

GOVERNING

THE STATES AND LOCALITIES

June 2017



CHECKS & IMBALANCES

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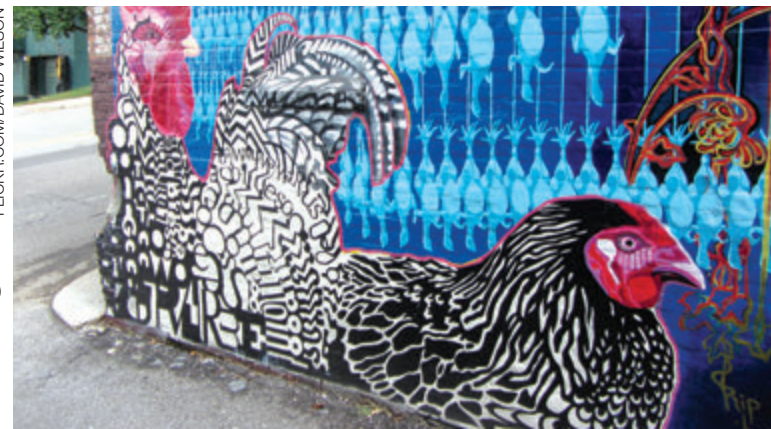
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Where Decency Resides

Daniel C. Vock's feature this month on the refugee crisis in Twin Falls, Idaho, is about the basic decency of Americans in places that the coastal elites rarely visit. This reality especially shines through in Gloria Steinem's 2015 book *My Life on the Road*.

Steinem writes about winding up in Sturgis, S.D., during its annual motorcycle rally, when about half a million bikers descend on the town. She tells how she was a little afraid when she went into a restaurant alone. In the next booth, Steinem writes, were "a man with chains around his muscles and a woman in leather pants with an improbable hairdo." The woman came over, and Steinem recounts what she had to say: "I just want to tell you how much *Ms. Magazine* has meant to me over the years—and my husband, too. [...] But I wanted to ask—isn't one of the women

you're traveling with Alice Walker? I love her poetry."

It's hard to escape our preconceived notions about people and places. I got a reminder of that at a recent conference for Kansas city managers when the subject of immigration came up. Melissa McCoy, assistant to the city manager of Dodge City, talked about how her community is now approximately 60 percent immigrants, some of them undocumented. With President Trump's promise to crack down on illegal immigrants,

many are fearful. The town is trying to ease their worries: The police chief recently took to social media to quash rumors that federal agents were going door to door arresting people.

Dodge City is the county seat of Ford County, which President Trump won by 40 percentage points: Dodge City isn't San Francisco or Seattle. But it has recently added police officers of Latino descent, is trying to employ a diverse municipal workforce and has been working to bring mobile federal immigration services to southwest Kansas to lessen time and distance barriers.

What I heard in Kansas and read in Vock's story made me feel good about the small cities and towns that make up so much of America—about the ultimate strength of their institutions and the competence of their public administrators. They are professionals who are more pragmatic than ideological.

At the end of the little piece about Sturgis, Steinem writes, "I tell you this story because it's the kind of lesson that can be learned only on the road. Altogether, if I'd been looking at nothing but the media all these years, I would be a much more discouraged person."

Amen, sister.



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THE MOST HATED MAN IN PENSIONLAND



Philanthropist John Arnold has vowed to secure retirement for public employees. So why do so many public employees despise him?

By Liz Farmer
Photos by Brent Humphreys

It's a John Arnold Problem

In the April feature “The Most Hated Man in Pensionland,” Liz Farmer profiled philanthropist John Arnold, who has been donating billions to help fund pension policy research and pro-reform political candidates and ballot initiatives. “All of this has made Arnold public enemy No. 1 among lots of government workers and union leaders,” Farmer wrote, “many of whom see any threat to change pensions as something to be feared and fought.” Arnold first became intrigued by the topic when he read about unfunded liabilities following the 2008 financial crisis. Among those who oppose his efforts is the National Conference on Public Employee Retirement Systems (NCPERS).

Public pension funds are properly concerned about the outsized influence wielded by Arnold, a billionaire who made his fortune from the Enron debacle. There is no one who has worked harder to undermine a pension system that has ensured retirement security for millions for the past century, and no one who has done more to stoke fear about the future of pensions.

For a math genius, Arnold is surprisingly weak in his grasp of statistical outliers. The 2008-2009 global financial crisis that sparked his interest in public pensions

has abated. The sharp dips in pension asset values have recovered. The vast majority of public pensions are well funded and are gaining strength as the economy grows. Arnold's research is fixated on events that have passed.

As he works to keep the spotlight on the minority of public pension plans that are in trouble, Arnold goes easy on the legislatures that failed, even in boom economic times, to fund the commitments they made. Is there any wonder why the research he pays for is widely discounted as shortsighted and politically motivated?

—Hank H. Kim, executive director and counsel, NCPERS

Dallas' Pension Mess

In his April Observer item, “Deficit in Dallas,” Alan Greenblatt wrote about the city's pension problem and how, unless addressed, it may force the city to file for bankruptcy. Dallas' public safety pension fund has a shortfall somewhere in the neighborhood of \$8 billion. Greenblatt explained that the pension mess was largely due to “generous benefits that included a guaranteed return rate of 8.5 percent on individual savings accounts. In order to pay for such benefits,” he wrote, “the board engaged in some risky investments.” One reader wrote in to

further explore the causes of the pension shortfall.

One thing that should be made clear is that the economy in the city of Dallas is not as vibrant as the surrounding suburbs, where most of the growth in the past 15 years has been. As a matter of fact, the population in the city barely changed between 1990 and 2000. The pension is a mess because of a mix of stagnant growth, bad investments, fraud, and negligence by city council members and previous mayors.

It started when the pension administrator, a city employee and the police/fire unions went to Austin to take control of the pension fund away from the city in 1993. Then came the infamous [deferred retirement option plans], which allowed employees to retire, collect their pension and keep working with an 8.5 percent guaranteed interest rate. To fund that rate, the pension fund invested in private equity funds and lots of real estate. Taxpayers have never skipped a payment, but the pension board made really bad investment decisions that will cost taxpayers in the future.

To make bad news worse, the average salary of a policeman or fireman is greater than the median family income of the average Dallas taxpayer. So in a sense, the rich are robbing from the poor to fund their pension plan. Sixty percent of Dallas' general fund goes toward the police and fire departments. One-fifth of that money goes toward the pension fund. You can only squeeze a taxpayer so much. That's why bankruptcy may be in Dallas' future.

—Stan Aten, Dallas

Corrections: In his April Assessments column, “Public Housing and Racial Reality,” Alan Ehrenhalt wrote that the Obama administration accused Houston of violating the Fair Housing Act of 1968. The city was actually accused of violating the Civil Rights Act of 1964.

In his March Economic Engines column, “Town and Gown Goes Downscale,” Aaron M. Renn mistakenly identified the company B2S Life Sciences as B2S Laboratories.



