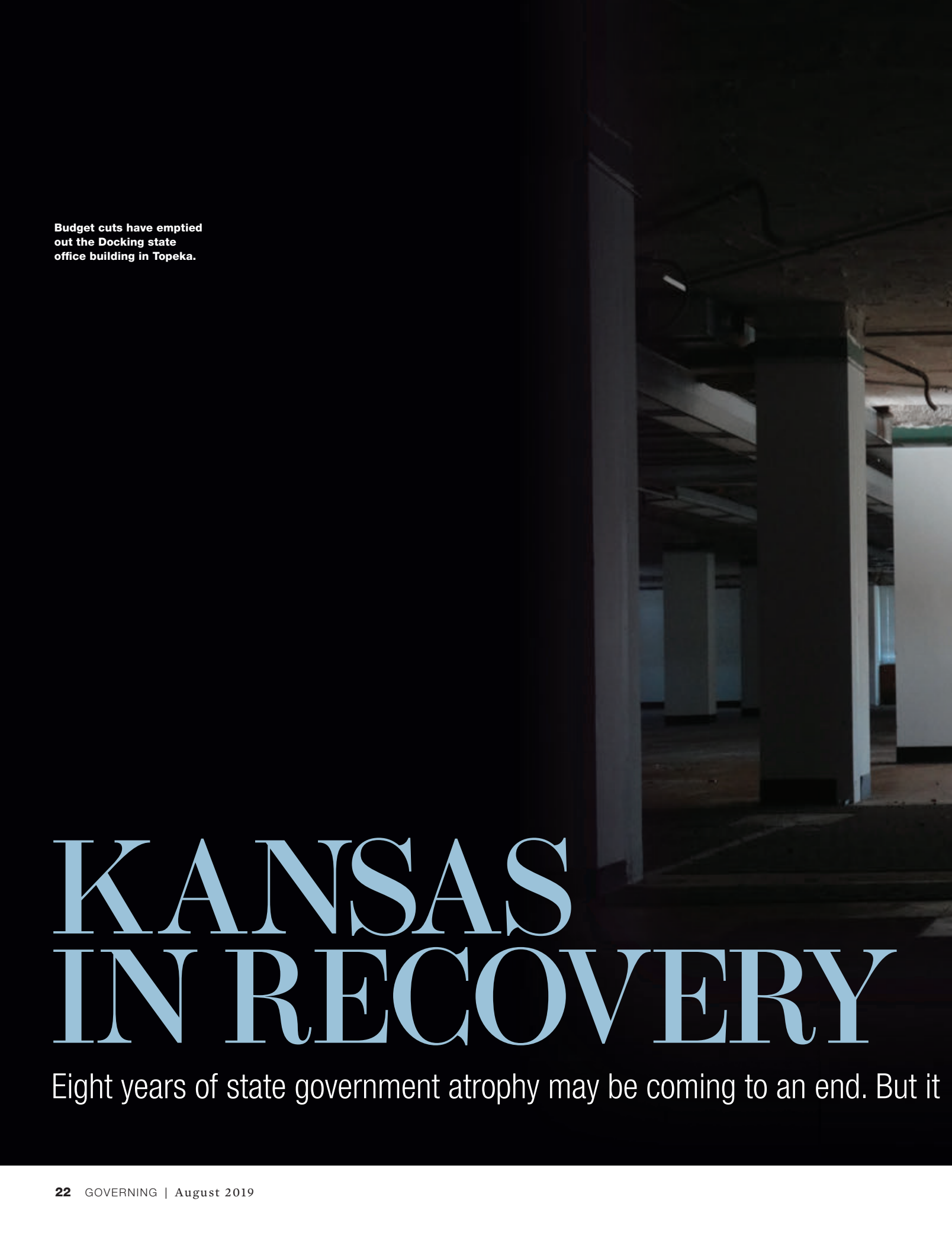


View data for your area at governing.com/metrononprofits

Data is shown for metro areas with populations exceeding 300,000 and reflects nonprofits aimed at serving communities and local areas. Nonprofits providing primarily support functions to other organizations were excluded from our analysis, as well as those classified with the following IRS activity codes: animal-related, nursing facilities and nursing-related, health associations and medical disciplines, medical research, homeowners and tenants associations, student services, amateur sports and pro athletic leagues, international/foreign affairs/national security, science and technology, social science, military, fire prevention, consumer protection, religion-related, private and corporate foundations, named trusts, and mutual and membership benefit. Organizations not filing with the IRS in the past two years and those reporting less than \$25,000 in gross receipts were also excluded.

Top Metro Areas	Nonprofits per 10k
Trenton, NJ	17.1
Madison, WI	16.6
Boulder, CO	16.5
Portland-South Portland, ME	15.2
Anchorage, AK	14.9
Bridgeport-Stamford-Norwalk, CT	14.7
Albany-Schenectady-Troy, NY	14.1
Boston-Cambridge-Newton, MA-NH	14.1
Lincoln, NE	13.9
San Francisco-Oakland-Hayward, CA	13.8

Bottom Metro Areas	Nonprofits per 10k
McAllen-Edinburg-Mission, TX	2.4
Las Vegas-Henderson-Paradise, NV	3.2
El Paso, TX	3.2
Brownsville-Harlingen, TX	3.3
Provo-Orem, UT	3.3
Fayetteville, NC	3.7
Ocala, FL	3.8
Ogden-Clearfield, UT	4
Riverside-San Bernardino-Ontario, CA	4.2
Killeen-Temple, TX	4.6



Budget cuts have emptied
out the Docking state
office building in Topeka.

KANSAS IN RECOVERY

Eight years of state government atrophy may be coming to an end. But it



will take a long time, and quite a bit of pain. By Alan Greenblatt

The signs on the Docking state office building in Topeka tell people to go away. There's a big red notice by the front door announcing that the building is closed, while a flyer taped to an exterior window announces that the tax counter is moving as of July 19, 2016.

A handful of employees still work in the building, which can't be torn down because it provides heating and air conditioning to the Capitol complex as a whole. Otherwise, the Docking building, which sits directly across SW Harrison Street from the Kansas state Capitol itself, has been abandoned.

The Docking building is an exaggerated but emblematic example of what has happened to Kansas state government in recent years. To students of state politics, the failed Kansas experiment with deep cuts to corporate and income tax rates—which GOP Gov. Sam Brownback promised would lead to an economic flowering, and which instead led to anemic growth and crippling deficits—is well known. What is not as well understood, even within Kansas, is the degree to which years of underfunding and neglect have left many state departments and facilities hollowed out. “Washington-style politics and policy really destroyed our state in many ways,” says the current governor, first-year Democrat Laura Kelly. “It bankrupted our state, decimated our agencies. We were not able to provide basic government services.”

All around Kansas government, there are stories about inadequate staffing, from long lines at the DMV to not enough people in the Revenue Department to open, let alone process, tax returns on a timely basis. Kansas' largest psychiatric hospital had a staff vacancy rate that reached 40 percent and a moratorium on new patient admissions has been in place since 2015. Staff turnover

in social services in general and at the state prisons has led to dozens of missing foster children and a series of prison uprisings. “I think there was some hostility just toward the very existence of the agency, frankly,” says David Toland, secretary of the Commerce Department, which saw a 40 percent budget reduction under Brownback. “We are here to do the hard work of rebuilding state government, period.”

The fact that employees were scattered from the Docking building into leased spaces around Topeka was typical. Brownback believed in contracting things out, often with little or no competition. The number of no-bid contracts more than doubled in Kansas over the past five years, to a total of \$428 million. “There was more using state dollars to benefit—I don't want to say friends, but it looks like there was a fair amount of what I consider corruption,” Kelly says.

Kelly, who is 69 and served in the state Senate for 14 years, never aspired to be governor. “This really was never on my bucket list,” she says while sitting at the long conference table in her office. Kelly was asked repeatedly to run by other Democrats, entering last year's contest late to bolster a weak field. She ran on a platform of restoring stability and order to state government. It was a message the public was ready to hear. She defeated Kris Kobach, then the secretary of state, by 5 percentage points in a five-person race, taking 48 percent of the vote.

Not all legislators share Kelly's sense of urgency. Republicans balked at some of her proposals to increase revenues this year. Instead, in a move that seemed bizarre to some Kansans, they tried twice to add new tax cuts, efforts that Kelly vetoed. “We will not be able to unleash the spending to allow the agencies to staff up to the levels they need on corrections officers and social workers

The Docking building is emblematic of what's happened to Kansas state government in recent years.



and ag inspectors, and it goes on and on,” says Melissa Rooker, a former GOP state representative Kelly appointed to run the Kansas Children’s Cabinet and Trust Fund.

Kelly’s time in office will be defined by the debate about how much and how quickly state government needs repair. “This governor has ratcheted up spending by 9 percent, which will necessitate tax increases in the near future,” says GOP state Sen. Mary Pilcher-Cook. “This is just plain wrong and instead the governor should be budgeting within existing resources.”

Others believe, however, that existing resources may not be enough. Over the past two years, Kansas has suffered four prison “disturbances.” They were more like riots. One building was burned down and there was considerable damage from arson and unrest elsewhere. “The ability to lock down the people who

and inexperienced staff, the prisons began employing a technique known as “collapsing posts,” meaning some areas were simply left unguarded.

Fixing the problem, Werholtz conceded during budget season, would cost quite a bit of money. Legislators were not happy with his message. They punted most of Kelly’s request for spending to deal with prison overcrowding to the State Finance Council, which in June blocked nearly \$10 million. “It’s time to pay the bill,” Werholtz says, “and I don’t know if anybody’s got the stomach to pay for it.”

There were other holes legislators were willing to plug. Under Brownback, more than \$2 billion was shifted out of Kansas Department of Transportation trust funds, earning the agency the nickname “Bank of KDOT.” Lawmakers had already been at work on a plan to address transportation shortfalls by the time Kelly unveiled her proposal to slowly end budget transfers from the trust funds over a four-year period. The legislature this year also

approved a package of bills to address problems at the Department of Children and Families, including an increase in funding to hire dozens of additional social workers. “I do think some of the agencies did get hollowed out,” says Jim Denning, the Republican Senate majority leader. “The economy was awful and Brownback’s tax policy, I think everybody will agree, went too deep, too quickly.”

The legislature had a legal gun to its head when it came to school funding. School finance has been an ongoing nightmare for the state for decades, with the state Supreme Court finding that expenditures have not been adequate. Lawmakers approved an additional \$485 million in 2017, but the court said they’d failed to take inflation into account. This year, the legislators signed off on an additional \$90 million annual increase. “This was a layup year for Gov. Kelly,” Denning says, “because the senior Republican leadership had the same agenda that she had on lots of things, like K-12 funding and restoring KDOT funding.”

But they certainly didn’t see eye to eye on everything. Five rural hospitals have closed, but legislative leaders refused to expand Medicaid, which was a top priority for the governor. A Medicaid expansion bill passed the House,

but was blocked by Senate leaders, even though it was backed by a majority of senators. The legislature also killed Kelly’s plan to refinance state employee pensions, which would have freed up \$770 million over the next five years, but would have cost the state nearly 10 times that amount over three decades. Kelly opposed and vetoed a separate Republican plan to pump \$51 million into the pension system. GOP legislators called that decision irrational. Kelly wants to expand programs with a credit card, says Republican state Sen. Molly Baumgardner.


Baumgardner notes that the number of missing kids didn’t go down during the governor’s first few months in office and



Laura Kelly spent 14 years in the state Senate before being elected governor last year.

are engaging in violent behavior is severely reduced right now,” says Roger Werholtz, who served as acting corrections secretary until July. “People are cycling through disciplinary segregations. If somebody stabs an officer, we have to kick somebody else out to put them in.”

During the Brownback administration, from 2011 to 2018, prison staff turnover doubled, to more than 40 percent per year, while the prison population increased by 1,400 inmates, or 15 percent. Guards have been burned out by mandatory overtime and by pay scales that have failed to keep pace with increased insurance premiums and copays, let alone inflation. With inadequate



"We fixed the major policy areas weakened under Brownback," says Jim Denning, the Senate majority leader. "Now, we're going to see what kind of governor [Kelly] is going forward."

DAVID KIDD

complains that half of the 2,000 people that school districts have hired back aren't teachers or counselors. Every new tax dollar seems destined for education anyway, Baumgardner says. K-12 schools, colleges and universities combine to absorb 60 percent of the state budget. Getting education spending back as high as it was a decade ago, adjusted for inflation, is expected to take four more years. "There's a reason some of these agencies are being hollowed out," Baumgardner says, "and that's K-12."

Kansas hasn't sent a Democrat to the U.S. Senate since 1932 and hasn't supported a Democratic presidential candidate since Lyndon B. Johnson. President Trump carried the state by 20 points in 2016. Still, while Kansas is unquestionably a red state, politics is a more competitive game than it may seem from the outside. As a Democratic governor, Kelly is no fluke. Control of her office has switched back and forth between the parties consistently ever since the 1950s, usually every eight years but sometimes every four. "Laura Kelly, as a relatively moderate Democrat, is a return to this trend of centrists from both parties being governor," says Patrick Miller, a University of Kansas political scientist.

In some ways, Kelly is a surprising champion. She is clearly liberal on issues such as abortion and gay rights, but having represented a largely Republican Senate district in the eastern part of the state, she's always been a pragmatist ready to cut whatever deal she could with her majority Republican colleagues. Kelly is a short woman with a dry sense of humor, who is measured and cautious about what she says. A military kid, she grew up on the East Coast before spending a long career working with troubled

children in hospitals, a psychiatric facility and therapeutic camps, then running the Kansas Park and Recreation Association prior to entering the Senate. She's not the type of politician who ever goes ballistic. Her staff can tell when she's upset by the way she arches an eyebrow or starts to curl her lip. "When she's not happy, you'll know it," says Lt. Gov. Lynn Rogers, "but she doesn't feel she has to shout it from the rooftops."

No one denies Kelly's earnestness about the business of state government and readiness to dive into the details of its finances. Unlike the vast majority of politicians, she says she actually misses the committee hearings she sat through in the Senate. "Over on that table, I have the spreadsheets from the Ways and Means conference committee," Kelly says in her office. "I go through it line by line. In fact, the most fun I've had as governor was during the transition phase, when I spent 10 days across the street in the Landon state office building with my budget people in a windowless room, going through the budget line item by line item."

She didn't like what she saw, though she already knew there were problems. While she was still a senator in 2017, she said she was "flabbergasted" when the secretary of the Department of Children and Families admitted to being unaware of three sisters who had been missing from foster care for 45 days. They were among more than 70 missing children who were in DCF care.

Under the previous administration, employees who were denied raises were sometimes told they could get them if they were willing to give up their civil service protections (which in Kansas are called classified status). As a result, two-thirds of state jobs are now unclassified. It became "standard operating procedure" for state workers to try to hunker down and not to attract attention to themselves or what they were doing, says Rooker, the former legislator who runs the children's cabinet. Even prison wardens

were warned they'd get fired if they talked amongst themselves, let alone warn legislators or reporters about problems.

To employ a Kansas metaphor, members of Kelly's administration compare the Brownback years to a tornado. Many state employees fled. Either their positions were cut, or living without raises became a burden after the second or third year. Some of those who stuck around felt the missions of their agencies weren't supported by the administration. "Sam Brownback seemed not to care about the management part of his job," says Miller, the Kansas University professor. "There was no regard, at times, for how these agencies were running. His mission was to shrink government."

By the time Kelly took office, legislators recognized the hole the state was in. Coming hard on the heels of the recession, state

there is one. "We fixed the major policy areas that were weakened under Brownback," Denning says. "Now, she's in a glass house and we're going to see what kind of governor she is going forward."

Many conservative legislators have never known life under a Democratic governor. Some continue to claim that her election was illegitimate or at least tainted by the fact that she won less than a majority against Kobach. He was not only a lightning rod due to his militant anti-immigration and voter-fraud crusades, but ran a poor race, making appearances on television and driving around in a pickup truck while establishing virtually no campaign operation.

Kathleen Sebelius, the last Democrat elected Kansas governor, frequently fought with the Republican legislature of her day, but she had moderate GOP leaders she could cut deals with. By contrast,

Denning and Senate President Susan Wagle, along with their counterparts in the House, Speaker Ron Ryckman and Majority Leader Dan Hawkins, all belong to the more confrontational conservative wing of the party. Wagle is widely believed to be planning a run for the U.S. Senate next year, increasing her reluctance to give Kelly anything that looks like a win on things such as Medicaid expansion. "There is no doubt," Kelly says, "that there are some who are not interested in negotiating." GOP leaders, in turn, complain that Kelly barely bothered to meet with them this year, let alone seek their input on legislation.

The overall partisan numbers in the Kansas House didn't change last year. The Senate remained the same because its seats weren't up in 2018. Still, the legislature moved to the right overall. Conservative pressure groups, which have targeted and taken out moderate incumbents in Republican primaries in the past, ran negative ads against them in the fall. They figured their votes on

revenues plunged \$700 million during the first year following Brownback's tax cuts. Missing revenue targets became a monthly sport in Kansas for years after. With schools shutting down early and Brownback looking to raid funding for other children's programs, the Republican-controlled legislature finally rolled back most of Brownback's tax cuts in 2017, over his veto. (Brownback left office last year to become an ambassador. His replacement, Jeff Colyer, was narrowly defeated by Kobach in the Republican primary.)

Largely as a result of the 2017 rollback of Brownback's program, Kansas tax receipts are now expected to exceed \$7 billion annually through 2022, which would be a record. Given the improved fiscal situation, Republican leaders seem unwilling to answer Kelly's call to address a crisis in state government, or even trust her claim that

policy wouldn't be that different from those of Democrats anyway, and they were probably right: Three moderate Republican legislators switched to the Democratic party after the election. The end result was fewer moderate votes in GOP leadership contests. "What you ended up with was a more robust right-wing majority," says Rooker, a centrist Republican who was targeted by the conservative Americans for Prosperity and lost her seat last November.

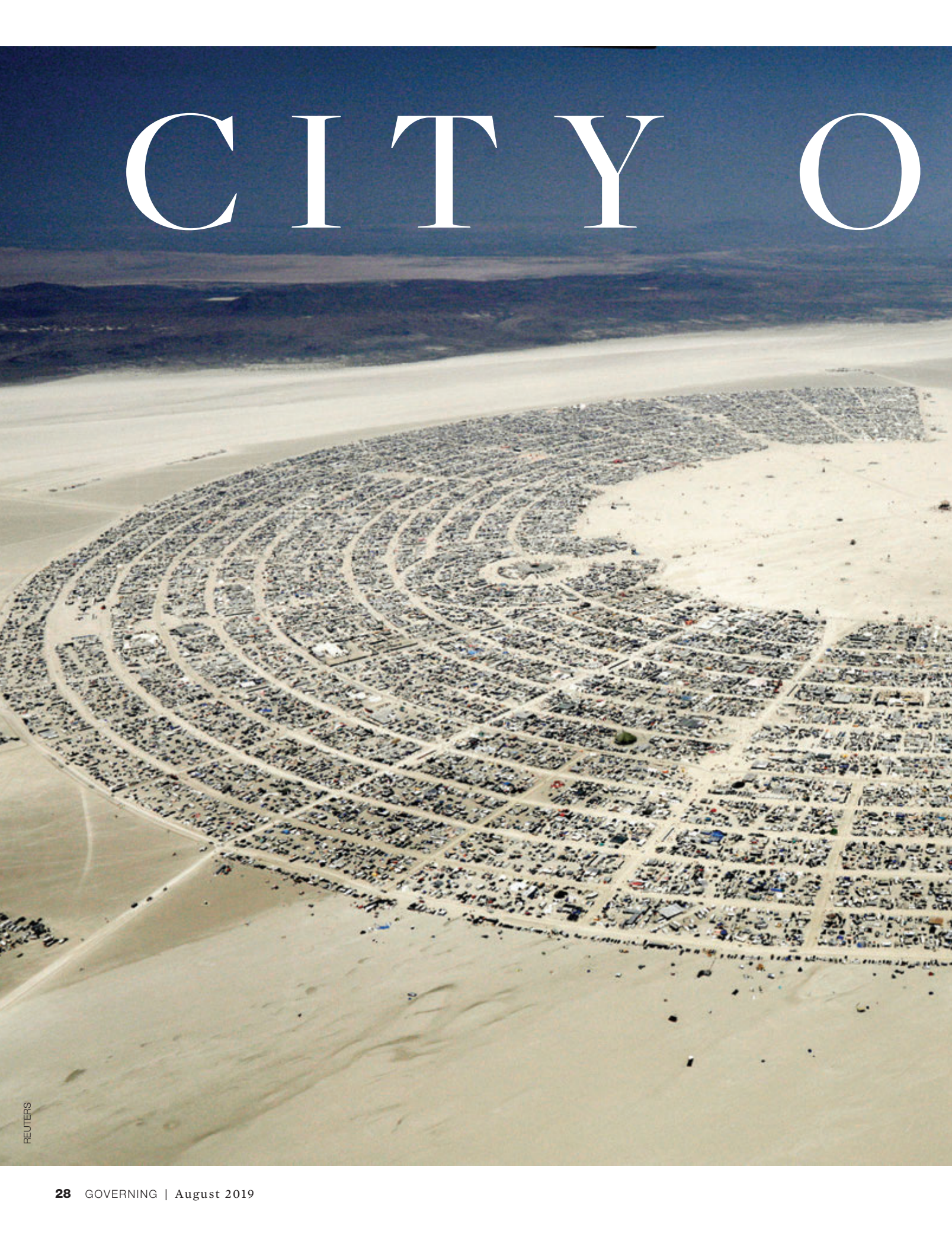
Kelly now is hoping that the 2020 election will result in the tide turning yet again in the three-way swirl of Kansas partisan politics, giving her a Democratic-moderate Republican coalition to support her effort to revive state government. She knows it will take a multiyear effort and that she'll need all the help she can get. "I sort of knew what this was going to be about," Kelly says of the job in front of her. Then, with a laugh, she adds, "Which is probably one of the reasons I didn't want to run for it." **G**

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Gov. Sam Brownback pushed deep tax cuts during his time in office, which he had hoped would lead to private-sector business growth.

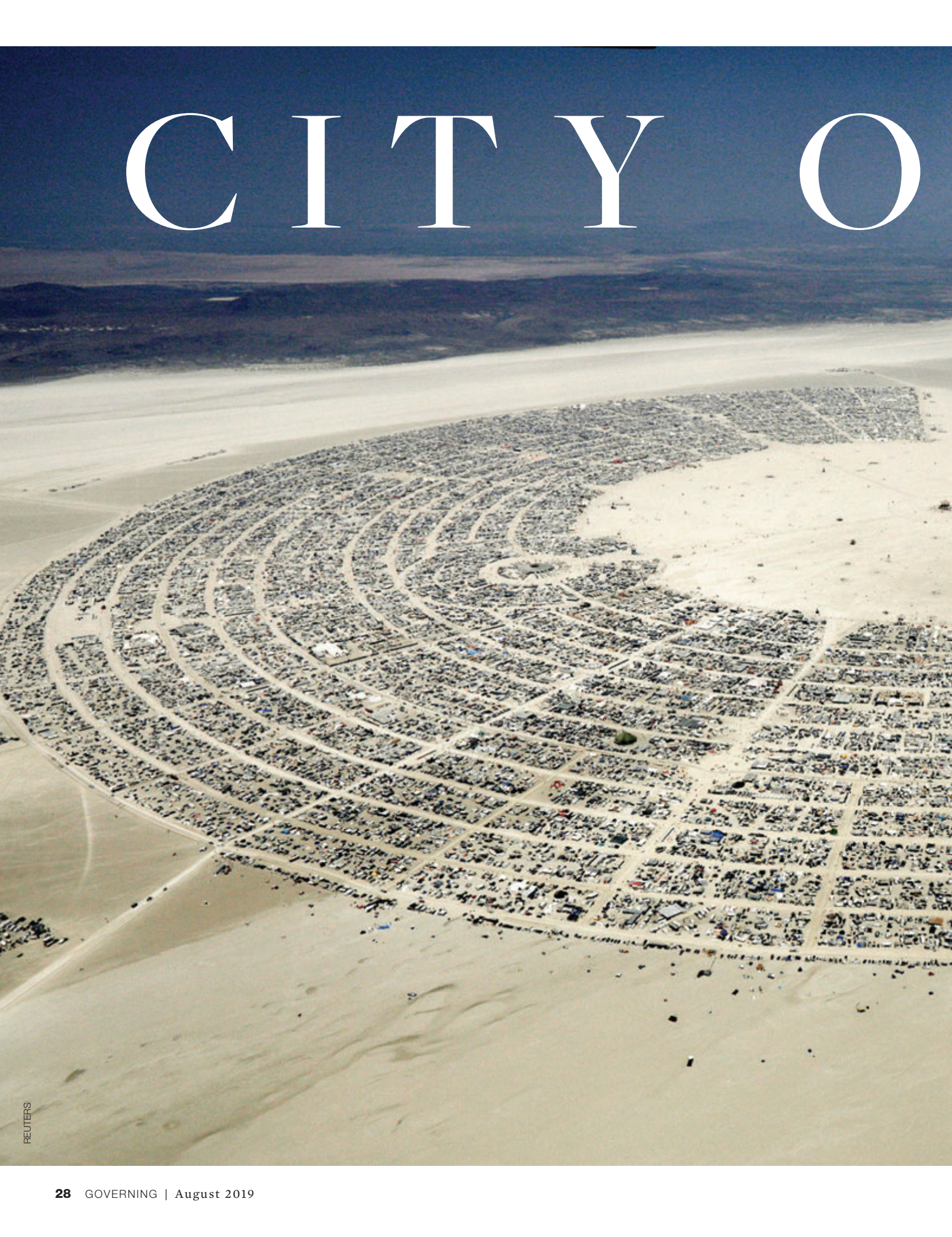
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F D U S T

Burning Man is a radical experiment in urban design that rebuilds itself in the desert every year—with the help of its residents. There's a lot other cities could learn. By Zach Patton



THE PLAZA WAS TOO BIG. That was Victoria Mitchell's thought two years ago as she surveyed a neighborhood in the city where she works as a planning manager and associate director of operations.

A few years earlier, the city had created the plaza in an effort to breathe new life into an underdeveloped part of town. But residents weren't making use of it in the way the planners had hoped. "I went to the plaza and sat as a fly on the wall," Mitchell recalls. "I watched how fast people were moving through the space." The plaza was lined with lots of fun places to grab a drink or a bite to eat, or meet up to socialize with friends, but "everyone just kept zooming by."

Oh well, she figured. Next year they'd redraw the city with smaller plazas.

Welcome to Black Rock City, better known as the home of Burning Man, the experimental community that arises anew every year in the high desert plains a hundred miles north of Reno, Nev. For most of the year, the sun-bleached alkali flats of the Black Rock Desert lie desolate and empty. But when the 70,000 Burning Man participants arrive every August, Black Rock City becomes—for one week, anyway—one of the largest cities in the state. It's also one of the most dynamic urban design experiments in the country, and in the world.

Burning Man will mark its 33rd annual gathering later this month, but many people may only have a hazy sense of what it is. A kaleidoscopic neo-hippie celebration of art and self-expression? A counterculture experiment in anti-capitalism and radical inclusion? A *Mad Max*-style free-for-all filled with fire-breathing jalopies and dust-covered ravers dancing to techno beats until dawn?

The truth is, Burning Man incorporates aspects of each of those. But it all happens against the backdrop of a painstakingly laid-out city, a planned community that aspires to the highest ideals of urban design. There's a bike- and pedestrian-friendly street grid, with broad avenues and smaller streets punctuated by public gathering spaces. There's a city core, a grand esplanade, distinct neighborhoods and even quieter suburbs. There are restaurants, bars, music venues and educational facilities. (One of the 10 organizing principles of Burning Man is decommodification, so there's no actual commerce or exchange of money. Instead, hundreds of theme camps offer up particular goods and services free to everyone, whether it's a French toast brunch, yoga classes, a line-dancing saloon, a workshop on the basics of soldering and circuit building, or any number of other endeavors.) There's a post office, an airport, medical clinics and law enforcement facilities. There are street lamps, public toilets—1,700 of them—and a Department of Public Works.

"Most people think of it as some kind of naked bacchanal, and that couldn't be further from the truth," says Columbia, S.C., Mayor Steve Benjamin, who recently completed his term as president of the U.S. Conference of Mayors. Benjamin accompanied half a dozen other local leaders to visit Burning Man last year, and says he was "inspired" by the scale of the infrastructure and the degree of planning involved. "They build a legitimate city. In a very short period of time. It's well planned, well thought out, organized incredibly well. It's amazing."



Local leaders and planners from across the globe have begun to pay attention. What they're finding is that there are numerous lessons to be learned from a city that remakes itself from the ground up every year. Black Rock City is a city built of dust, an ephemeral urban landscape that's forever being dismantled and redesigned, tinkered with and perfected. "There are a lot of planners who go to Burning Man, because we all went into this field with utopian ideas about being able to create an amazing community," says Joanna Winter, a long-range planner with the city of Oakland, Calif., who attended her first burn in 2007. "And here we get to do it every year."

That's what Mitchell had in mind two years ago as she watched Burning Man attendees—"burners"—bike through the plazas without stopping in at any of the camps along the way. "We're always thinking, what could happen in the space if we change it a little bit this way or a little bit that way? And for us that's relatively easy to do. We can say, this year we're going to widen this by 10 feet here, and shrink that over there," says Mitchell, who joined the Burning Man staff full time in early 2017. "Of course that's not always the case in a real city, because you have to put budget and



The preferred modes of transportation are biking or walking—or riding in approved “mutant vehicles.” Right: Art pieces and performances are an essential part of Burning Man.



REUTERS

resources into making a change.” Still, she says, there are plenty of ways real-world urban areas could, and should, emulate Black Rock City. “We experiment, but they can experiment too.”