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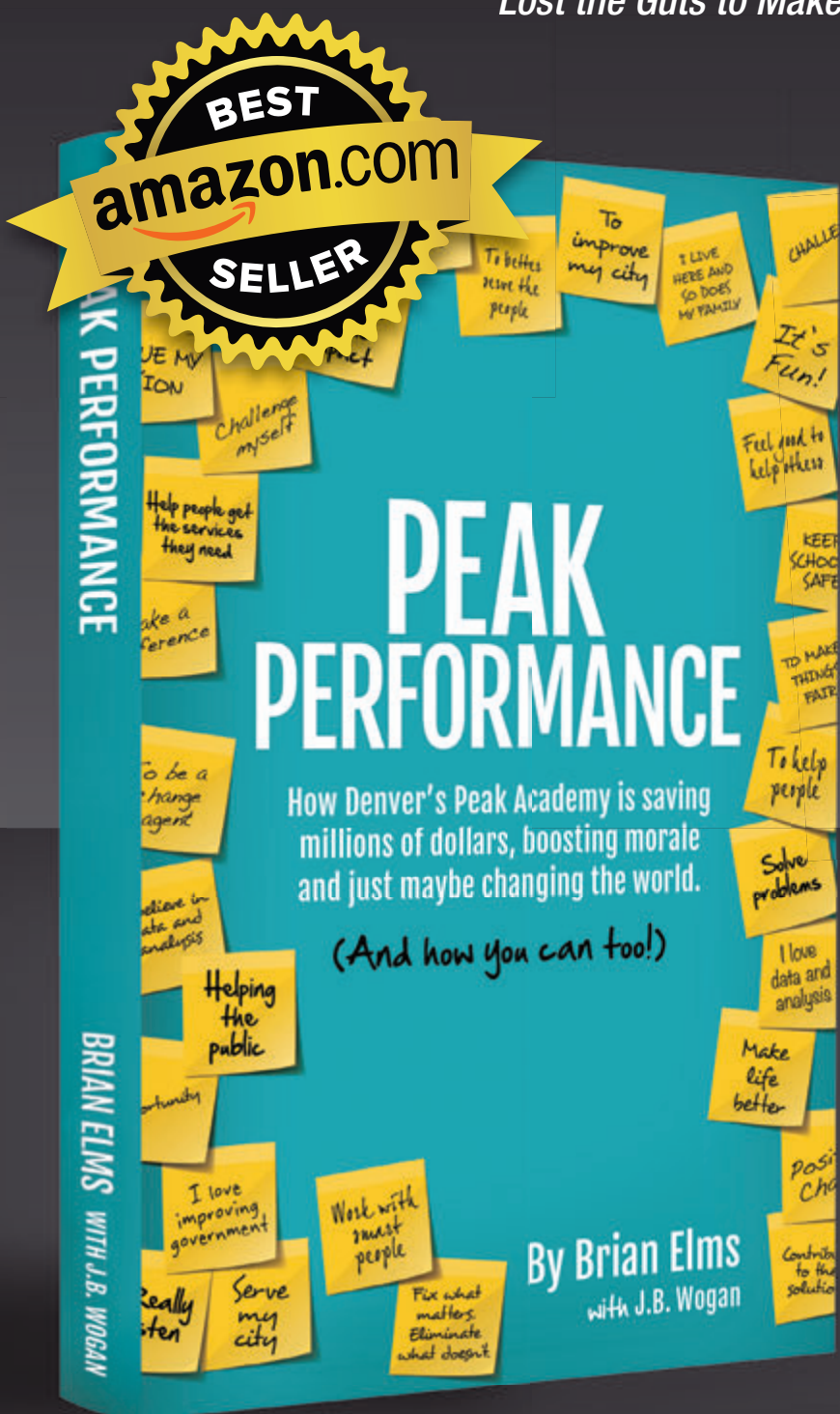
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Firehouse Clout

IN RECENT YEARS, most states have changed their workers' compensation rules for firefighters. When one of them develops cancer, heart disease or lung disease, the illness is now assumed to be job-related. These changes reflect the hazards of fighting fires. They also reflect the enormous clout enjoyed by firefighters and their unions.

The heroic image of firefighters is well earned, but it's a political asset as well. No politician wants to be seen as opposed to them, or to the public safety values that they embody. "When you think of firefighters in the political sphere, they're kind of a protected class," says Robert Fellner of the Nevada Policy Research Institute, a free market think tank. "Everyone wants firefighters on their side."

Firefighters don't simply rely on their image. They work the entire political system. The International Association of Fire Fighters

raised \$4.5 million for the 2016 federal election cycle. But their greatest impact is at the state and local levels. In Arizona alone, there are more than 30 political action committees representing the interests of firefighters. Last year, they spent seven times as much on campaigns as Arizona police did.

But firefighters bring more than money to the table. They are in practically every legislative district in the land. And because their work is done in shifts, there's always someone off-duty who's available to go around and knock on doors.

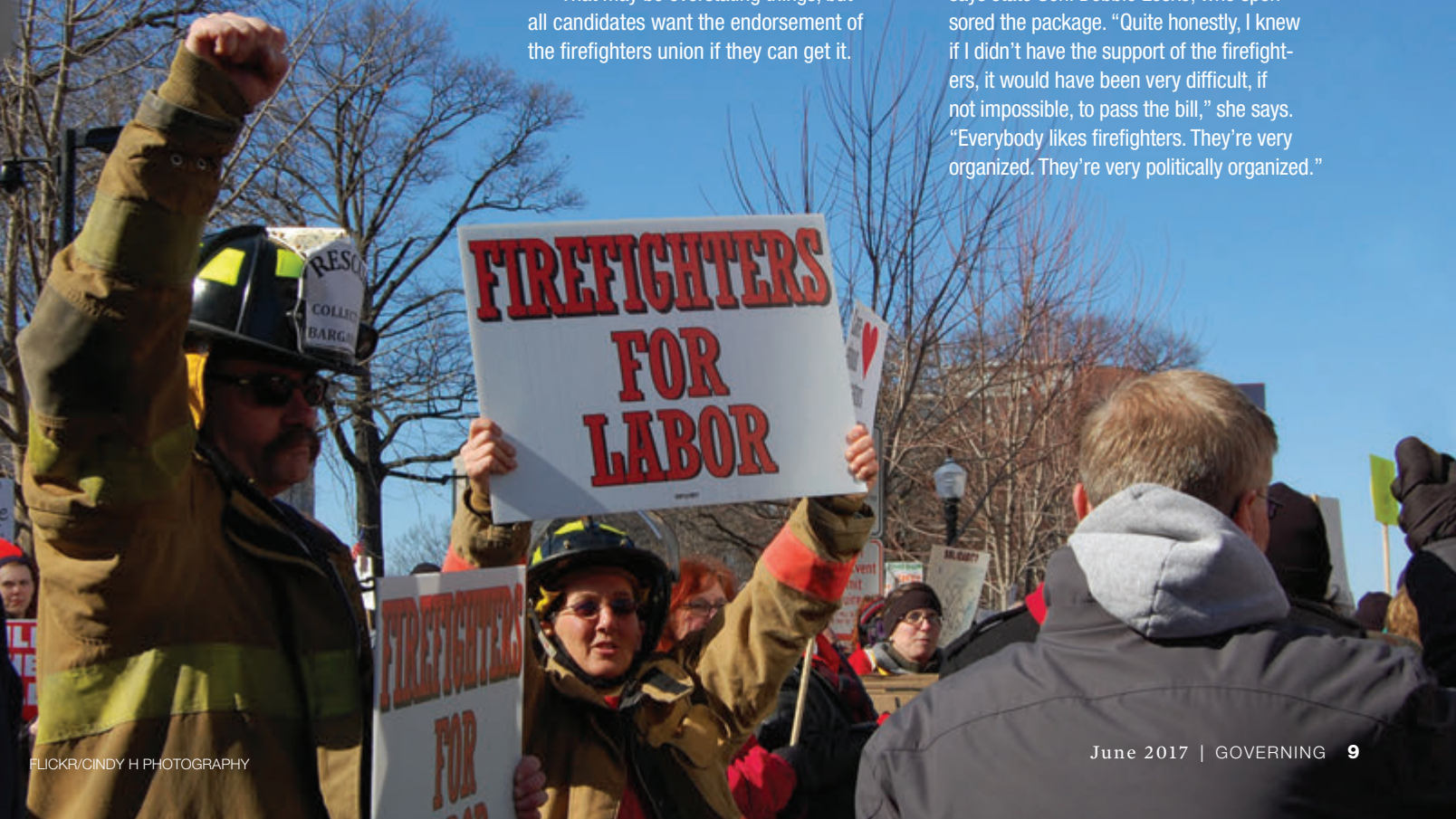
Occasionally, firefighters do get push-back from taxpayer groups such as Fellner's, which argue that salary and benefit levels have gotten out of hand. The majority of calls that fire stations answer are for medical emergencies, not fires, yet the median salary nationally for firefighters is 50 percent higher than that earned by emergency medical technicians. Fellner complains that due to their sway in local elections, firefighters are effectively able to hire their own bosses.

That may be overstating things, but all candidates want the endorsement of the firefighters union if they can get it.

"Just about every year, a legislature that's dominated by people who say they are not supportive of labor unions continually does what the firefighter unions ask," says Ken Strobeck, executive director of the League of Arizona Cities and Towns.

Nevertheless, Strobeck gives credit to Bryan Jeffries, president of the Professional Fire Fighters of Arizona, for helping to negotiate a reduction in pension benefits last year. Jeffries agreed to a change in the formula for cost-of-living adjustments for retirees, as well as increased contributions from new hires. Those alterations are expected to save the state \$1.5 billion over 30 years. Maybe Jeffries was willing to come to the table because he had served on the Phoenix City Council and was able to see the issue from both sides. Or maybe he recognized that the pension system as a whole was at risk and threatened to "kill the goose that laid the golden egg," Strobeck says.

Regardless of his motives, Jeffries' willingness to compromise was essential, says state Sen. Debbie Lesko, who sponsored the package. "Quite honestly, I knew if I didn't have the support of the firefighters, it would have been very difficult, if not impossible, to pass the bill," she says. "Everybody likes firefighters. They're very organized. They're very politically organized."



Missouri Gov.
Eric Greitens

Governing in the Dark

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MISSOURI'S GOVERNOR may not have anything to hide, but he sometimes acts as if he does.

Eric Greitens, a Republican and a former Navy SEAL, won the governorship last year in his first bid for public office. Much of his campaign funding came from donors whose identities were never disclosed, including a “dark money” group called LG PAC that spent \$4 million on his behalf. Greitens also received a check for nearly \$2 million—then the record donation in Missouri—from a group called SEALs for Truth. The way the money was shifted around means that the original source remains unknown in both cases.

The governor’s secretive fundraising continued after the campaign. Corporations and lobbyists gave money to pay for his inaugural festivities, but Greitens refused to say how much any of them had given, or the total amount he’d raised overall. Close associates of his have now set up a dark money group to promote his policy agenda. “Eric Greitens has shown that his campaign

commitment to clean up the corruption in Jefferson City was a false promise,” says Progress Missouri, a liberal group.

It’s not just advocates on the left who are concerned. Some Republican senators upset about Greitens’ use of a dark money group forced debate about requiring such groups to disclose their donors at the end of the legislative session last month. Those senators quickly found themselves attacked in ads sponsored by the group associated with the governor.

But money isn’t the only issue. Greitens campaigned on the idea of openness, but he forced members of his transition team to sign gag orders banning them from speaking about their work. When he appears in public, Greitens sometimes brushes off reporters by telling them to make a request through staff, who in turn often tell them their requests aren’t a priority. “This is the most reclusive, inaccessible and unengaged governor I’ve ever covered,” Phill Brooks, a reporter for the CBS radio affiliate in St. Louis, told *The Kansas City Star*. Brooks has been at the statehouse since 1970.

Parker Briden, the governor’s press secretary, says that Greitens has given “many” interviews, while also holding news conferences and speaking occasionally with reporters in informal groups. But he doesn’t deny that Greitens will sometimes bypass reporters by putting his message out unfiltered through social media. “We really appreciate the opportunity to connect with people directly on that platform,” Briden says, “and it gives us the chance to let a large audience of people know that the governor is fighting for them.”

Briden is right when he says that increasing numbers of people are getting their news through social media. Still, in public life, it’s important for elected officials to remain accountable to their constituents, whose concerns are often expressed in the form of questions asked by reporters. For a self-described reformer to refuse to answer most of the questions put to him—including the all-important question of who might be funding his agenda—can only raise more questions. “It’s totally baffling,” says Ken Warren, a political scientist at St. Louis University. “Everyone is perplexed and frustrated by his arrogance and total insensitivity to transparency. Government isn’t like a secret Navy SEAL operation.”

U.S. Education
Secretary Betsy
DeVos

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DeVos vs. Denver

BETSY DEVOS HAS a problem with Denver schools. The federal education secretary complained recently that Denver offers parents and children only a “limited” selection of school choice options. “The benefits of making choices accessible are canceled out when you don’t have a full menu of options,” she said.

The secretary picked an unusual forum for launching her complaint. DeVos was participating in an event at the Brookings Institution, at which the think tank released a report touting Denver for having the strongest school choice regimen of any big city in the country. “She said what she believed more candidly than I would expect from someone at her level,” says Russ Whitehurst, a senior fellow at Brookings and author of the report.

Whitehurst sticks by his guns when it comes to Denver’s school choice options. He notes that the school system goes out of its way to make the option of changing schools available all year. If parents feel their kids’ school is a loser, they don’t have to wait until the following spring to do something about it, as they would in most cities. Applications are user-friendly. Parents fill out a single form to cover traditional neighborhood schools and a wide range of charters. The vast major-

ity of parents in Denver are able to send their kids to their top-choice school, or at least one of their top choices. “It’s not just a paper system,” Whitehurst says. “It’s one parents are taking advantage of.”

Not only are parents signing up, but the Denver model is doing what school choice advocates say is their goal: improving results through competition. Dozens of traditional schools have been shut down in recent years, replaced in most cases by charters. While results at charter schools nationwide have been mixed, many of those in Denver have seen striking improvements in test scores. Some have achieved what might be called a reverse achievement gap, with scores among their low-income students rising faster than those of their peers in neighboring schools.

Denver’s traditional neighborhood schools are getting better, too, with drop-out rates among students of color way down and growth rates—the term for ongoing academic improvement among students—leaping from near the bottom among Colorado cities to near the top. “Denver’s doing a lot of things really, really well,” says Scott Laband, president of Colorado Succeeds, a business and education think tank. “They’re providing a lot of choice and their leadership is instilling a spirit of competition in many schools, which is not happening in a lot of cities.”

The one thing Denver doesn’t have is private school choice—that is, public dollars following kids to private or parochial schools. This was the root of DeVos’ complaint. Her comments made it clear that that will be a priority for the Trump administration. But it’s not an idea that’s likely to fly in Denver. The Colorado Supreme Court has twice ruled that private school voucher programs are unconstitutional. And in a state closely divided along party lines, such a program wouldn’t succeed politically. “I absolutely don’t support pulling money out of our public schools,” says Brittany Pettersen, who chairs the state House Education Committee.

THE BREAKDOWN

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New Jersey’s effective property tax rate as a percentage of home values, the highest in any state in the nation. Hawaii has the lowest rate: 0.32 percent.