In 1986, a San Francisco man named Larry Harvey and a few of his friends tromped down to Baker Beach where they constructed and set fire to an 8-foot wooden male figure. It was fun; they decided to do it again the next year, and the year after that. They relocated to the Black Rock Desert in northern Nevada in 1990. As the years progressed, the burning Man got taller, and the crowds grew larger and larger. By 1996, 8,000 people showed up, and the haphazard campsites and unrestricted driving on the desert sands had become a safety hazard. It was chaotic and needed structure, Harvey told an architecture magazine in 2015. (He died last year at age 70.) “People craved orientation,” he said. “It was a very basic primal need.” The organizers decided to ban automobiles, except for approved art cars and “mutant vehicles.” They also knew they needed

to create a more organized layout, in part to satisfy the safety and emergency response demands of Washoe County and the federal Bureau of Land Management, which provided permits for the event. Burning Man evolved from a campout in the desert to an experiment in temporary urbanism. “We needed urban design,” Harvey said, “because it’s a city.”

Harvey and the other organizers turned to an architect named Rod Garrett to draw up a map. “I’d had quite a lot of experience with planning and building departments and with dealing with cities and counties, at least more than they had,” Garrett told *The New York Times* in 2010. (He died the following year.) “They were in trouble, and I helped.” He made a list of nearly 200 planning goals and set out to create a city design that accomplished as many of those as possible. He envisioned a circle, with the Man in the center surrounded by a wide swath of open-space “playa” reserved for art installations. Beyond that, the inhabited section of the city would form a C-shaped arc, with spoke-like avenues intersected by concentric radial roads. Garrett’s elegant design for Black Rock City provided orientation and a sense of place, while also encouraging participation and interaction among the residents.

Before long, however, Black Rock City encountered a problem familiar to almost every urban area: high demand for a limited slice of premium property. Like high-rises fronting Central Park or oceanfront property in South Beach, the Esplanade—the innermost street facing the playa—had become the most desirable and in-demand place to be. All the large theme camps jostled for placement there. “We had to find a way to start pulling people away from the core, out into the neighborhoods,” says Terry Schoop, the director of Burning Man’s Community Services Department. In 2005, the city began placing large camps, plazas and art installations in less trafficked areas to entice residents to explore less familiar parts of town.

“They’re actively trying some really innovative things to bring people to other parts of the city, to think about how ‘anchor

institutions' can attract people and activate those areas. That's definitely a model for other traditional cities," says Marlon Williams, a longtime burner and the assistant director for public-sector innovation at the nonprofit Living Cities. (Living Cities has partnered with *Governing* on several projects including the City Accelerator and the annual Equipt to Innovate city management survey.)

"We're constantly thinking about what we can place in the outer rings to bring people out to those areas," says Mitchell, who oversees the placement team that determines the location of every single camp—a record 1,900 camp requests this year—in the city. "What 'moments' can we create, smaller moments that will be just as impactful as the big, loud, fun, bombastic ones?"

Part of that effort speaks to the role that art plays at Burning Man. Every year, there are between 300 and 400 approved art installations on the playa, some the size of a park bench and others soaring several stories into the air. There are hundreds of officially approved art cars and smaller mutant vehicles, which may take the form of a sailboat, say, or a unicorn that shoots flames.

Arts-led revitalization efforts are nothing new in cities, of course. But Burning Man is encouraging them to go further. Since 2001, the nonprofit Black Rock Arts Foundation and, later, the Burning Man Project, have worked to support artists and extend the art and culture of Burning Man to other places. The nonprofits have partnered with numerous cities in the U.S., especially with Reno and San Francisco, and around the world to create more spaces for public art, including pieces that were originally created for the playa. In San Francisco, the foundation has worked with the city to develop a series of "art pads," permanent spots for art pieces that rotate out every year or so.

Art is one way that cities can enliven the urban environment, but there are plenty of additional ways to energize a neighborhood. "Cities should be thinking about activation of space," says Mitchell, in ways that encourage people to engage in the world around them. "You see this with an annual street festival or something, but take it to another level and do that once a month," she says. Even small efforts can have an impact. "Think about when an animal shelter puts puppies on the sidewalk to adopt. All of a sudden there are all these people, and they're petting the puppies and talking to their neighbors and they're all so excited. They have a new appreciation for their neighborhood, and they're going to be a little more civically engaged than they were the day before."

In other words, Mitchell says, more cities should embrace the concept of "tactical urbanism," those low-cost, low-overhead, temporary changes that encourage residents to interact with their urban environment in new ways. These projects can take any number of forms: a pop-up park in a vacant lot in downtown Miami, or a temporary protected bike lane in Burlington, Vt. In Philadelphia, the seasonal Philly Free Streets program shuts down blocks of the city to cars on certain days, creating new and engaging pedestrian thoroughways.

Perhaps the most widespread example of tactical urbanism in recent years is parklets: carving out mini urban oases within one or two curbside parking spaces. In the past decade, these pocket parks have become common sights in cities across the globe, including

more than a dozen U.S. cities from New York to San Diego, from Dallas to Minneapolis to Ames, Iowa. Parklets aren't just a good example of the Burning Man ethos; they can trace their lineage back to Black Rock City. In 2005, inspired by the Bay Area art projects that had begun to make their way back from the Nevada desert, a group of urban design friends in San Francisco staged a one-day guerrilla installation of a tiny park—fake turf, a potted tree, a bench—in a parking space in the city's Mission District. The idea of an annual Park(ing) Day soon spread to other cities. In 2008, when San Francisco wanted to create a more permanent form of parklet, the city approached the same group of urban designers to prototype it. That effort grew into the city's Pavement to Parks program, rechristened in 2017 as Groundplay, through which San Francisco has launched some 75 different temporary installations. Many of them have been supported by grants from the Black Rock Arts Foundation and the Burning Man Project.

The underlying point of tactical urbanism is finding "even a teeny, tiny bit of room to make something a little more creative, a little more memorable, a little more artful," Mitchell says. "Cities that are pioneering that idea have a close connection to Burning Man, whether they know it or not."

Burning Man is guided by 10 principles that were crafted by Larry Harvey in 2004. No single one of them is more important than the others, but there is perhaps one idea that seems to reverberate through all the other nine, a throughline that defines the essence of what it means to be a citizen of Black Rock City: participation. No one at Burning Man is a spectator. Everyone is a creator. Everyone is expected to engage.

That expectation of participation is woven into the fabric of the city. The organizers may plan out the infrastructure and the backbone of the community, but everything else—every note of music, every art car, every morsel of food, every party—is created by the people who show up. Even the meticulous planning of the city is done almost exclusively by volunteers, and in constant consultation with surveys and feedback from the 70,000 residents.

(story continues pg. 34)

"We always think about things through a pedestrian and bike lens," says Burning Man Associate Director Victoria Mitchell.



8 Ways to Make Your City More Like Burning Man

Make Yourself Art-Friendly

Large-scale public art pieces and colorful wall murals have become commonplace in parts of many cities, but there's always room for more. "After seeing the creativity of the human spirit at full blast at Burning Man," says Columbia, S.C., Mayor Steve Benjamin, "I immediately came back and started talking to my cultural affairs folks about placing more public art because I was so inspired." Don't be afraid to think big, and don't be afraid to think small, either: The city of Durham, N.C., recently partnered with local artists to transform drab utility boxes at certain intersections into vibrant symbols of their neighborhoods.

Encourage Love

Cities should think about ways to foster happier, more connected relationships among citizens. That might sound a little too kumbaya to some, says Marlon Williams of Living Cities, but consider the Gross National Happiness Index pioneered a decade ago in Bhutan. Closer to home, Louisville, Ky., Mayor Greg Fischer has garnered national attention for his pledge to make Louisville "the nation's first compassionate city," and has worked to operationalize "the concept of compassion" in the public sphere.

Activate Your Space

Embrace tactical urbanism. Think of easy, temporary ways to get citizens to see their neighborhood in a new light. These can be large-scale endeavors: Every summer from mid-May through mid-September, the city of Montreal completely closes one of its main streets to vehicular traffic, stringing up lights and allowing restaurants and bars to set up seasonal open-air terraces in the street. But activations can also be small. Earlier this summer, St. Louis' Bevo Mill neighborhood installed a set of large-scale letters spelling L-O-V-E in a park square. "But we did it on a tactical basis, out of Styrofoam, for 1 percent of the cost of metal," says Doug Farr, who worked with St. Louis on a plan to help revitalize Bevo Mill. "People may hate it, in which case it's there for a week or two and comes down. But assuming it goes better than that, we can do a more permanent version. That's a lesson straight out of Burning Man."

Make Yourself Artist-Friendly

When it comes to street artists, musicians and performers, cities tend to start from a place of prohibition and then grant permits on a one-by-one basis. Flip that script, says Doug Farr, a Chicago-based planner and architect, and the author of *Sustainable Nation: Urban Design Patterns for the Future*. "Think about how you can add a layer to your plan where you pre-approve what artists can do, rather than burden them with going to city hall and applying for a permit."

Prioritize Play

"We always say that a good neighborhood is a place where you can live, work and play," Williams says. "But we don't actually do the play thing very well. In most cities, the only place adults have to play is at bars. And they're not playing, they're just inebriated." Cities ought to consider how they can encourage residents of all ages to "play" within a space. Williams points to the movable chairs in New York City's Bryant Park: By inviting residents to rearrange the chairs however they want, the city encourages them to engage with the space and make it their own.

Collaborate, Collaborate, Collaborate

Rethink your planning process to make it as truly community-driven as possible. Seek out and involve resident voices throughout, says Burning Man Associate Director Victoria Mitchell. "Think about what it would look like if people get to actually participate and it's a two-way process, not just a one-way, thank-you-very-much, check-off-the-box-for-my-community-engagement-requirement process," she says.

Engage in Rituals

Communal rituals help forge a cultural identity. But "cities lack rituals," Williams says. Holiday parades are OK, he says, "but cities really need to be asking: How can we engage in rituals that celebrate life and creation and a shared identity?" Rituals need not be elaborate. One good example Williams cites is citywide book clubs.

Create 'Sacred Spaces'

With the towering effigy of the Man, an immersive temple, several smaller shrines and countless other spiritual spaces, Burning Man does a remarkable job of creating places that invite residents to gather and commune in a shared experience, says Williams. Real-world cities need more of those. "Not necessarily religious spaces," he says, "but places where people can come together to deal with the emotional and psychological impact of living in a city together."

This is civic engagement taken to its purest and most extreme form. This is also not how cities historically undertake planning efforts. For the most part, people tend to expect their government to do the planning, and the government expects to do that work. “We might occasionally go out and get input,” says Winter, the planner in Oakland, “but for the most part, we merely inform people about what’s going on. But if we could have the public feeling more inspired and empowered—if they could actually imagine an outcome where what they are doing is visible and tangible and creates the kind of community that they want to see—well, that’s sort of the opposite of how we traditionally have done planning.”

In that sense, the single greatest lesson Burning Man can impart to other cities may not be anything physical. It’s the collaborative process of planning and design. “The reason citizens

care more in a place like Black Rock City than they might in their own communities is because they have some skin in the game,” says Mitchell. “They have a way to participate. They are asked for their feedback. They get to see what’s happening and then make the city real. We empower them to make the city what it is.”

Of course there are a thousand ways in which Black Rock City isn’t like a “real” city. It doesn’t have schools. There’s no homelessness. It doesn’t levy taxes or pave roads or provide affordable housing. All of its 70,000 residents not only choose to be there, they have paid to be there and have worked extremely hard to make that happen. On top of that, there are some serious critiques of Burning Man, namely that, for a community that prizes radical inclusion, it smacks of elitism. Its population is far whiter, richer and more educated than most of the rest of the country. According

REUTERS

The 10 Principles of Burning Man

Burning Man founder Larry Harvey laid out 10 guiding principles that the community rigorously adheres to. Planners say there are lots of ways other cities could adapt aspects of these.

Radical Inclusion

Anyone may be a part of Burning Man. We welcome and respect the stranger. No prerequisites exist for participation in our community.

Gifting

Burning Man is devoted to acts of gift giving. The value of a gift

is unconditional. Gifting does not contemplate a return or an exchange for something of equal value.

Decommodification

In order to preserve the spirit of gifting, our community seeks to create social

environments that are unmediated by commercial sponsorships, transactions, or advertising. We stand ready to protect our culture from such exploitation. We resist the substitution of consumption for participatory experience.

Radical Self-reliance

Burning Man encourages the individual to discover, exercise and rely on his or her inner resources.

Radical Self-expression

Radical self-expression arises from the unique gifts of the individual. No one other than



to the event's 2017 census, 77 percent of participants are white; the median household income is more than \$94,000; and 74 percent have a college degree. Those are legitimate concerns that the organization is making a great effort to address.

Burning Man also faces a somewhat uncertain future. With demand rising, the city had asked the Bureau of Land Management to increase its population cap to 100,000; earlier this year, BLM denied the request and issued a 372-page environmental impact statement detailing several onerous new steps Burning Man might be required to take in years to come if it hopes to continue receiving a permit. Burning Man said that some of the proposed requirements, such as erecting a concrete barrier around the entire periphery of Black Rock City or allowing federal agents to screen people as they arrive at the entry gates, "would forever negatively

change the fabric of the Burning Man event, if not outright kill it."

For now, though, Black Rock City expects to go on as it has for the past several years. Local leaders from across the world will continue to draw inspiration and insight from it. "For me, Black Rock City really underscores the idea that the greatest contribution any mayor can make to building great cities is to focus on the public realm," says Mayor Benjamin of Columbia. "Twenty years from now, people won't remember if I had a budget surplus, or if I increased funding for this department or that one. They won't remember unemployment rates. But the fundamental changes you make to the public realm—the ones that change the way in which citizens interact—will forever influence the health and viability of your city." **G**

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the individual or a collaborating group can determine its content. It is offered as a gift to others. In this spirit, the giver should respect the rights and liberties of the recipient.

Communal Effort

Our community values creative cooperation and collaboration. We strive to produce, promote and protect social networks, public spaces, works of art, and methods of communication that support such interaction.

Civic Responsibility

We value civil society. Community members who organize events should assume responsibility for public welfare and endeavor to communicate civic responsibilities to participants. They must also assume responsibility for conducting events in accordance with local, state and federal laws.

Leaving No Trace

Our community respects the environment. We are committed to leaving no physical trace

of our activities wherever we gather. We clean up after ourselves and endeavor, whenever possible, to leave such places in a better state than when we found them.

Participation

Our community is committed to a radically participatory ethic. We believe that transformative change, whether in the individual or in society, can occur only through the medium of deeply personal participation. We achieve being through doing. Everyone is invited to work. Everyone is invited to play.

We make the world real through actions that open the heart.

Immediacy

Immediate experience is, in many ways, the most important touchstone of value in our culture. We seek to overcome barriers that stand between us and a recognition of our inner selves, the reality of those around us, participation in society, and contact with a natural world exceeding human powers. No idea can substitute for this experience.





The War Over Wages

The campaign for a \$15-an-hour minimum wage has helped lift some Americans out of poverty—and cost others their jobs.