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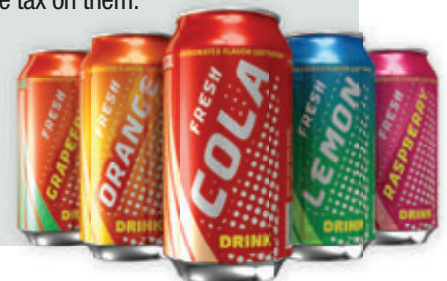
The amount of targeted rail and highway aid that legislative leaders promised to invest in California Assemblyman Adam Gray’s district in order to obtain his support for a \$52 billion state transportation package. With Gray’s help, the package passed by one vote.

26

The number of police officers working for the Port Authority of New York and New Jersey who earned more than \$125,000 in overtime in one year.

10%

The decline in purchases of sugary drinks in Berkeley, Calif., in the first year after the city imposed a separate tax on them.



SOURCES: LOS ANGELES TIMES; REALTYTRAC; KAISER HEALTH NEWS; NJ ADVANCE MEDIA; IMAGE: SHUTTERSTOCK.COM



Nuclear Withdrawal

THERE'S AT LEAST ONE THING WORSE

than having a nuclear power plant in your town. That's having your nuclear power plant shut down.

For obvious reasons, nuclear power plants were mostly built in fairly remote places, away from population centers. But they're big facilities, with highly paid staff. When one of them closes, it can leave enormous holes in the local tax base. The closure in 2014 of the Vermont Yankee plant in Vernon, Vt., led to an overall drop in economic activity to the tune of \$100 million. There aren't a lot of other employers in the area to make up anything like that sum. As a result, taxes have shot up. "We saw roughly a 20 percent property tax increase last year," says town clerk Tim Arsenault. "and we'll likely see the same thing this year."

The story is similar in other communities where plants have shut down. A decade or two later, taxes are up and the population is down. Communities that have relied on a single employer for decades suddenly have to rethink their economies. In certain ways, that's harder than similar efforts in areas that lose their main manufacturing plant or have an extractive industry taper off. Nuclear workers are highly skilled in a specialized

field. Rather than getting retrained to do something else, they simply move away. That affects the tax base, Arsenault says, and leads to a loss of human capital.

On top of that, the fuel rods are generally left behind. That makes recruiting new residents and companies a strain. "Not only do you not have the economic benefits," says Melissa James, director of economic initiatives at the San Luis Obispo Chamber of Commerce in California, "but you have all the environmental impacts."

Last year, Pacific Gas & Electric, the main utility company in California, announced it was shutting down the Diablo Canyon reactor near San Luis Obispo. The city is luckier than many communities. It is home to a university and a thriving wine and tourism industry. The power plant makes up about 8 percent of the local economy—a big chunk, but not the mainstay that nuclear plants have been in other places. Also, the plant won't be shut down until 2025, which is more notice than most places get. Local officials now talk a lot about having a "runway" for implementing changes. "Diablo's definitely a big part of the economy, but if we can do things to help the other sectors grow, we have

a shot," says Lee Johnson, the city's economic development manager.

The city and county of San Luis Obispo convened local governments and other affected parties to plan together. That's an encouraging start, says Jennifer Stromsten, program director at the Institute for Nuclear Host Communities, which consults with regions that lose their plants. These regions have to fend for themselves, she explains. They don't get much help from the federal government or their states.

It's a challenge. Most towns with nuclear power plants aren't used to doing long-term strategic planning. Whatever their environmental risks, nuclear power plants are such good providers that local governments in their areas haven't had to think about the economic realities that hit some of their neighbors years ago.

Such towns should start thinking about their reality changing sometime in the foreseeable future, Stromsten says. They may not get as much formal notice as San Luis Obispo, but they need to be aware that the local plant is bound to shut down someday. "They all close," she says. "They all do. That's how they're designed."

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The Vermont Yankee nuclear power plant shut down in 2014.





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The Tea Party Centrists

A lot of the governors elected as hard-liners in 2010 have surprised their states.

Surely I'm not the only person who's wondered at times what got into John Kasich. This is the man who kept company with the militant right as a young congressman in the 1980s, preached the gospel of tax cuts as House budget chairman in the 1990s, then served up conservative commentary on Fox News in the 2000s.

Perhaps more to the point, it's the same man who swept into the Ohio governorship in 2010 on a wave of Tea Party enthusiasm and anti-union rhetoric, and proceeded to push through a law curtailing collective bargaining rights for public employees. It's the same governor who promoted budget reductions that cut deeply into the fiscal health of cities.

But if the Kasich of those years were to meet up with the Kasich of 2017, it's not clear that they would find very much in common. By the end of last year, as he reached the midpoint of his second term, Ohio's Republican governor had engineered an expansion of Medicaid, come out against tough restrictions on immigration, refused to vote for Donald Trump for president and supported renewable energy standards over the opposition of most Republicans in his legislature. He had become an outspoken champion of aid to the poor, calling himself an advocate for "people in the shadows" and insisting that "the Lord wants our hearts to reach out to those that don't have what we have."

What happened to this previously predictable politician? The simplest answer, you might think, is that nothing got into him—that he moved left to promote his campaign for president in 2016. But that isn't a very good answer. Kasich's turnabout did bring publicity to his presidential run, but it foreclosed any chance of winning the nomination. Nobody gets nominated as a Republican these days by tacking left. Beyond that, it probably eliminated him as

a force in national Republican politics for the rest of his public career.

Some trace Kasich's conversion to a different event: the repudiation of his union-busting law in a statewide popular referendum in November 2011. Chastened by an embarrassing defeat, the argument goes, the governor suddenly became a new man. But this won't really do either. Kasich has moved too far on too many diverse subjects—and continued doing so for too long—for one defeat on one issue to be the explanation.

The more I think about this, the more it seems sensible to look beyond single events or political calculation and say that what happened to Kasich is what happens to ideologues in many states over the course of their tenure as governors: They become pragmatized.

Kasich was one of 17 new Republican governors lifted into office on a conservative electoral tide in the Tea Party election of 2010. All but one (Tom Corbett of Pennsylvania) were re-elected in 2014, so at the start of this year 16 were still serving. These governors vary enormously in temperament, ambition and political competence. But one thing can be said of most of them: They have governed more or less from the center, sometimes bewildering the conservative activists who helped them get elected. Some have behaved as centrists from day one; others, like Kasich, have undergone well-publicized transformations. But as a group, they tend to reinforce the idea that a governorship is a moderating influence on most people who come to hold one.

It isn't always easy to tell a change in core beliefs from a change in image. Nikki Haley of South Carolina reflects that ambiguity. A member of the Tea Party Class of 2010, she staked out a position in her first gubernatorial term as a conservative loose cannon, more interested in scoring

political points against her personal enemies in the legislature than in pursuing any particular policy agenda. She handed out "report cards" to individual lawmakers and told visitors to the legislative chambers to "take a good shower" when they left the Capitol. The state House speaker, a fellow Republican, accused her of having a penchant for "middle-school insults."

So it's hard to imagine the Nikki Haley who took office in 2011 being chosen as U.S. ambassador to the United Nations, even by a president as unorthodox as Donald Trump. But it wasn't the Haley of 2011 who got the U.N. job. It was the seasoned second-term governor who had developed a reputation across the country as a voice of moderation and compassion in tragic times. When nine African-Americans were murdered by a white supremacist in Charleston in 2015, Haley responded with symbolic but powerful gestures of sympathy, ordering the removal of the Confederate flag from the state Capitol grounds and mandating that state police wear body cameras as a check against discriminatory conduct.

"Everything I've done leading up to this point," Haley said in her second term, "has always been about diplomacy." That wasn't remotely true, but it was emblematic of the public figure she had become. In the months before she left office, Haley was still quarreling with legislators, including some whom she tried to oust in primaries in 2016. But it wasn't her streak of residual pettiness that had come to define her in the public mind; it was the statesmanlike qualities she had managed to exhibit in moments when it counted.

Georgia's Nathan Deal hasn't undergone a conspicuous conversion, like Kasich, or acquired a new public image, like Haley. Still, his two terms as governor have been, on the whole, a journey to the center. And they have surprised some of

the Republicans who thought of him as a hard-liner when he won election in 2010, following a 17-year congressional career in which he was best known for being tough on immigration: His most visible legislative initiative was an effort to deny citizenship to children of illegal immigrants, including those born in the United States.

Deal as governor seemed different almost from the beginning. He devoted much of his first term to a campaign for sentencing reform, and ultimately signed legislation promoting alternatives to prison for nonviolent offenders. In his second term, he cultivated an alliance with Democrat Kasim Reed, Atlanta's African-American mayor, and helped Reed win passage of a multibillion-dollar transportation bond issue. He vetoed a "religious freedom" bill that would have allowed discrimination against gays, and opened the door to expanded Medicaid coverage under the Affordable Care Act. Many progressive Georgia Democrats still don't buy into the notion of Deal as an evolved moderate; they cite his failed attempt to engineer a state takeover of struggling schools as evidence that he is still a heavy-handed ideologue. But it's fair to say that for most Georgians, Deal has not really been the governor they were expecting.

I'm aware of the dangers of generalizing on a subject like this. If you comb the full list of Republicans elected in the Tea Party year of 2010, you can come up with a few who haven't moderated at all. Rick Scott of Florida and Paul LePage of Maine have remained cranky curmudgeons at odds with their own party as well as the opposition. Sam Brownback of Kansas supported and continues to defend a massive tax cut that has imperiled the economic health of his state. Wisconsin's Scott Walker came into office promoting a hard-right agenda, succeeded in implementing much of it, and managed to survive both a recall vote and a re-election challenge, though his public approval scores have never been very high.

Taken as a group, though, the GOP governors elected in 2010 have governed more from the center than from the right. In most cases, they have proved to be significantly more moderate than the Republican



Ohio Gov. John Kasich

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legislatures with which they shared power. Bill Haslam of Tennessee is Exhibit A in this category. He has spent the past seven years dealing with hard-right legislative initiatives, most famously a bill in 2016 that would have made the Bible the official state book. Mary Fallin has had similar problems in Oklahoma; Republicans in the legislature, initially her strong supporters, have consistently fought against her efforts to increase taxes to fund public schools.

It doesn't take too much reflection to see why the past eight years have produced right-tilting Republican legislatures and centrist Republican governors. Legislators are chosen, especially in these days of intense gerrymandering, by narrow and often homogeneous constituencies. They are rarely held personally accountable for the success or failure of public policies; they simply need to avoid straying too far from home-district concerns. Governors, of course, have no such luxury: They have entire states to worry about. If they are Republicans, they usually need at least a respectable vote even in urban areas where

Democrats are in the majority.

When policies become unpopular or economic conditions deteriorate, it's the governor who pays the steepest price. It's only logical that the whole mechanism would tend to drive governors to the center—as happened in Ohio in 2011, when voters repudiated Kasich's union-busting law and saw him moderate his approach on a whole array of issues.

I think it's possible to go even further and say that ideology and gubernatorial agendas coexist, in most times and places, in an uneasy relationship. Governors are expected to bring major interests together, and they generally see this as a core responsibility. The best legislators have always done this as well. But in a highly polarized political environment not very many seem to volunteer for the assignment anymore. And so, these days at least, moderation is a virtue that is more likely to come from the corner office at the capitol than from the legislative chambers. **G**

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Mission Compromised

Trump backers are in for a rude awakening should his current proposals succeed.



It's less than a two-hour drive from Washington, D.C., to Red Lion, Pa., one of the politically reddest parts of the country. Enthusiastic voters there gave Trump nearly two-thirds of the presidential vote, and Trump hasn't forgotten. Not only did he recently hold a political rally in the area, but in his first speech to a joint session of Congress, the president pointed to one of the region's major industries, Harley-Davidson, as a company that had "been mistreated for so long." Harley, Trump said, was a perfect example of why "it is very hard to do business with other countries," explaining that they "tax our goods at such a high rate."

Rhetoric like that lit up voters in this town of 6,333 people. But Red Lion is one of the places where Trump's rhetoric is colliding with reality. In assessments of lead exposure, 21 percent of the children tested in Red Lion had high levels in their blood. That's four times higher than in Flint, Mich., where lead in the drinking water exploded into a national crisis. And it's more than eight times the national

average. In the county seat of York, high lead exposure hits 30 percent of the kids, and, in one Census tract, high lead levels are affecting fully half the children.

Like many towns, Red Lion has taken advantage of help from Washington to deal with some of its environmental liabilities. For example, the federally funded Community Development Block Grants allow local governments to rehab old houses to reduce lead exposure. But that program, which along with others builds lead-free public housing, monitors lead levels in communities and cleans up lead-contaminated properties, is slated for elimination in Trump's "skinny budget." So, too, is funding to set the standards for removing the lead.

The budget is setting up a massive collision between the people who voted for Trump and the federal programs that benefit them. The promise of "draining the swamp" tapped into many voters' worries that inside dealing dominated Washington politics. They never expected that programs affecting their kids would be part of

the swamp being drained. Trump's budget plans have fueled growing whispers that the president is coming unmoored from the populist base that elected him.

In Gettysburg, not far to the west of Red Lion, a small business owner told NBC News that she had Obamacare—but that she had voted for Trump. She wanted him to make good on his promise to give her better care for less money.

That promise is at the center of the current health insurance struggle on Capitol Hill. Now that the House has passed its version of the repeal and replace bill, the Senate (as of this writing) faces the challenge of funding the parts of the original bill most people like, including guarantees of coverage for pre-existing conditions, while backing off the mandates, which conservatives despise. The most likely strategy is pushing the nastiest problems to the states, by converting Medicaid into a block grant and giving governors the right to opt out of some provisions. Governors would be stuck providing benefits no one wants to cut, but

without enough money from Congress to fund them. It would leave many states with an impossible dilemma: cut those benefits, or dig deeper into general fund budgets that are already teetering.

Then there's the administration's \$1 trillion infrastructure pitch, one of the few proposals that has generated enthusiasm among Democrats. How would Trump pay for it? All the options make Republicans nervous. There's the plan to create tax breaks to encourage new public-private partnerships. Then there's the idea of having the federal government take advantage of historically low interest rates to borrow the money itself.

New federal tax breaks for infrastructure won't provide state and local governments with more cash. They'd just be allowed to go into debt more cheaply. Many of these governments are already tapped out, unable to increase their borrowing much no matter how cheap the money is. Moreover, the tax break strategy requires states and localities to lure private investors, and these investors will be interested in projects with the best returns and the greatest certainty of repayment. That's likely to favor flashy, big-ticket investments like new airport terminals and toll bridges—not replacing lead-leaching pipes in Flint and old homes in Red Lion, rebuilding urban bridges, or filling in the internet gaps in Appalachia, where poorer communities would find it impossible to put themselves even deeper into debt to get hooked up.