By Graham Vyse

Connecticut's final struggle for \$15 took 14 hours. By the time the state House of Representatives approved the new \$15-an-hour state minimum wage on a Thursday afternoon this past May, lawmakers had debated through the night, past breakfast and into lunch. "We're all a little tired," Democratic House Speaker Joe Aresimowicz told reporters outside the legislative chamber, following the 85-59 vote along party lines. "I might even be described as a little cranky."

He wasn't the only one. Addressing the press moments earlier, the irritated Republican minority leader, Themis Klarides, had blasted "the arrogance of the majority" for rushing the legislation through without compromising with the GOP. Aresimowicz fired back against the "idiocracy of the minority," saying Republicans had held up the bill with frivolous questioning. The *New Haven Register* described the whole ordeal as "starkly partisan," "emotional and tense," with "pointed rebukes and hurt feelings" lingering as Democrats celebrated what they saw as a major victory—a pay raise for 332,000 state residents. Democratic Gov. Ned Lamont signed the wage hike into law later that month. It will be phased in over a period of years, reaching the full \$15 in 2023.

Connecticut thus became the seventh state in the nation to embrace \$15 for its workers, following California and New York in 2016, Massachusetts in 2018, and Illinois, Maryland and New Jersey earlier this year. These

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increases, all of which will be phased in over time, are taking place as support for the \$15 wage has become thoroughly mainstream among national Democrats, with all their leading presidential candidates for 2020 backing that wage as a federal standard. The U.S. House passed a federal \$15-an-hour bill this summer, although it is unlikely to become law. The Labor Department under President Trump has said it opposes any increase to the federal minimum wage.

Will this policy expand beyond the country's bluest enclaves? Progressives think so. They cite research suggesting that minimum-wage increases tend to raise incomes overall and lift Americans out of poverty even if they cost some workers their jobs.



DAVID KIDD

Yet with the federal minimum wage currently standing at \$7.25 an hour, Republicans, many businesses and even some Democrats will continue to argue that a jump to \$15 is too drastic, especially when it's a one-size-fits-all approach implemented from coast to coast. If the all-nighter at the Connecticut Legislature is any indication, these arguments will be intense—evidence of an emboldened Democratic Party but also, unavoidably, of deeply divided national politics. “This debate really brought to my attention just how polarized we are,” says Connecticut Rep. Robyn Porter, a Democrat who led the charge to raise the wage.

Funded primarily by the Service Employees International Union, the “Fight for \$15” campaign began in 2012, a year after Occupy Wall Street protests elevated the issue of economic inequality in the national consciousness. Hundreds of fast-food workers in New York City walked off their jobs in late November of that year, demanding a raise from \$7.25 to \$15 and the right to form a union. Earlier that month, Walmart employees across the country walked out on Black Friday, the busiest shopping day of the year. It was a moment when low-wage service and retail organizing “really seemed to be exploding,” Columbia University public affairs professor Liza Featherstone told a reporter.

The ensuing years brought strikes in hundreds of cities. Some municipalities adopted \$15 on their own, particularly on the West Coast, beginning in 2013 with SeaTac, Wash. Organizers in SeaTac were frustrated with their inability to win higher wages for workers at the Seattle–Tacoma International Airport through labor-management negotiations, so they lobbied the city council to raise the minimum wage. After that failed, they went directly to voters with a ballot initiative, eking out passage by 77 votes. “SeaTac will be viewed someday as the vanguard, as the place where the fight started,” David Rolf, the campaign’s lead organizer, told supporters after their victory.

The movement went on to victories in Seattle and Washington, D.C., as well as a group of California cities that included Berkeley, Los Angeles, Palo Alto, Pasadena, San Francisco, San Jose and Santa Monica. Then-California Gov. Jerry Brown and New York Gov. Andrew Cuomo were the first to sign statewide laws, approving their respective measures on the same day—April 4, 2016.

Appearing at Cuomo’s celebratory rally in Manhattan, Hillary Clinton praised the Fight for \$15 and predicted its achievement in New York would be replicated across the nation. “It’s a result of what is best about New York and best about America,” she said. “I know it’s going to sweep our country.” Bernie Sanders, then Clinton’s rival for the Democratic presidential nomination, said in a statement that he was “proud that today two of our largest states will be increasing the minimum wage to a living wage.” President Barack Obama issued his own statement, praising New York’s law as a “historic step.”

In California, Brown embraced \$15 with some hesitation, negotiating a compromise with lawmakers allowing the governor to delay the wage hike in the event of an economic downturn. Brown said somewhat cryptically at his signing ceremony that “economically, minimum wages may not make sense, but morally and socially and politically they make every sense, because it binds the community together.”

Another governor who signed compromise legislation for \$15 was Republican Charlie Baker in Massachusetts. He forged a “grand bargain” with lawmakers to keep questions about the minimum wage, paid family leave and a sales tax increase off the ballot last fall. In Maryland, meanwhile, lawmakers overrode Republican Gov. Larry Hogan’s veto to get to their \$15 rate, and he wasn’t pleased. “Maryland had just increased its minimum wage four years in a row,” Hogan said, “by nearly 40 percent, to \$10.10, which was already by far the highest in the region and one of the highest in the nation, [and now they are] inflating our state’s minimum wage to more than double that of Virginia, which is at \$7.25. It makes it very difficult for us to compete, and it could simply be too much for our economy to bear. A 48 percent increase in costs could be crippling to some of our small mom-and-pop businesses.”

But proponents say \$15 has been a vital lifeline for some of the most vulnerable workers. By the end of last year, 22 million low-wage workers had won \$68 billion in pay increases, according to an analysis by the National Employment Law Project (NELP), which supports higher minimum wages. “Of the \$68 billion in

“Our biggest concern was not Walmart, Target or Walgreens,” says Connecticut House Minority Leader Themis Klarides, on her opposition to the \$15 minimum wage. “They can absorb this, but the mom-and-pop shops on Main Street can’t.”



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additional income,” NELP claimed, “the overwhelming share (70 percent, or \$47 billion) is the result of \$15 minimum-wage laws that the Fight for \$15 won in California, New York, Massachusetts, Los Angeles, San Jose, San Francisco, the District of Columbia, Seattle, and numerous other places.” Meanwhile, major companies including Disney and Bank of America got on the \$15 bandwagon, and McDonald’s—one of the low-paying businesses that prompted the Fight for \$15 in the first place—announced this past March that it would no longer lobby against federal, state or local minimum-wage increases.

All of that was historic, says Leo Gertner, a staff attorney at NELP, “because, for so many decades, the minimum wage in terms of real value was stagnant—if not declining—while CEO pay grew.”

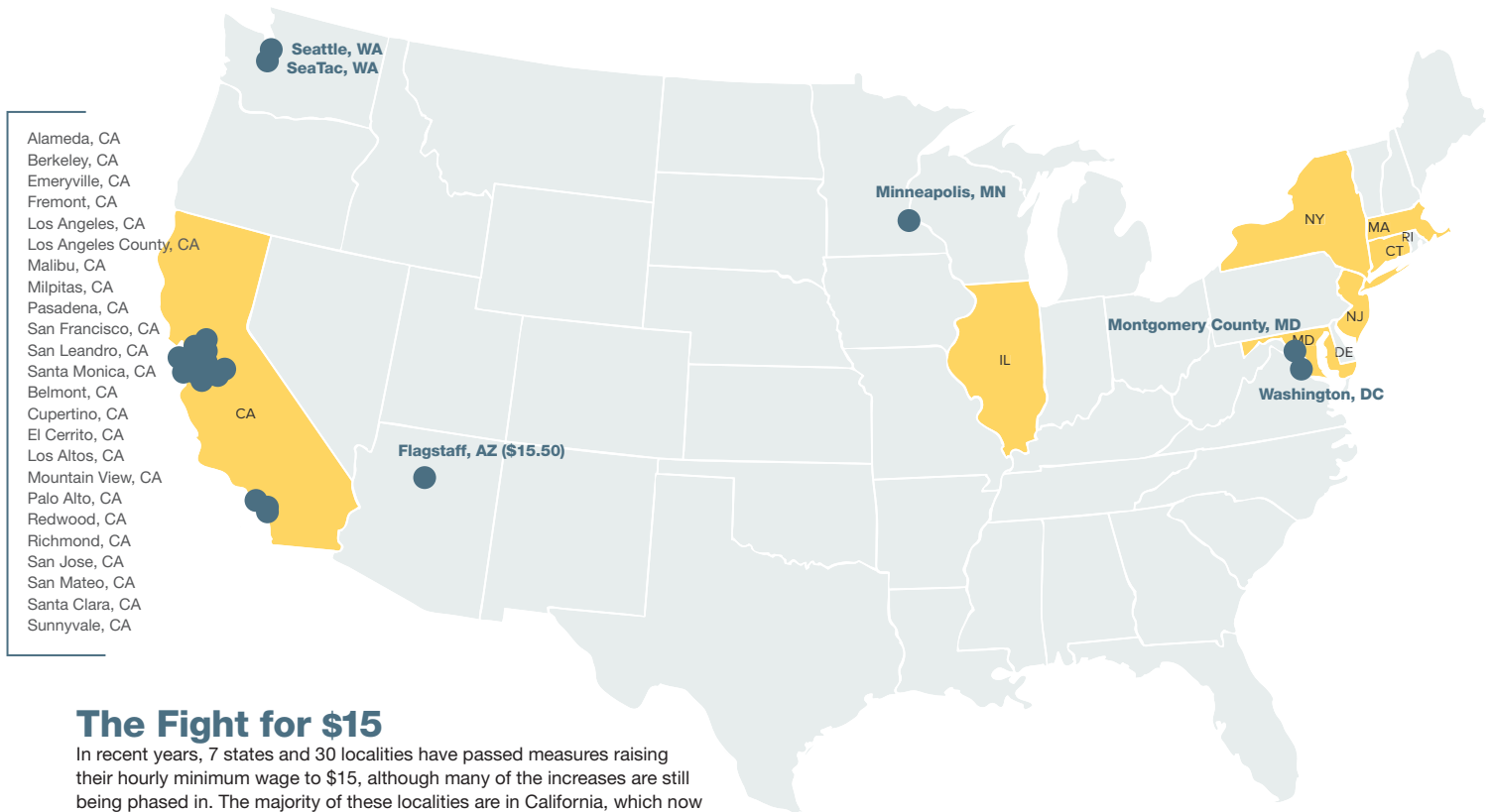
The perennial criticism of minimum-wage increases is that they end up killing jobs by saddling businesses with extra expense. Michael Saltsman, managing director of the conservative Employment Policies Institute, which is linked to the restaurant industry, argues this is especially true with the Fight for \$15. “The difference in this latest iteration of the minimum-wage debate,” he says, “is that the wage demand for \$15 is so far above any sort of historical standard we have. The consequences have been accordingly more severe.”

“Our biggest concern was not Walmart, Target, CVS, Walgreens,” says Klarides, the Connecticut Republican leader. “They can absorb this, but the mom-and-pop shops on Main Street can’t. Those are the places that have been suffering at the hands of the state of Connecticut for many years now. Those are the people that can’t take it anymore. It’s like a button on a shirt that’s been pulled and pulled, and it’s just gonna snap.”

Saltsman, who believes any increase in the minimum wage is “a counterproductive policy,” says some businesses are already snapping. He points to Emeryville, Calif., which—as of this spring—was considering a moratorium on its plan to go from \$15 to \$16.30, following complaints from local businesses. Opponents of the \$15 wage also cite a Harvard Business School working paper from 2017, called “Survival of the Fittest: The Impact of the Minimum Wage on Firm Exit.” That paper examined business closures—or “exits”—in cities in the San Francisco Bay Area. The findings “suggest that a one-dollar increase in the minimum wage leads to a 14 percent increase in the likelihood of exit for a 3.5-star restaurant (which is the median rating on Yelp).” However, restaurants with higher Yelp reviews appeared to weather minimum-wage increases reasonably well, suggesting the pay hikes mostly brought negative consequences for establishments with less-than-stellar reputations.

Minimum-wage studies have varied over the past 30 years. But the consensus among mainstream economists now seems to center on two points. One is that raising the minimum wage not only increases the average income of low-wage workers, but lifts some of them out of poverty (depending on how big the raise is). The other is that some workers do lose their jobs as a result of a minimum-wage boost. In 2014, the Congressional Budget Office published a report estimating that a federal rate of \$10.10 would cost the economy roughly 500,000 jobs. But a series of analyses from Michigan State University, the University of Massachusetts and University College London have found only a small impact on employment. “For decades now, studies have shown no adverse impact for increasing wages and increasingly the proof is in the pudding,” insists Gertner of NELP. “The states that have increased

The Fight for \$15 campaign began in 2012, a year after Occupy Wall Street protests elevated the issue of economic inequality in the national consciousness.



The Fight for \$15

In recent years, 7 states and 30 localities have passed measures raising their hourly minimum wage to \$15, although many of the increases are still being phased in. The majority of these localities are in California, which now has passed a statewide hike that will raise wages to \$15 by 2022.

their minimum wages gradually, as the federal bill would do, have not seen the sky fall. What we're seeing from the folks saying \$15 is too high are just scare tactics, because they don't want to share prosperity with workers. It can be done. It's practical, pragmatic and simple, and it has enormous benefits for businesses."

"When you put disposable income in the pockets of everyday working people, that money comes right back to the local economy," says Porter, the Connecticut Democrat.

This isn't to say all Democrats are on board, as this summer's debate in Congress made clear. The Democrat-led U.S. House of Representatives last month passed a bill for \$15, but some moderate Democrats have argued for a regional approach, to account for different costs of living in different communities. Supporters of the national minimum warn that this approach would lock the lower cost-of-living states into being low-wage states for the foreseeable future. But the divisions among House Democrats suggest that the politics of \$15 are more complicated than they appear. "It's easy for Democratic presidential candidates to make those kind of broad pronouncements right now because they need to do so to get labor behind them," Saltsman says. "It's a consequence-free promise they don't have to make good on. When someone like that got into office and started hearing concerns from moderate Democrats, they might be singing a different tune."

Gertner doesn't sound worried. "In large cities where jobs are concentrated, housing costs have far outpaced the minimum wage," he notes, arguing that the number actually should be \$20 or \$22 someday. "It's not unreasonable to float those numbers. We're just saying that \$15 is the absolute minimum. In high cost-of-living states like Connecticut, it's a no-brainer."

"This ain't the three-pointer," says Porter, "but we can give 'em a layup shot. We can get them a little closer to where they need to be." NELP is already eyeing Connecticut's neighbors, Vermont, New Hampshire and Maine, as the next frontiers.

What Connecticut has shown, though, is that \$15 isn't yet a given, even in blue America—and it certainly doesn't come easily. Democrats recently expanded their presence in the Connecticut Legislature, and half the House Democratic caucus identifies as progressive. Yet the wage increase was painfully difficult to enact. In Porter's view, the Democrats have lacked the confidence to pass bold initiatives of that sort. "We claimed to be a progressive state, and I just expected that we would have gotten a lot more progressive bills through this year," she says.

Klarides, unsurprisingly, sees this shift to the left differently. She views the new progressives as making the House more ideological, rigid and uncivil. "They're just following a national playbook," she says. "They're not taking into account the needs, concerns and problems of Connecticut."

When the signing ceremony for the \$15-an-hour wage arrived, Porter struck a personal note, reminding the crowd that she had been "that single mom raising two kids, working three jobs," who would benefit from getting a raise. "I am thrilled that we are standing here today and we can say with great pride and great humility that we did this together," she said. But she expressed her hope "that the rest of the states will jump on board, and that it won't be the fight it was in Connecticut."

In this political environment, that seems far from certain. **G**

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CAN WE



BY MATTIE QUINN

*A movement is underway
to bring emergency medical
services into the 21st century.*

FIX 911?

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An ambulance's wailing sirens, a fire truck's flashing lights: These are a constant feature of urban life, as ubiquitous as a Starbucks on every corner or a traffic jam at 5 p.m.

But nearly a third of the times an ambulance or a fire truck speeds by to answer a 911 call, there is no actual emergency. The number of 911 callers who don't need to go to a hospital emergency department sits at around 30 percent, according to Kevin McGinnis of the National Association of State EMS Officials.

The "false alarms" are more than an annoyance; they are a drain on the public purse, a frustration for responders and often an unhelpful source of assistance for the caller. It's a problem that's been around almost as long as 911 systems have. What is changing is the approach some cities and counties are taking to the way emergency medical services are delivered. Namely, a number of EMS officials are working to align their services with other community health goals. For instance, instead of automatically dropping a 911 caller at a hospital's emergency department, an ambulance could, when appropriate, be rerouted to bring a person in distress to a sobering center, an urgent care clinic or a warming center. "Frequent flyers"—those who call 911 more than once a month—could be enrolled in a program that would help them address their chronic health conditions. Health issues that aren't truly an emergency could be triaged by a nurse watching via an iPad in a call center when the call comes in.

There is a new program that, in a number of localities, is helping get the job done: community paramedicine. Although the concept first appeared in health literature nearly two decades ago, it started to gain real-world traction about five years ago. Since then, the adoption momentum has been increasingly swift.

Community paramedicine programs, sometimes referred to as

mobile health care, work to address the underlying causes of why someone called 911. If the caller would be better served in a non-emergency room setting, they'll take her there. If the responders can dress a non-urgent wound and book an appointment the next day with a caller's primary care provider, they'll do that.

There are currently more than 200 community paramedicine programs in the country of varying degrees of size and scope. Many of them were started in response to a specific community problem. One program in Wake County, N.C., for instance, began as a way to reroute chronically inebriated callers to a sobering center instead of the ER. In Fort Worth, Texas, a community paramedicine program was born after uncompensated emergency care for just two dozen frequent flyers cost the city close to \$1 million in a single year.

Whatever the incentive, the concept is attracting attention for the way in which it addresses the immediate pressure of the 911-misuse problem, as well as the possibilities it holds for a long-term answer. EMS officials across the country all sing a similar refrain: Our health-care system can't continue with this status quo. In too many instances, high-priced, technically sophisticated health resources are serving health issues that could and should be treated in less expensive and more effective ways.

It's not only the high cost of the current system that's an issue. It is also demoralizing for EMS personnel, says Janet Coffman of the Healthforce Center at the University of California, San Francisco. "Folks feel frustrated," she says of EMS responders. "They start to see the same people over and over again. They think, 'I can take Mr. Smith to the ER every time he's having a psychotic break, but I know that's only going to help for a little time.'" Or they know a person is homeless and doesn't take his meds, and what he really needs is longer-term help.

Community paramedicine is not without its critics. Still, localities that have gotten programs underway report that they're making progress toward moving their 911 EMS programs into a more sustainable, less siren-blaring future.



Community paramedics can help assess the root causes of why patients call 911.

UNITED AMBULANCE SERVICE

The first 911 call in the U.S. was completed on February 16, 1968, by Sen. Rankin Fite in Haleyville, Ala. AT&T soon began rolling the service out in places across the country. In 1973, Congress passed the Emergency Medical Services Systems Act, which set the first federal guidelines for emergency services and put in place a dedicated stream of funding for EMS.

EMS services haven't evolved much since. Better call-tracking technologies and increasingly sophisticated GPS mapping have helped reduce response times, but the basic mechanics of the system—a call is placed, a vehicle is dispatched, the caller is whisked away to receive emergency care in a central facility—remain unchanged nearly 50 years later. That's left the 911 system bloated and unable to respond to changing attitudes about public health care. As policymakers in recent years have become more focused on addressing the drivers of health outcomes that happen outside of doctors' offices, including things like housing

insecurity, food deserts and unclean air, emergency services have remained a stubbornly antiquated outlier.

In 2012, Minnesota became the first state to recognize community paramedics as a health-care provider, allowing their services to be covered by Medicaid. The state also was the first to create a

to loop frequent 911 users into a home program. It was cancelled because EMS workers didn't have capacity to also respond to real emergencies. This is a prime reason the association says these programs aren't a great idea: Paramedics simply cannot take on all of these multiple roles. "In California we have a growing number of

The EMS system has become bloated and unresponsive to recent changes in health-care approaches.

formalized training program for community paramedics, establishing certification programs at two community colleges. At the local level, Fort Worth is another leader in the field. Its MedStar Mobile Healthcare kicked off a community paramedicine program a decade ago when the city found that it was spending hundreds of thousands of dollars a year on just a handful of high-frequency users. The city set up an "EMS Loyalty" plan that automatically enrolls people who call 911 15 or more times within 90 days. Under the loyalty plan, a paramedic trained to treat chronic conditions makes house calls to the enrollee to address the underlying health issues behind the 911 calls.

Typically, the paramedic will do an assessment of the person and figure out what she needs. "Some people need to be checked on twice a week; some people, it's more," says Matt Zavadsky, chief strategic integration officer at MedStar Mobile Healthcare in Fort Worth. "Generally, we keep them enrolled for 90 days. We work to wean people off, so we're going to teach you how to manage your health so that you don't need us." Zavadsky says the program has saved the city \$16 million in health-care costs.

Other approaches are also promising. Two years ago, California created a pilot program for community paramedicine that comprises a dozen different localities. Some of the cities enrolled frequent flyers in a case management program; some provided follow-up care for those with chronic conditions until a more permanent caregiver could be put in place; and some provided alternate transport to places like urgent care clinics, sobering centers or mental health facilities.

Coffman's research with the Healthforce Center found that the follow-up care saved the state \$1.3 million in potential hospital readmissions. However, the state has struggled to expand beyond the pilot programs. The legislature passed a bill in 2018 to expand the program and allow local emergency medical services agencies to develop community paramedicine programs under prescribed state rules. Gov. Jerry Brown vetoed it, saying the bill would restrict the types of facilities to which patients could be transported and limit the discretion of local governments to design and manage their projects. A similar bill was reintroduced this year, but it has failed to gain momentum.

The law has been vehemently opposed by the California nurses union, along with home health and hospice associations. At the heart of that opposition is one of the basic arguments against paramedicine: that community paramedics simply aren't qualified substitutes for nurses and the full array of services that a hospital can provide. Stephanie Roberson, government affairs director for the California Nurses Association, points to a pilot in San Diego County

wildfires. We have real emergencies. Our EMS needs to be ready to go in those emergent situations," Roberson says. "We all agree that something needs to be done about emergency room bloat. But we need to make sure that those patients with emergency situations go to the ER. Under triage care, paramedics are not making the appropriate determinations."

Coffman disagrees. She says her research has shown that California's community paramedics complement the work of nurses and other providers by addressing holes in the health-care system. Paramedics don't appear to be taking away jobs from nurses or home health aides. "If anything," she says, "it's more of a partnership. Paramedics reach out to home nurses and ask, 'This is what I'm seeing, what do you think?'"

Jurisdictions that want to set up a community paramedicine program might be inclined to look at what's already working in other parts of the country and then replicate it back home. But that's a mistake, say veterans in this field, such as Wake County Chief of Medical Affairs Mike

Bachman. "If you are trying to build a program off of someone else's program, that's not going to work," he says. "If you're filling in the gaps of care in your community, that will work." In other words, identify the deficiencies in your own 911 response network and then build a program that can address them.

In Wake County, EMS officials knew that a sizable bulk of their 911 calls were related to underlying mental health and substance abuse issues. "We also knew we had places to take them to, but didn't know how to get them there," Bachman says. Once that disconnect was understood, the new program fell together. EMS started coordinating with the local mental and behavioral health providers and came to an agreement that those providers would be an alternate transportation spot instead of the ER, when appropriate. "We were all talking to the same patients anyway. We just had to all get to the table, and understand our different capabilities. From there it was just about collaboration," Bachman says.

Community paramedicine can't provide a solution in every case. Fort Worth considered a proposal to enroll patients with multiple comorbidities—such as someone living with diabetes, hypertension, emphysema and obesity—in a home care program run by the mobile health-care unit. The idea was to reduce the financial burden of the most expensive patients in the health insurance industry. But those types of patients with complex needs require more than once-a-week visits from a paramedic, Zavadsky says. Moreover, the goal of community paramedicine is prevention, something that does



Wake County, N.C., implemented a community paramedicine program to help address mental health and substance abuse issues in the area.

MIKE LEGEROS

not usually apply to someone living with multiple chronic conditions. “The reality is there’s no intervention other than palliative care that is going to change that dynamic,” he says. “A community paramedic won’t help them.”

For many communities, the biggest obstacle to setting up a paramedicine program is funding. Bachman says he fields calls all the time from other jurisdictions that want to start a community paramedicine program. He’ll ask them what resources they have, and they tell him they don’t have any. But a new federal program could offer help. In February, the U.S. Department of Health and Human Services announced a new payment model for EMS providers to test out different ways of re-routing 911 calls. Under the new model, known as Emergency Triage, Treat and Transport, or ET3, the Centers for Medicare and Medicaid Services will pay participating ambulance providers not only for transporting an individual to the usual emergency facilities but also to alternative destinations, such as a primary care doctor’s office or an urgent care clinic, or to provide treatment in place.

That new model likely means that paramedicine will soon be standard practice. Until now, local jurisdictions have had to be creative in how they fund these programs and reimburse for ambulance expenses. “If you’d have asked me in December whether I thought community paramedicine was the future, I wouldn’t have

been so sure,” says Brenda Staffan, chief operating officer for integrated services for the community paramedicine program in Reno, Nev. “But now that the federal government has announced this, my answer is a definitive yes.”

As the role of EMS continues to evolve, public attitudes are likely to shift as well. That’s already been the case in Fort Worth, Zavadsky says. “At MedStar, we are no longer viewed as the ambulance service,” he says. “We’re viewed as a mobile health unit that

happens to answer 911 calls.” There are other societal changes afoot. People no longer assume that they need to call an EMS ambulance to take them to the emergency room. Uber and Lyft can do that. “Governing bodies and public safety agencies need to evaluate the services they’re

“If you are trying to build a program off of someone else’s program, that’s not going to work. If you’re filling in the gaps of care in your community, that will work.”

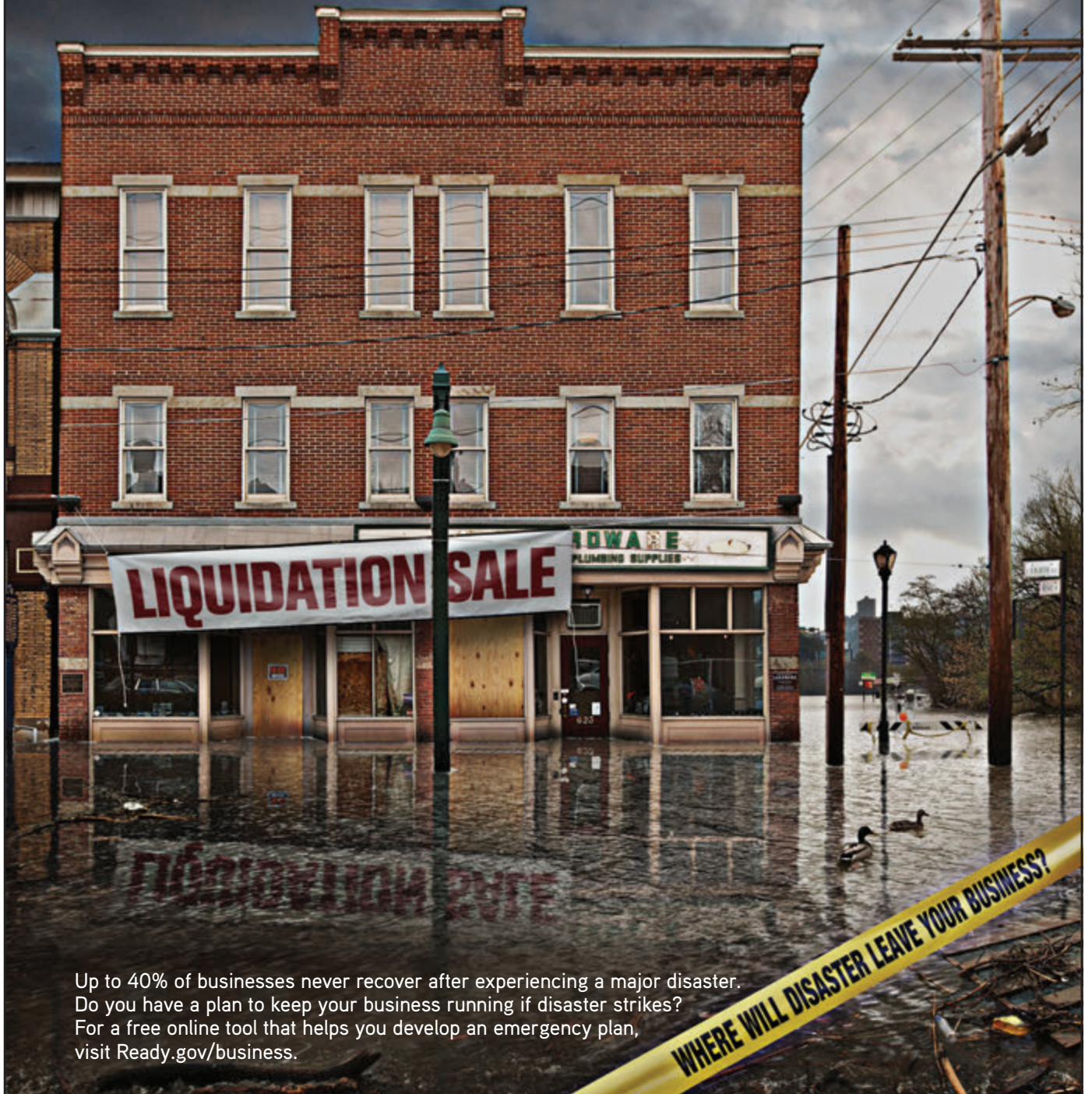
—Mike Bachman, chief of medical affairs, Wake County, N.C.

paying for,” Zavadsky says. “This concept of ‘fire, ready, aim’ is not sustainable. We can’t afford it as a country.”

As community paramedicine takes hold, McGinnis of the national EMS association foresees a world with far fewer flashing lights and abrasive sirens as ambulances careen through city streets. The alarms will be a rarity, he says, because EMS will have the ability to treat people where they are. “I believe if you see lights and sirens in the future, it’s only because we have something we truly can’t deal with.” **G**

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THE BORN-AGAIN GARAGE

BY DAVID KIDD



A repurposed parking garage in Wichita, Kan.