This all has big implications for the president. If his programs pass, he risks making income inequality worse for legions of his voters, already angry that a generation of economic growth had left them behind. Washington might be swampy, but federal programs, not state and local ones, have fueled what modest progress the nation has made in plugging the big gaps in economic growth.

So Trump is caught in a nasty dilemma. Failing to get his agenda passed could leave his supporters disappointed. Enactment of it would freeze many of them out. **G**

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All or Nothing

Democrats need to win this year's governors' races.

With so many races for governor up for grabs next year, Democrats will need to carry both states holding elections this fall if they want to gain any momentum. New Jersey and Virginia, which are holding the only two races for governor this year, should be favorable territory for Dems if President Trump's approval ratings remain low. Both are holding primaries this month.

In New Jersey, Democrat Phil Murphy is a surprising favorite to become the state's next governor, given that he's never held elective office before. But the former Goldman Sachs executive has spent millions on the race, helping to clear the field of potentially strong challengers such as Jersey City Mayor Steven Fulop and state Senate President Stephen Sweeney. Murphy has also locked up support from the state's still-powerful county party chairs. "His campaign has been particularly well run and savvy," says Montclair State University political scientist Brigid Harrison.

Murphy's likely GOP opponent is Lt. Gov. Kim Guadagno. But the unpopularity of her boss—Chris Christie has the lowest approval ratings of any governor in the country—makes it possible Guadagno could be upset in the primary by state Rep. Jack Ciattarelli. Either way, the Republican nominee will have a hard time. "When you've got Christie in the teens and Trump in the 30s, that just makes a very difficult path for Republicans," says Jared Leopold, spokesman for the Democratic Governors Association.

But where New Jersey is a more reliably blue state, Virginia has only recently become safer territory for Democrats. That's thanks to the growing Washington suburbs in Northern Virginia, which are strongly Democratic and now cast more than a third of the vote in the state. There, Democratic Lt. Gov. Ralph Northam was the early favorite, but former U.S. Rep. Tom Perriello has shaken things up.

Northam has the support of Gov. Terry McAuliffe and the state's two U.S. senators, but his lackluster campaign made room for Perriello, who is supported by younger and more progressive voters. "I have never met anyone who doesn't like Ralph Northam as a person," says Quentin Kidd, a political scientist at Christopher Newport University. But as a candidate, he says, Democrats have had over a year to evaluate him, "and a good number of them didn't like what they were seeing."

Kidd says that Northam has improved in the face of a challenge and should be able to prevail in a low-turnout primary. But either Perriello or Northam will have to be on their game against Ed Gillespie, a former state and national GOP chair who nearly unseated U.S. Sen. Mark Warner in 2014 and is the party's likely gubernatorial nominee. Although he's a strong contender, Kidd says, he'll "have a hard time fighting strong headwinds out of the White House that are named Donald Trump."

If Democrats don't prevail in New Jersey and Virginia, their chances will dim for the 36 races next year. "Democrats have to win both," says Kyle Kondik, a political analyst at the University of Virginia. "A split would be seen as disappointing for Democrats and a victory for the Republicans." **G**



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In Session: School Clinics

More and more, they're seen as an important part of the social safety net.

When one thinks about a school health clinic, the image that comes to mind is likely that of a single harried nurse working in a dingy room with dated equipment. But school health centers have been undergoing something of a makeover in recent years, expanding in size and scope. In part, these changes reflect the impact of the \$200 million allocated by the Affordable Care Act for school-based health centers. But they also are related to a broader push to focus on the social determinants of health.

In Oregon, where school health advocates have been particularly proactive for the past two decades, the state increased its share of funding for local school clinics from \$1.3 million in 2002 to \$6.8 million in 2014. “We emphasize that school-based health centers are part of the social safety net, and the number of kids that are in school are the number of kids who have access to health care,” says Sarah Knipper, a school health economist at the Oregon Health Authority.

Across the country, there is still a lot of unmet need for health services in public schools: More than half don't have even a single full-time nurse. That's one reason that school-based health centers have been a breeding ground for experimentation in the brave new world of telemedicine.

Underserved rural areas present a special opportunity for telehealth efforts. Before going to medical school, Steve North worked for Teach for America in rural North Carolina, and he was struck by just how much health impacts a child's ability to come to school and thrive. Now, as medical director of the North Carolina-based Center for Rural Health Innovation, he's overseen a telehealth program that in six years has grown to 33 schools in the state. In three rural counties, every school now has access to telehealth options. Some urban school districts also have been testing the waters. In the Bronx, where there are 23 school-based health centers but just one school child psychiatrist, telehealth has been used for psychiatric medication management appointments.

But few in the school health community see telehealth as a fix-all for underserved areas, particularly when it comes to

preventive care. “My greatest fear is we're going to buy this equipment and think it's a replacement for a school nurse,” says John Schlitt, president of the School-Based Health Alliance. “You can do some great things with acute care and mental health, but it's not a primary care tool.”

North agrees, adding that he's been getting phone calls from venture capitalists looking to cash in on the innovative technology of telehealth. “Whenever I explain that telehealth must be integrated care focused on the whole child—care that ultimately helps them reach educational achievement—that typically ends the conversation.”

That focus on the whole child—including family and neighborhood factors seen as determinants of health—is one reason some



A school nurse in rural Texas uses a camera to show a doctor in Houston a student's throat.

school clinics have opened their doors to the outside community. North says this marks a changing attitude around school health clinics, which historically haven't been brought into conversations around healthier communities. North sees school clinics ultimately fitting into a broader “patient-centered community care” model. School clinics, he says, “should be a resource, not a competitor.” **G**

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¹Duncan IG, Taitel MS, Zhang J, Kirkham HS. Planning influenza vaccination programs: A cost benefit model. Cost Eff Resour Alloc. 2012;10(1):10.

Purchasing Power

A new collaboration helped Minnesota double its solar capacity.

Americans love solar. Almost 9 in 10 adults favor expanding it, according to a survey by the Pew Research Center. But not everyone can put panels on their homes. For one thing, the upfront cost of solar can be prohibitive. For another, some people don't have the space, or their rooftops may be too shady or may face the wrong direction, or they don't even own their rooftops because they rent.

That's where community shared solar comes in. Here's how it works: Third parties set up solar panels on a parcel of land or rooftop. Households and businesses then share the electricity it produces through subscriptions. Community solar's primary purpose is to give people access to solar power even if they cannot or prefer not to install it on their property.

As it turns out, the same things that make community solar ideal for households and businesses are what make it ideal for governments, too. Minnesota proved that last year when it roughly doubled its solar capacity thanks to a group of local governments in the greater Twin Cities metropolitan region. The solar boom in the state is largely the result of a 2013 law, which required Xcel Energy, the state's largest electric utility, to create a third-party solar garden program. Inspired, a handful of cities and counties met in 2015 to discuss how they could take advantage of the program. The result was the Governmental Solar Garden Subscriber Collaborative.

For these localities individually, the cost of solar, as well as the time and staff needed to understand the financing and technology behind it, was a deal breaker. But as a collaborative, all the cities and counties had to do was subscribe. "They didn't have to go through the hassle of managing an onsite installation," says Trevor Drake, project manager at the Great Plains Institute, which provided organizing support to the group.

Made up of 31 local governments, including Hennepin County, Ramsey County and the city of Minneapolis, the collaborative issued a single request for proposal to procure solar garden subscriptions. The goal for these local governments was to save money on electricity bills and to encourage solar development in their communities. By working together, the collaborative helped participants reduce the administrative burden and achieve an economy of scale in the solicitation process, thereby yielding better pricing and subscription terms.