KNIGHTLEY'S PARKING GARAGE OPENED FOR BUSINESS IN WICHITA, KAN., ON MARCH 13, 1950, a shining example of mid-century

auto-centric architecture. An announcement in *The Wichita Eagle* hailed the newest addition to downtown as "The Midwest's Largest and Most Modern Parking Garage." Open 24 hours a day, 365 days a year, it charged 50 cents to park for the day, 75 cents for the evening and one dollar to leave a car overnight.

Navigating the five-level facility and finding a parking spot was not a problem. Motorists would leave their cars at the entrance and a Knightley's valet took care of everything. At the end of a shopping trip or workday, customers relaxed in an air-conditioned waiting room while an attendant fetched the family Ford or Chevy. Downtown stores sent purchases directly to the garage where they were stored in a safe until they were transferred to the car for the drive home.

Times changed. By the 1980s, people preferred to park themselves and carry their own packages. The last paying customer pulled out of the deteriorating garage in 2009, and what was once the Midwest's most modern parking facility continued its fall into a state of neglect and dilapidation.

America's old parking behemoths are falling into disrepair. But some of them have a future.

Now, times have changed some more. Recently rechristened “Broadway Autopark,” Knightley’s Garage today is home to 44 one-bedroom apartments, each about 700 square feet, with a covered terrace. The décor is mid-century modern. Colorful kitchen cabinets are made by a company that usually furnishes industrial sites. Exposed concrete ceilings, walls and floors plus a red four-story PARKING sign are a constant reminder of what this place used to be. Not that anyone is likely to forget.

Half of each of the Autopark’s top four floors still functions as a private garage, allowing residents and guests to park within a few feet of their apartment doors. A portion of the ground floor is used for office space. Instead of valet service and a waiting room, today’s onsite amenities include a “club house,” a 24-hour gym and a dog washing station. Historic preservation tax credits offered by the state and federal government made the project financially feasible, but also imposed limitations on what the developer could do to resurrect the property. The architects worked closely with the city of Wichita’s Metropolitan Area Building and Construction Department to solve the many issues related to repurposing a garage.

Knightley’s Garage opened when the car was king. By 1950, Americans owned one vehicle per household, doubling to two in the ensuing 25 years. Cities struggled to accommodate the proliferation of cars on grids designed for horses, streetcars and pedestrians. Surface parking lots and multilevel garages began to take up more and more of the urban landscape, changing the look and feel of cities. Today, mixed-use and pedestrian amenities are making a comeback in city centers, and residents can walk from home to work to entertainment. Many of them don’t need parking spaces at all.

With its 1950s aesthetic intact, Knightley’s Garage is more than a kitschy throwback to the past. Wichita’s repurposed parking facility may actually be an indication of things to come. As personal auto ownership declines in urban downtowns, car-related urban infrastructure is increasingly underused. Some garages, like Knightley’s, are ripe for adaptive reuse. Others are being constructed from scratch in ways that will allow them to be repurposed down the road.

As America’s dependence on personal automobiles started increasing in the 1950s, local governments began mandating the number of parking spaces required when developers erected new apartments, offices and shopping centers. In urban areas where land was more expensive, that often necessitated the construction of multilevel garages like Knightley’s. Using perhaps excessive formulas, more space was often allocated for parked cars than for people. Decades later, mandatory parking minimums have resulted in a glut of spaces in the center of large cities. This is an issue nationwide. Seattle has more than five parking spaces per household; Des Moines, Iowa, has nearly 20. Sprawling, car-centric Houston has 30 spaces—not per household, but for every single resident.

But many cities, including Houston, have begun to lower or eliminate mandatory parking minimums. San Francisco recently





The former Knightley's Garage in Wichita has been rechristened Broadway Autopark, now home to 44 apartments.

MILT MOUNTS/ESSENTIAL IMAGES PHOTOGRAPHY

did away with parking minimums citywide. Its planning department estimates that minimum parking requirements can add as much as \$50,000 to the cost of an apartment. The National Parking Association (NPA), a trade group of lot operators, supports the relaxation of parking requirements for developers, saying that strict minimums not only add to construction costs but also lead to slower development and excess capacity. “If you’re an operator and your parking structure is overbuilt and you can’t fill it, that does you no good,” says NPA Vice President Jason Gleit.

Lurking behind this evolving consensus is the eventual prospect of autonomous vehicles, and how they would shift the calculus around ride-hailing services. Right now, the per-mile cost of a trip with Uber or Lyft can be two to three times higher than the same trip in a personal car. But if and when ride-hailing fleets become fully autonomous, that will change. The tipping point, according to the Rocky Mountain Institute (RMI), a transportation think tank, will come when these services bring their cost per mile in line with the per-mile cost of owning and operating a personal vehicle, currently about \$1. A recent RMI study predicts that “peak car ownership in the United States will occur around 2020 and will drop quickly after that.”

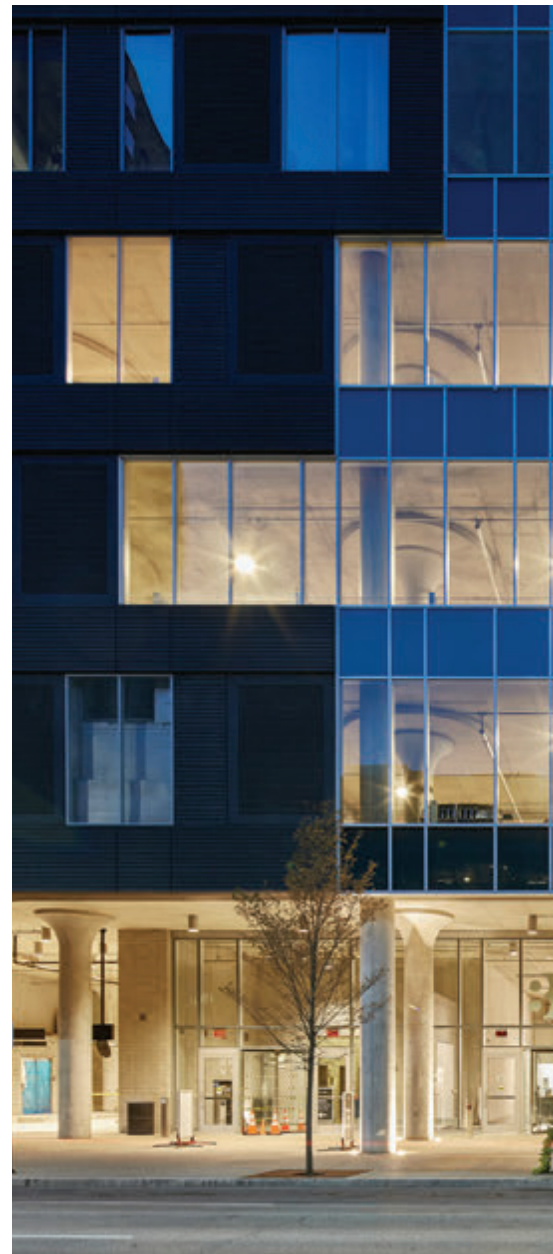
Whether it happens in 15 years or 50, a shift to autonomous vehicles would leave metro areas with an even greater surplus of parking space. Fewer cars would be sitting idle most of the day, since a fleet will theoretically be on the move most of the time. Less room would be needed for parking, since five self-driving cars will fit into space now occupied by four. That day may be somewhere in the distant future, but it is a future that the people who build and own parking lots, and the cities that house them, cannot afford to ignore.

Converting an existing garage to other uses is not an easy thing to do. Mary Smith, a principal at Walker Consultants, a firm specializing in the design and restoration of parking facilities worldwide, points out that repurposing a multilevel garage to housing, office or retail space is more than a matter of adding walls and plumbing. Designing a structure to carry cars is not at all like designing for people and their possessions. Most parking structure footprints, Smith says, are “simply too big to convert to office. You won’t have enough windows in proportion to the space.”

A typical parking garage is designed more like a bridge than like a building. Support columns are spaced far apart, which allows the floors to flex. “Parking structures are really bouncy,” Smith says. “Most people wouldn’t want to live on a floor that bounces all the time.” The floors in a garage are typically sloped, and ceiling heights are shorter than in residential construction. Retrofitting an existing garage requires additional strengthening of the structure and adding stairs and elevators—and maybe hollowing out an atrium in the middle to bring in more light—all of which significantly increases the cost. Wichita’s Broadway Autopark apartments was feasible because Knightley’s Garage had high enough ceilings and flat floors. Some older garages have that, but most don’t.



Top: A Gensler Architects concept for future garage reuse. Bottom: In a nod to its previous life as a garage, parking stripes are still visible in a newly adapted space at Northwestern University.



For that reason, a growing number of developers, architects and engineers have started building new garages with the capacity to be switched to other uses, if and when the need arises. Major projects of this kind in Denver, Houston and Los Angeles are already under construction or on the drawing board. Peter Merwin is a principal at the worldwide firm Gensler Architects and specializes in “retail-centric, mixed-use environments and walkable urbanism.” Speaking of a designed-for-the-future garage project he worked on in Houston, Gensler says that “we convinced the client that adding 20 percent more steel into the structure would be a minimal cost and allow maximum flexibility over time.” Counterintuitively, the

loads for automobiles are actually less than the loads sustained when a floor is full of people and all of their possessions. “You’d think about a big heavy car,” he says. “But actually, you need to add more steel to your parking structure in order to retrofit it to other uses.”

Merwin’s firm is currently working on a new parking garage in the Los Angeles Arts District. With level floors and 13-foot ceilings, the structure is being designed such that it could one day accommodate office space, retail, a gym and a theater. The building’s exterior can be clad in glass windows when the time comes, and there will still be space for 1,000 cars underground. “If you keep



Three levels of above-ground parking at Cincinnati's 84.51° Centre were designed to become office space at a future date.

GENSLER/GARRETT ROWLAND

adding and tearing down you're doing a huge disservice to a planet of limited resources," says Merwin. "What's the most sustainable building? It's the one that already exists, right?"

Walker Consultants recently designed an office complex for a client that wanted to make the parking area completely convertible. They willingly paid a third more to have the structure designed from the start to be ready for a future conversion. Merwin thinks that designing garages that are adaptable will add value to a property, much the way LEED green building certification does today. "The asset will have a certain caché associated with it," he says.

Repurposing garages is not exactly a new idea. In Depression-era New York, two Kent Automatic Garages were erected, standing 24 stories tall and holding nearly 1,000 cars. An electronic parking device guided each car into an elevator and then to an empty slot far above the street. Similar elevated automatic garages were built in Cincinnati and Chicago. One of the New York buildings was later converted into a warehouse, then condos. The other was repurposed as office space in 1964. The Chicago garage, known locally as the Jeweler's Building, was once thought to be the tallest building in the world outside of New York. It's on the National Register of Historic Places, although not necessarily because of the 24-story parking garage that was removed from its core.

Some adaptive reuse conversions have moved in the opposite direction. Built in 1925, Detroit's Michigan Theatre was a French Renaissance movie palace before it became a nightclub and then a rock music venue. New owners wanted to tear it down, but that would have compromised the structural integrity of the adjoining office tower. In 1977 the seats were ripped out and a three-level parking deck erected within the theater's walls, leaving much of the ornate interior decaying but more or less intact. The movie palace-turned-garage sits on the spot where Henry Ford built his first automobile.

The conversion of the 68-year-old Knightley's Garage to the Broadway Autopark apartments was handled by Shelden Architecture in Wichita. The five-story, 500-space facility was designed and built in 1949 using the latest advances in concrete construction. The high ceilings and flat floors were important assets in the conversion to living space. "That's the first thing you need to check if you're going to change the occupancy type and not do a skateboard park," says architect Daniel Gensch, who took the lead in repurposing the abandoned Knightley garage. Things like fire separations between living space and the remaining garage area needed to be addressed. "We had to figure out ways of making it code compliant," Gensch says. ("The people who did the conversion in Wichita actually worked through all the issues," Mary Smith adds by way of compliment.)

Not everything reused in the Autopark project was strictly structural. Back in 1949, a young Wichita structural engineer named Dick Hartwell oversaw the advanced concrete construction method that made "The Midwest's Largest and Most Modern Parking Garage" possible. Sixty-five years later, Shelden Architects hired him to do the structural analysis for the repurposing project just before he retired.

Customers didn't have to park their own cars at the Knightley's Garage that Hartwell built. That was done for them. The same may be true one day if residents of the Broadway Autopark apartments have cars that park themselves. But rather than focusing on the conversion of other old garages, the Wichita firm is looking to the future, already designing two adaptable parking projects, intentionally built to be repurposed. "We are thinking about the long-term life of garages," says architect Gensch. "I would like to point out that the Pantheon in Rome is nearly 2,000 years old and is made out of concrete." **G**

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Has Taxing Online Sales Helped State Budgets?

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One year after the U.S. Supreme Court overturned a decades-old ban on states collecting sales taxes from online sellers, nearly every state has instituted a tax. As of mid-June, the District of Columbia and 42 of the 45 states with a sales tax have enacted laws or regulations requiring remote sellers to remit a sales tax. The remaining three states—Florida, Kansas and Missouri—have already proposed bills, “and it is only a matter of time before they are enacted,” says the Urban Institute’s Lucy Dadayan.

But has it helped state budgets? Prior to the court ruling, some observers estimated that states were collectively missing out on anywhere from \$13 billion to \$23 billion a

year in potential online sales tax revenue. It’s too early to know whether those estimates are accurate.

For one, it’s nearly impossible to separate out the impact of the ruling from economic growth that would have occurred anyway over the last year. Furthermore, the data for this year is incomplete because states began officially collecting online sales taxes at different points throughout the past 12 months—some will start collecting them later this year.

Still, there are signs that the new taxes are helping state budgets.

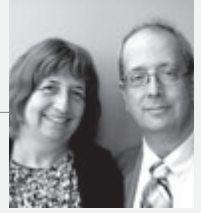
For starters, sales tax growth over the past fiscal year, which for most states will end on June 30, has exceeded expectations. According to the latest data from

the National Association of State Budget Officers (NASBO), 32 states are collecting more than they anticipated. The tax is outperforming budget forecasts by 1.4 percent, or \$3.6 billion. That’s better than the income tax, which is exceeding forecasts by 0.6 percent.

In total, sales tax revenue is projected to grow by 3.5 percent in fiscal 2019, an increase NASBO attributes at least in part to the uptick in online sales tax collections.

And with more states implementing a tax over the coming year, states collectively are projecting even stronger growth—4.8 percent in 2020. Among those, California is projecting \$616 million in additional sales tax revenue, and New York is projecting \$346 million more. —Liz Farmer

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Hail to the Fief

Knowledge is the currency of the realm,” says David Ager, a senior fellow at the Harvard Business School.

“The beauty of government is that you share,” according to Sarah Razor, executive director of the National Association of State Chief Administrators.