Ultimately, the cities and counties contracted for a total of 33 megawatts,

enough to power more than 4,000 Minnesota homes for 25 years. By comparison, in 2015 Minnesota generated a total of 35 megawatts from solar. Participating communities expect to save between hundreds of thousands of dollars and more than \$1 million over 25 years. Cities will realize these savings through a credit on their electricity bills, which Xcel determines by measuring the output of the solar gardens.

Having accomplished its goals, the collaborative ended last year. But Drake says if they ever do another iteration, he'd replicate the model. "The thing that was really surprising to me was the level of interest in this," he says. "I attribute that to the fact that all the participating local governments had to do was submit a letter of intent that said they would subscribe to a certain amount of solar if they received a favorable offer—and they were allowed to determine what favorable meant. After that, they merely had to say yes or no. They could drop out at any point for no consequence. I think that helped get people in the door."

Drake also says making this a group effort was key. "Participants ranked being able to do this together and being able to learn from one another really high," he says. "Going forward, they have the basic knowledge and the network to do this on their own."

Community solar itself isn't new, but banding together to procure it is rare. "I'm interested in how this model applies to other types of procurement in clean energy," says Drake. "Could a bunch of local governments come together and do this same thing to purchase electric vehicles for their fleets or LED streetlights? I would love for folks to think about how this model could be replicated in that way." **G**

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Falcon Heights, Minn., Mayor Peter Lindstrom, a collaborative participant, shows off the solar panels on the roof of city hall.



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Cities and the People Left Behind

What should we be doing for the casualties of ‘winner-take-all urbanism’?

That famous Boston accent—“pahk the cah in Hahvahd Yahd”—is rare around Harvard Yard itself. Most professors and students come from elsewhere. So it was with some enthusiasm that I greeted those unmistakable flat A’s coming at me from a neighboring barstool at the joint I had slipped into before the start of a conference near Harvard. It was like sighting a rare bird in its native habitat. It was also an unexpected brush with a culture that, too often, is invisible to so many of us.

The man speaking was a guy around 30. He looked and talked remarkably like the actor Ben Affleck, who was raised nearby and effortlessly produces a rich Boston accent for his working-class film roles. Beside the man was a blond waitress with a permanent grin. She joshed with him, clearly a regular, and they swapped stories. It was a nice scene.

Then it took a bleak turn. They began talking about friends and family who had ruined or lost their lives to heroin or methamphetamine addictions. The waitress told a horrifying story of saving the life of her next-door neighbor, and mentioned almost casually that her younger sister had died at age 22 of an overdose. The man talked about his best friend becoming hooked, an addiction he was apparently still battling.

The bartender, an African-American woman originally from Phoenix, said she had learned on visits home how to deal with the many friends and acquaintances there who were using. “I hate to say it, but you know, it’s like in the zombie apocalypse. Once they go there, you have to cut them off entirely and have no contact anymore. Or else you get sucked in too.”

While one conversation in a bar doesn’t prove anything, the three people I encountered seemed emblematic of what is happening to too many Americans. They

all had jobs, but the details of their lives seemed grim. They were on the fringes of the opiate and meth crisis that is chewing up the lives of the working class.

So it was with this dark vision in my mind that I went back across the street to the conference, which was entitled “Cities and Equity in the Era of the Trump Presidency” and was sponsored by the Lincoln Institute of Land Policy. The opening speaker was the economist and urbanologist Richard Florida, and he was talking about his new book, *The New Urban Crisis*.

The old urban crisis, Florida said, was about center cities and neighborhoods falling into disrepair, abandonment and poverty. The new crisis is about a small number of cities—Boston, London, New York, San Francisco, Tokyo and a few

others—being too rich and leaving other cities and many of their own inhabitants behind. “This small group of elite places forges ever forward, while many—if not most—others struggle, stagnate or fall behind,” Florida writes in the book. “I call this process winner-take-all urbanism.”

Winner-take-all urbanism, according to Florida, produced the election of President Trump, as well as less-heralded events preceding it. The Newark, N.J.-born professor told about moving to Toronto, a city celebrated for its quaint neighborhoods and as the one-time home of the late urbanist writer and activist Jane Jacobs, only to see the election of Rob Ford as mayor. The ascent of Ford, the crack-using buffoon who won office on an anti-urban agenda that included ripping out bike paths, foreshadowed the election of Trump, Florida



The ascent of Toronto’s Rob Ford, who won office on an anti-urban agenda, foreshadowed the election of Trump, according to economist Richard Florida.

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said. It was those left out of the new urban vision who voted for Trump in an effort to take back their cities and country.

Florida, of course, is hardly alone in noticing this emerging urban inequality: There were plenty of ideas at the conference for ways to begin countering it. Amy Cotter, who is leading the Lincoln Institute's Legacy Cities Initiative, thought we should be encouraging young people to move to buzz-starved cities, places like Youngstown, Ohio. "People can find a quality of life and authenticity you can't find elsewhere, and at an affordable price," she said.

Mark Muro of the Brookings Institution described the tech industries—successful though they might be—as having "U-shaped job curves," producing great wealth at the top end but low-paying service jobs at the bottom. He says that policies like guaranteed-income plans or government contributions to 401(k) plans could help to address this.

Florida proposed shifting money and power back to states and cities in a revival of the "new federalism" policy ideas of the 1980s. Many Republicans and conservatives have long favored this, and Florida thought that perhaps now might be the right time to try it.

For me, I believe it means looking at many issues that are not on liberal city agendas, such as the winner-take-all airline regulatory policies that have left many cities with poor air service and therefore a more difficult time with economic development. It means talking about more than just better transit, improved streets and a carbon tax.

On the last night of the conference I went back to the bar, and it was no longer the place of grim conversation that I had encountered before. This time it was full of happy, talkative people enjoying a few beers after a day of work or study. It was another reminder that we are in an era of two Americas, and that without more balance in our policies toward our cities we risk entering not a new urban age but a new Dark Age. **G**

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Side Effects of 'The Great Inversion'

Low pay and long, pricey commutes often go hand in hand.

People move around. Jobs generally don't. That's a problem in cities, especially for the increasing number of low-wage workers who help make them run.

There's been a lot of talk in the last few years about how affluent folks are moving to the center of cities, displacing people of modest means. That was the thesis of the book *The Great Inversion*, by *Governing* senior editor and columnist Alan Ehrenhalt. It's also the subject of endless hand-wringing by urban planners, who welcome urban revitalization but fear the social impact of displacement of poor and working-class people.

Just as worrisome, though, is the question of how this affects the commutes of low-wage workers. Because even as they are being displaced, in many cases the jobs available to them are being concentrated even more in the areas they're being displaced from.

Most of today's big employment centers either are old downtowns that reinvented themselves as office centers in the 1970s and '80s, or are "edge cities" that grew up around office employment in close-in suburbs. Think Century City in Los Angeles, The Galleria in Houston, Buckhead in Atlanta. These downtowns and edge cities have become very expensive places to live. And as they've become more expensive, they've added those sought-after urban amenities, such as restaurants, bars, hotels, entertainment venues. That's led to more low-wage jobs.

That's the opposite of the way things used to be. When downtowns and edge cities were mostly office centers, they were populated largely by middle-class workers who commuted from elsewhere.

But now these office centers are places where employees want to live as well as work. As a result, bars, restaurants and hotels move in, turning these places from job centers into activity centers. The new downtowns and edge cities employ a lot of cooks and busboys and room cleaners and security guards—the very workers who have been displaced. These workers ultimately can't afford the cars (or the stiff parking fees) required to make the commute.