Both are true and work best when they work together. But sometimes governments apportion ideas and information like a covey of 6-year-olds with one toy. And we’re not just talking about data-sharing here, although that’s a critical element. Rather, we’re talking about the broad area of intra-government collaboration. Collaboration is the road governments need to be on to find solutions to problems that bedevil multiple agencies and departments. Unfortunately, that information road can be full of potholes. Sometimes attempts to fill the ruts create new holes.

Ager points to a 15-year-old article—“How to Build Collaborative Advantage,” by Morten T. Hansen and Nitin Nohria—that highlights four big challenges to collaboration: the competitive edge, where agency heads are concerned about handing over the secret sauce to another agency that is vying for the same budget dollars; the time factor, in which sharing successful practices takes up too much staff time; the search barrier, which is when government staffers find it difficult to locate the people who have the knowledge they seek; and the confidence issue, where people are not willing to seek help from others because they’re afraid of revealing their own inadequacies.

When governments set out to resolve these collaboration challenges, they may discover that their cures have unforeseen, negative side effects.

Five years ago, for instance, the state of Washington set up “goal councils” under its Results Washington program. Each council was made up of a group of agency directors, with the idea that these directors could work collectively on the state objectives that intersected with their overlapping work. From 2014 to 2018, each of the goal councils met monthly to examine progress and collaborate on action items.

While the goal councils resulted in some solid accomplishments, they also led to a problem: The set memberships left out potential players who might have had an important role in addressing the problem in question. So while some silos were broken down, new ones cropped up.

Now, Washington is trying another approach. On a case-by-case basis, state officials are bringing in agencies as well as external groups to work together on specific objectives set by the governor. Recently, the state set up a collaborative working group to come up with improvements to its reentry programs for recently released prison inmates.

Don’t hold your breath waiting for Washington to solve all its issues with collaboration, though. There is still the ongoing issue of siloed budgets. While agencies may buy into the idea of collaboration, there’s a lingering risk that agency budgeters may feel that “what’s mine is mine, and what’s yours is negotiable.” “The way we budget contributes to the problem

Breaking down silos in government can sometimes make things worse.

of siloing,” says Inger Brinck, director of Results Washington.

Another way states and cities have attempted to make for more collaborative government is to create a number of new departments to clarify roles. But these can create still more delays in procuring information.

For example, Dallas has both a geographic information services department and a communications and information services department. But to get, say, an informational map from the GIS department, one can’t necessarily go directly to GIS, or even CIS. It has to start with a query to another division within CIS, called the Enterprise Data Management Division.

Similarly, new positions dedicated to greater effectiveness, while helpful, have the potential to build even more walls. These new titles include chief human capital officers, chief evaluation officers, chief program management officers, chief risk officers and chief data officers. While such new positions provide significant benefits, they can also carve out new fiefdoms. **G**

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Paying Equity Up

Public purchasers could do far more to boost minority-owned businesses.

Ask any demographer: One of the main keys to America's future prosperity is increasing the wealth of its people of color, and that means expanding their opportunities for economic productivity. Currently, employers make up 2.2 percent of the white population but only 0.5 percent of Hispanics and 0.2 percent of African-Americans. These numbers are the result of centuries of oppression and discrimination, and one of the principal tools state and local governments have to improve them is to leverage their enormous purchasing power—estimated at \$1.5 trillion annually—through various types of set-asides and purchasing preferences.

Yet what we've mostly seen is administrative and political sound and fury without much progress. You might assume, for example, that a progressive, growing city such as Boston would be an exemplar of equity-driven procurement, but less than 1 percent of the \$664 million in city contracts last year went to businesses owned by minorities or women. And pushback isn't uncommon. Even though a 2016 study done for Shelby County, Tenn., showed that 88.3 percent of the county's prime contract dollars went to white male contractors, a mechanical contractors' trade group has nevertheless sued the county for reverse discrimination over its efforts to increase minority contracting.

There are many more such cases, reflecting the tension between getting the best deal for the taxpayers and assuring that those doing business with government are representative of all of those taxpayers. There is no quick fix, but there are places to look for inspiration and guidance. One of those is the inclusive procurement guide produced by the City Accelerator, a joint initiative of *Governing* and Living Cities supported by the Citi Foundation. You'll find it and many other relevant



Minnesota
Department of
Administration
Commissioner
Alice Roberts-Davis

stories and strategies at governing.com/cityaccelerator.

Another place to look is the state of Minnesota. The Governing Institute, the good-government think tank associated with this magazine, surveyed state procurement practices in 2015 and again this year, and in both surveys Minnesota demonstrated the strongest response of any state in promoting contracting inclusion. The Minnesota Office of Equity in Procurement (OEP) was created in 2015 with a goal of increasing the state's contracting with minorities, women, veterans, people with disabilities and residents of economically disadvantaged

counties in the state. The OEP is part of the Department of Administration, which is headed by Alice Roberts-Davis, who as an assistant commissioner had overseen OEP. She joined the department in 2015 after a career with Target, where she ran the retailer's supplier diversity program.

Roberts-Davis told me that the first thing OEP staff did was to mine the data to understand what the baseline was. They found that out of the state's \$2.5 billion in annual spending, just \$135,000 was with black-owned businesses. "It was embarrassing and shocking," she says, "but I think we made the right move to be very transparent out there, to share that information very broadly." Three years later, according to Roberts-Davis, state spending with black-owned businesses has increased by 2,000 percent.

Minnesota's contracting equity effort employs an array of good strategies. Each state agency has a dashboard to track how it's performing and how that compares to other agencies. Every agency also has a direct point of contact within OEP, and each of the state's 800 staff members with procurement responsibility gets mandatory training. The state also created a program called Equity Select, which for certain types of contracts allows procurement professionals to directly select the kind of businesses the state is trying most to impact without going through the standard procurement process.

Dugan Petty, a procurement expert and the director of the two Governing Institute surveys, told me that he sees state preference programs, which have long been largely politically driven and situational, moving into a sustainable framework with a longer-range vision. That's what we need if we're going to correct the long history of discrimination baked into the system. **G**

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Trusting the Tax Collector

We've been wary of taxation since the Boston Tea Party. New finance rules help.

Many Americans think “trust in government” is an oxymoron. Indeed, distrust of government is one of our founding principles. The original 13 colonies had little in common, but they shared a deep and mutual wariness of the British crown. This is especially true of taxing and spending. The Sons of Liberty expressed their displeasure with King George’s fiscal policies not by filing a complaint, but by dumping a few hundred crates of tea—and lots of uncollected tax dollars—into the Boston Harbor.

Despite that historical skepticism, trust in government is a worthwhile and attainable goal. Citizens need to trust that their government will act in their best interest. For the most part, they believe states and localities do. According to a Gallup poll, in 2018 about 70 percent of Americans said they trusted their local government. That number hasn’t changed much since the 1970s. Trust in state government has dipped a bit but still hovers around 60 percent. That’s quite a contrast to Congress and the president, whose trustworthiness continued a downward trend in 2018 at 40 percent and 42 percent, respectively.

Social scientists don’t agree on what makes states and localities so much more trustworthy. One theory is that mayors and governors understand that if people believe their government treats them fairly and acts with integrity, then they’ll trust it. In fact, they’ll trust it even if they don’t agree with everything it does.

This understanding seems to be at the heart of the Government Finance Officers Association’s (GFOA) recent sweeping overhaul of its Code of Ethics.

Codes of ethics tend to be checklists of professional do’s and don’ts. GFOA’s was no different. It prescribed that state and local finance professionals should follow the law, avoid conflicts of interest and so forth. While useful, it left a key question unanswered: Where’s the feedback? It’s clear what happens when finance officials act unethically. But what happens when they act ethically?

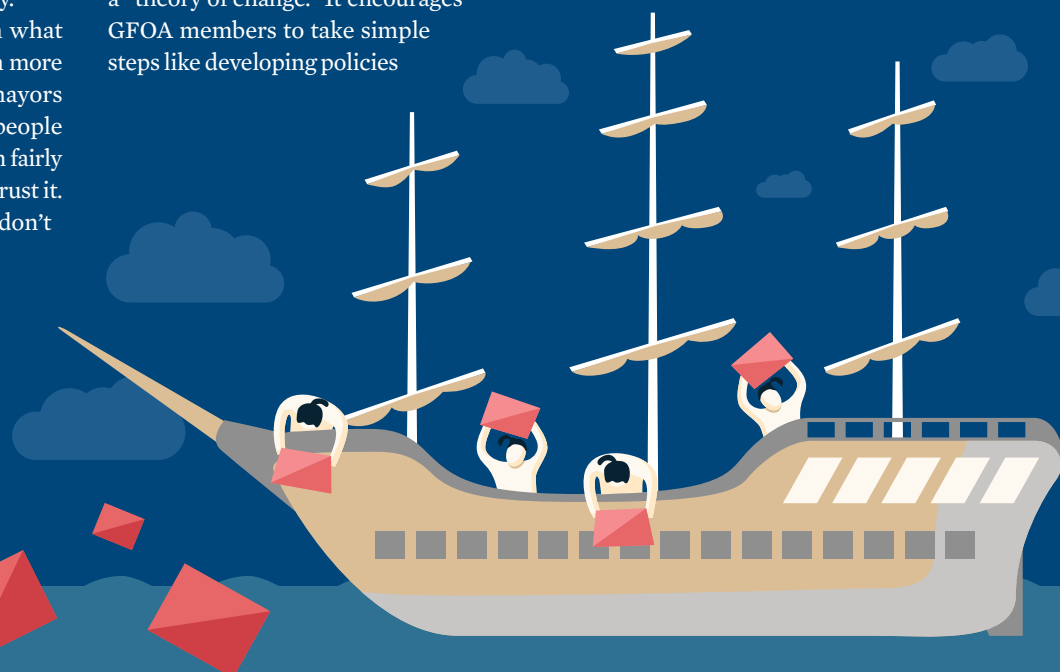
GFOA’s new Code of Ethics answers this question directly. It’s organized around the simple idea that the No. 1 job of state and local government finance professionals is to earn and maintain citizens’ trust. The code’s preamble says, “Trust is an asset as important as any that can be found on our balance sheets,” and that state and local finance officials “have a deep and abiding desire” to show they’re worthy of citizens’ trust. Those are powerful words from people who take enormous pride in their balance sheets.

Beyond that bold statement of values, the new code is really a practical road map for how finance professionals can work to build and maintain trust. It’s what our friends in program evaluation would call a “theory of change.” It encourages GFOA members to take simple steps like developing policies

and procedures to make sure that financial operations are as transparent as possible. It also speaks to personal conduct, such as doing the best work possible to show citizens value for their tax dollars. Some of its suggestions are quite aspirational, like making certain that budget debates include all the affected stakeholders. It follows that when government finance officers work transparently, work hard and work to include as many voices as possible in key decisions—an essential point in our rapidly diversifying communities—then citizens are more likely to see their public finance officials as worthy of their trust.

By reimagining ethics this way, GFOA has done two remarkable things. First, it’s offered practical advice to its members on how to navigate an increasingly tenuous and hostile civic space. Second, and perhaps more important, it’s articulated the real value proposition of public finance. Good public financial management is essential to trust in government. That’s an investment we can and should support. **G**

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Beyond the Brown Truck

As delivery vans choke streets, cities need to be open to experimentation.

The Great Blizzard of 1888 dumped more than 20 inches of snow on New York City, blowing down the thick web of power lines that were strung overhead. The city was plunged into darkness, and communications were disrupted for days while the dangerous live wires lay in the snow. The outage resulted in a city regulation to bury all cables in New York, a measure that was soon adopted in many other big cities.

Although the analogy certainly isn't exact, I wonder if something similar may happen as cities deal with the explosion of delivery vehicles weaving a tangled web in their streets to fulfill Americans' growing propensity for ordering everything they can off the internet. Industry people call this "the last mile," the final journey of a small package from some sort of central hub to a business or residential address.

This may not yet be a significant problem in suburbs, but denser central cities are dealing with growing challenges of double-parked delivery vans, blocked bike lanes and greater traffic congestion in general as delivery trucks make their way from stop to stop. One recent day, I counted four of UPS' distinctive brown trucks within a few blocks of my Brooklyn apartment. Add to that the vehicles from FedEx, the U.S. Postal Service and Amazon's own growing fleet of delivery vans.

For public officials, trying to figure out what to do about this raises all sorts of questions. What infrastructure should be invested in, what regulatory structures should be created, what levels of enforcement are needed?

I would advise local governments to take a tip from Cole Porter and experiment; as the song lyric goes, "it will lead you to the light." Maybe that means encouraging companies to set up their own smaller distribution hubs, or perhaps establishing

public ones that competing companies could use, like the freight equivalent of bus terminals. It means being open to drones, robots or whatever new technology might supplant some of those trucks.

And those new suburban downtowns that want to be denser and more urban? As they plan, they should think about freight systems for small packages, starting with simple things like designating loading and unloading spaces that move the delivery vans out of the traffic flow.

So far, for the most part, cities have worked incrementally to find ways to mitigate the trouble caused by deliveries. In New York, for example, Mayor Bill de Blasio's administration has asked freight companies to set up more smaller distribution centers around the city, so that delivery vehicles travel shorter distances.

In Toronto, the local and provincial governments contracted with Sidewalk Labs, a company owned by Google (and for which I've done some consulting work), to flesh out a master plan for a new urban community on vacant waterfront land, something

my *Governing* colleague John Buntin wrote about in these pages last month. The plan includes central storage hubs, where packages could be dropped off and then robotically zipped through small tunnels to their addresses.

This may sound like science fiction, but so did driverless cars until recently. Yet researchers for UPS envision locker-equipped autonomous vehicles "that can drive to a neighborhood ... and park for the day to allow local residents to retrieve their purchased goods."

Another solution is to deliver via cargo bikes, which UPS is now doing in Seattle; Hamburg, Germany; and other cities. For all the talk of robots and drones, it's a bit of a back-to-the-future moment: UPS got its start in Seattle in 1907 delivering messages by bicycle. That's something to keep in mind for public officials looking for answers to urban problems. High-tech solutions aren't necessarily the only way to address them. **G**

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Delivery vehicles have become an increasingly familiar sight in cities.

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TURNING DATA INTO INSIGHTS IN SAN JOAQUIN COUNTY

Like most counties, San Joaquin County, Calif., collects a vast amount of data about its operations and the community it serves. But until recently, the county couldn't put that data to use.

"We couldn't tap our data to collect meaningful metrics and insights that would help us be better at what we do," says Jerry Becker, assistant county administrator for San Joaquin County. "One of our board's priorities is to improve operational efficiency. We wanted to mine our data and pull out key facts that could help us make better business decisions, but we didn't have the tools to do so."

In 2016, San Joaquin County hired Graviton Consulting Services to upgrade its existing on-premises PeopleSoft enterprise resource planning (ERP) system. During implementation, Becker discussed his data challenge with the Graviton team. For years, county leaders had talked with Oracle representatives about Oracle's business intelligence solutions, though budget constraints prevented them from committing. But when the Graviton team told Becker about Oracle's new subscription-based analytics solution, he was intrigued.

In 2018, San Joaquin County agreed to work with Graviton and Oracle on an Oracle Analytics Cloud (OAC) proof of concept. Leveraging a data lake and OAC would give the county a low-cost way to apply analytics across its vast troves of data — whether that data resided in cloud-based or legacy systems.

DIVING INTO DATA

The county focused the proof of concept on its biggest expense — personnel.

"Personnel are our most valuable resource, and also our most costly resource," says Becker.

The proof of concept project analyzed sick leave use for 7,200 county employees.

Leveraging OAC, the county culled its data and built dashboards and heat maps to display a variety of information, including which days employees were most likely to call in sick and how much sick leave was used by certain job classifications.

"It was a tremendous eye-opener for us," says Becker.

The county identified several unexpected trends, including the fact that some personnel waived sick leave benefits in exchange for cash payouts, or did not use any sick leave at all for multiple years. Unused sick leave creates a future expense for the county because employees can cash that leave out at retirement. The county didn't want to needlessly drive up that balance and create a large future liability.

"Some employees were using other types of leave when they were sick," says Becker. "The OAC product helped us realize we had some education to do."

**"THE FACT THAT WE CAN
BRING LARGE QUANTITIES OF
DISPARATE DATA INTO OAC AND
TURN IT INTO STRUCTURED,
INTELLIGIBLE DATA WE CAN USE
IS EXTREMELY VALUABLE."**

— Jerry Becker, Assistant County Administrator, San Joaquin County

Based on findings from the proof of concept, the county made changes that will ultimately reduce its risks and expenses.

"We knew some of these things before, but until we implemented OAC we didn't have an all-inclusive look," says Becker. "It allows us to bring together a wide variety of information, and if something looks odd, we can dive in and take a closer look."

"Performing some quick, easy analytics on its data helped county leaders think about how they could improve productivity and increase efficiencies," says Vineet Srivastava, president and CEO at Graviton Consulting Services. "Just by bringing data into OAC and animating it, the county pulled out insights it wouldn't normally be able to see."

The original proof of concept created an appetite for additional analytics projects among San Joaquin County's executive staff. Over the next several months, the county launched two more analytics projects, including one at San Joaquin General Hospital, a county-run hospital and trauma center.

San Joaquin General Hospital is required to produce multiple reports, including a Public Hospital Redesign and Incentives in Medi-Cal (PRIME) report required by the state of California. The PRIME report is critical to the county because it's tied to state funding, but it requires hospital personnel to spend hundreds of hours collecting data. Using OAC, the county can now automatically gather structured data from its electronic medical system and unstructured data such as doctor's notes, charts, pdfs and more from hundreds of thousands of hospital records. That reduces the time and effort required by hospital staff to create the PRIME report and improves the report's accuracy because it reduces the potential for human error.

The county also used OAC to evaluate overtime pay at San Joaquin General Hospital. The county recently made personnel changes and hospital leadership wanted to evaluate how those changes affected expenses. Using OAC, they could see how much overtime they were paying staff and make further adjustments to lower costs.

"Just that little bit of analysis through OAC can help us more accurately project future costs," says Becker.

The county eventually plans to leverage OAC within the hospital to build machine learning algorithms that can predict patient needs and outcomes more quickly. In the

long run these efforts could help the hospital run more effectively and efficiently and further reduce costs.

"The fact that we can bring large quantities of disparate data into OAC and turn it into structured, intelligible data we can use is extremely valuable," says Becker.

The third OAC project underway is using analytics to examine the county's homeless population and evaluate each person's fit for rehabilitation programs. That project is still in its infancy, but Becker and team have developed data sharing agreements with multiple service providers throughout the county.

"We have about a dozen different systems that collect information about homeless individuals, so there is a tremendous amount of data that can be shared to give us a more holistic view of our homeless population," says Becker. "Bringing that data together from what were siloed systems gives us insights we previously didn't have. It has allowed us to ask new questions and better understand how we can interact with our homeless population and get them the services they need to be successful."

OBSTACLES AND OPPORTUNITIES

Becker says one of the biggest challenges he's faced with each of the OAC projects is getting agencies to share data. Managing that challenge required him to focus on the positive and push through initial resistance.

"I sat down with department heads and asked them to focus on what we could share," says Becker. "We're not going to focus on the barriers; we're going to focus on the things we can move forward on. Then we'll work our way through the barriers."

Becker says strong partnerships with Graviton and Oracle have also been important to the county's success.

"It was helpful that we had such a powerful initial start," Becker says. "We saw how quickly they were able to bring the data in and create meaningful results."

San Joaquin County leaders are currently expanding the volume and types of data they're feeding into OAC to create other types of insights and examine other areas where they can apply OAC's analytics and machine learning capabilities.

"It's exciting to see how OAC can help us analyze how we're delivering services and determine where there are opportunities for improvement," says Becker.

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A Bias Against Health

Is racism a public health crisis? Milwaukee County thinks so.

It's become commonplace for government leaders to consider a community's social factors—such as poverty, housing, the quality of its schools and its racial breakdown—in efforts to make lasting improvements in health equity. But this spring, Milwaukee County, Wis., leaders went a step further, approving what is believed to be a first-in-the-nation local government resolution declaring racism itself a public health crisis.

When the County Board of Supervisors, County Executive Chris Abele and the Office on African American Affairs rolled out the declaration in May, they pointed to troubling statistics. A ZIP code in the city of Milwaukee has been cited, for example, as having the nation's highest rate of incarceration of black males. And Wisconsin's black infant mortality rate is the highest in the nation, according to the latest data.

For some county leaders, the racial disparities that affect health reflect personal experiences. “Growing up in the public school system, I experienced systemic cuts in public education,” says Marcellia Nicholson, the county board's vice chairwoman, who is African-American. “I was surrounded by family members battling addiction and a lack of stable housing. I experienced gun violence and saw drug deals happen. I saw how all of that impacted our community.”

For now, the declaration doesn't involve redirecting or increasing county spending. Rather, it's an effort to bring racial equity to the forefront in every decision county leaders and administrators make. It promises to assess all internal county government policies for racial biases, and it mandates training for all county employees to “expand understanding of how racism affects people.”

Milwaukee County's declaration is by no means the first time that racism has been linked directly to health equity. When



she was Baltimore's health commissioner, following the riots that erupted in the city in 2015 after the death of a black man prosecutors said was injured while being transported by police, Leana Wen launched initiatives to confront wide racial disparities in health outcomes and life expectancy. There has also been an emergence of new studies documenting how racial discrimination impedes equal access to stable housing, health care and other social services that have an impact on health. And a survey by National Public Radio, the Robert Wood Johnson Foundation and Harvard University found that even common day-to-day experiences of racial bias increase African-Americans' stress levels.

Declaring a local emergency isn't necessarily the only way to make health equity a priority, but it is seen as one way to force local leaders to think more holistically about all of the ways, big and small, that their decisions impact disadvantaged

communities. “If, for example, you want to fix alcoholism in a community, you don't just provide alcohol-related services,” says Georges Benjamin, executive director of the American Public Health Association. “You have to fix the boarded-up housing. You have to fix the lights and roads.”

For government leaders who want to tackle racial equity as a public health issue, Benjamin suggests doing “an audit of your policies and see who is being impacted.” If, say, “the place to sign up for health insurance is only open on weekdays during the day, you might need to make those services available at night or on the weekends.” These sorts of program and policy changes, he says, need to be addressed on top of more obvious issues such as police violence, residential segregation and drug addiction. “It requires a thoughtful approach.” **G**

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Plastic Bans Go Statewide

Before this year, no state had passed a law to ban the use of polystyrene take-out containers. Now, lawmakers in Maine and Maryland are arguing over which of their laws is really the country's "first," and officials in other states are considering joining them. Maine's law to block local retailers from using polystyrene, or Styrofoam, containers was the first signed into law, in April. But Maryland's measure, which Republican Gov. Larry Hogan allowed to become law without his signature in May, will take effect in July 2020—six months before Maine's.

The efforts in Maine and Maryland underscore the fast-moving shift to ban single-use plastic products—and not just city by city. The most-targeted items are Styrofoam containers, plastic straws and plastic bags.

"I think 2018 was a tipping point in the public view," says Maryland Delegate Brooke Lierman. She says people are growing alarmed as they read stories about the impact of plastic on the environment, including a cover story in last June's *National Geographic* about the 18 billion pounds of plastic that end up in the world's oceans every year. China's decision to stop importing many recyclable goods from the United States has also raised concerns about how much ends up in landfills.

While plastic bans have long been debated at the local level, they are increasingly a topic in state capitols. In 2014, California was the first state to

Several cities have passed bans in recent years. Now statehouses are, too.



ban single-use plastic bags; it also led the charge against plastic straws, banning them in restaurants last year. Delaware, Maine and New York passed plastic bag bans this year, and Hawaii has had a de facto statewide bag ban since 2015 because all of its counties prohibit them. At least a dozen states, meanwhile, have taken the opposite approach by prohibiting local governments from banning bags.

Alex Truelove, the zero waste director at US PIRG, a national liberal interest group that helped push the state bans, considers Styrofoam to be "public enemy No. 1" when it comes to plastic pollutants. "It's lightweight, so it floats easily and travels through waterways easily. It breaks apart easily," he says. "It's mistaken for food by all sorts of animals. And it's still one of the more common kinds of plastics out there that we see in beach cleanups."

But Cailey Locklair Tolle, president of the Maryland Retailers Association, says banning one type of material or product won't solve the pollution crisis; it will just change the kinds of pollution while adding costs to businesses and customers. Retailers might switch from Styrofoam cups, for example, to paper cups lined

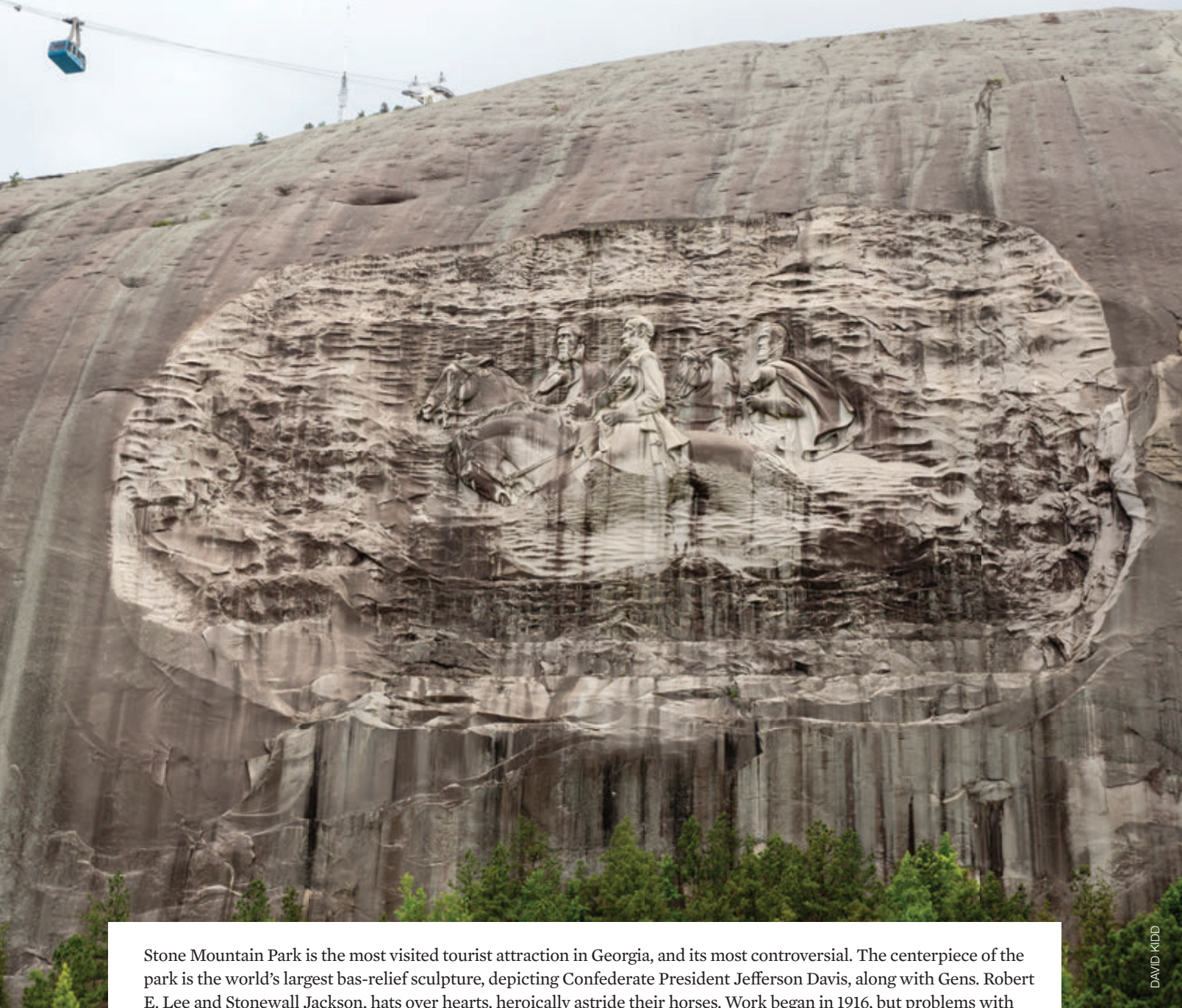
with a kind of plastic known as polyethylene. But those paper cups are difficult to recycle (and not cost-effective either), which is why Starbucks has been trying for years—so far unsuccessfully—to replace them with a more environmentally friendly product. "We're not going to get there by banning single-use plastics one by one. There has got to be a bigger and more comprehensive plan," Tolle says.

To some extent, Truelove agrees. But he says targeting small-but-symbolic sources of pollution is part of a longer-term strategy. "Once we get rid of foam containers, we want to ask: What's next? Banning bags, foam or straws doesn't solve the pollution problem at once, but it helps people think about more systematic things," says Truelove.

In Vermont, Republican Gov. Phil Scott in June signed the nation's most comprehensive ban on single-use plastics, covering plastic grocery bags and Styrofoam containers, as well as charging 10 cents for paper bags and limiting restaurants' plastic straw giveaways only to people who request one. **G**

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Last Look



Stone Mountain Park is the most visited tourist attraction in Georgia, and its most controversial. The centerpiece of the park is the world's largest bas-relief sculpture, depicting Confederate President Jefferson Davis, along with Gens. Robert E. Lee and Stonewall Jackson, hats over hearts, heroically astride their horses. Work began in 1916, but problems with financing, technical troubles and disputes with sculptors stalled the project several times in the ensuing decades. The state purchased the mountain in 1958; the sculpture wasn't completed until 1972.

In recent years, cities and towns across America have debated what to do with their monuments to the Confederacy. Disputes about the fate of Stone Mountain's Confederate Memorial Carving even made their way into the race for Georgia governor last year. Proposals include leaving it alone, adding more figures or blasting it off the face of the mountain. It wouldn't be the first time the artwork was erased. Gutzon Borglum, the original sculptor and a member of the Klan, was fired in 1925. His unfinished Gen. Lee was blasted away and work began anew. Borglum went on to his next project, Mount Rushmore. —David Kidd

DAVID KIDD



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