There are still lots of office-based job centers in the suburbs that operate like old edge cities. And every once in a while a new one pops up, like ExxonMobil's new headquarters in suburban Houston, which would appear to cut against the urban trend. But like downtowns and edge cities, these places ultimately price out low-income workers.

Cities are dynamic places, and there will always be a lot of jostling and dislocation. But in the revitalized cities of today, we have a housing problem and no obvious solution. In these activity centers—as in American society in general—it's the consumers who win. For now, the people who serve those consumers are forced to endure long commutes, low wages and a lot of inconvenience. **G**

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“The new downtowns and edge cities employ a lot of cooks and busboys and room cleaners and security guards—the very workers who have been displaced.”



In February, a plane flew a protest banner above the South Dakota Capitol as lawmakers inside approved legislation to sweep away new ethics regulations that voters had approved just three months earlier.

Playing by New Rules

The democratic process is under siege in the states, just as it is in Washington.

By Alan Greenblatt

SHAME ON YOU! RESPECT OUR VOTE! |

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Shortly after last year's election, Andrew Reynolds made a startling assertion. The University of North Carolina political scientist, who had helped devise a formula for measuring the vitality of democracies, wrote a newspaper column claiming his state's restrictions on voting and its unwillingness to follow established rules "means our state government can no longer be classified as a full democracy."

Reynolds' column was widely shared and reprinted by several national outlets, mostly but not exclusively liberal. He received some pushback. But the North Carolina legislature seems to be on a mission to prove him right.

Immediately after last November's election, in which Democrat Roy Cooper unseated GOP Gov. Pat McCrory, the Republican-controlled legislature used a lame-duck session to strip the governor's office of a number of key powers, including authority over some appointments. That effort has been held up in court, but legislators keep coming up with new variations. After the election—which also cost conservatives their majority on the state Supreme Court—it was widely reported that the GOP-dominated legislature would pack the court, adding two seats to create a new majority before Cooper could take office. But while they didn't pack the Supreme Court, North Carolina legislators did tamper this year with the main appellate court, reducing its membership by three in order to prevent Cooper from appointing replacements for retiring Republican judges.

Republicans, who hold supermajorities in both legislative chambers in North Carolina, have done little to hide their partisan

motivations in such maneuvers. They will tell you that Cooper, as a legislator, also voted for structural changes that helped his party. But nothing like what's going on now. Today's GOP legislators have unapologetically pushed their authority to the max. They've moved to change rules governing local elections, control of election boards and the order in which candidates appear on ballots, all in ways designed to disadvantage Democrats. "It's straight up political," Republican state Sen. Jeff Tarte said back in March, when he introduced legislation to alter local judicial elections in ways that would help his own party.

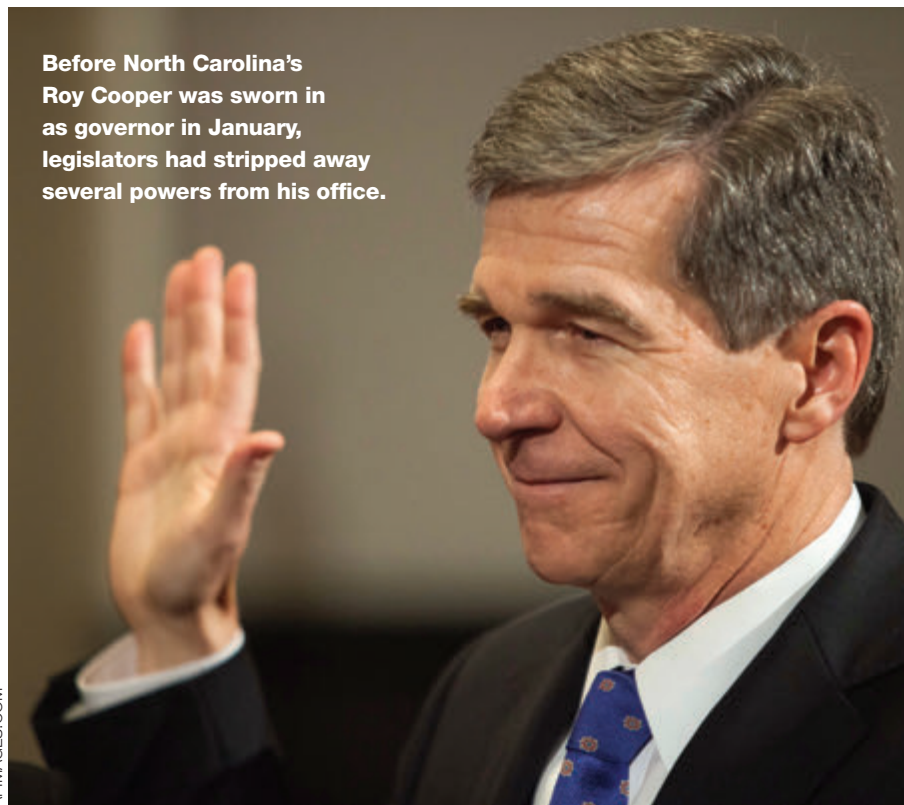
North Carolina may be ground zero in terms of legislative assaults on other branches and institutional norms, but it's not unique. All around the country, longstanding norms of political fair play are being tossed aside. Lawmakers are moving openly to undermine critics or opponents who threaten their power. They've filed dozens of bills to weaken state courts and to shield themselves from other forms of accountability, undermining ethics agencies and cordoning off access to public records. Legislatures and state agencies keep putting up roadblocks against reporters, up to and including expulsion from legislative chambers. On May 9—the same day that President Trump fired FBI Director James Comey—a reporter was arrested at the West Virginia Capitol for causing a disturbance by yelling questions about health care to Tom Price, the federal Health and Human Services director. The reporter was charged with "willful disruption of state government processes."

Legislators also are striking out at ordinary citizens who seek to challenge their power, passing new laws to criminalize protest, enacting fresh restrictions on access to the ballot for initiatives

and going so far as to overturn laws that voters have already approved. "Lawmakers in many states no longer feel constrained in the same ways that their predecessors did," says Peverill Squire, an expert on legislatures at the University of Missouri. "They are more willing to challenge the other branches of state government, as well as the federal and local governments, and even their own constituents."

That's what makes the situation in the states different from the one in Washington. There is clearly an erosion of norms in the federal government, with Trump showing disdain for courts and legal and congressional investigators. But in state politics, there's no single person acting like an authoritarian. Instead, institutions that themselves embody the most deeply entrenched democratic traditions are seeing the erosion of those traditions. States are learning what the tyranny of the majority is all about.

Before North Carolina's Roy Cooper was sworn in as governor in January, legislators had stripped away several powers from his office.



Many legislators act as if they view the other branches as separate but not equal. They do not shy from claiming they know best and deserve deference because they are the most representative part of government. “The legislative branch of government is closer to the people of our state than I believe the executive branch is,” state Rep. Justin Burr, who sponsored some of the legislation to strip Cooper of his powers, told *The Hill* in March. “We come from 170 districts all over North Carolina.”

Legislative control is split between the parties in only a handful of states. In many more, one party enjoys supermajority control, and gubernatorial vetoes can be little more than an exercise in extra paperwork. Courts are standing up to legislators, but find themselves under siege as a result. And voters often have little choice at the polls. Put aside the question of how effectively legislators are able to select their own constituents through gerrymandering, or whether voter identification laws are meant to suppress Democratic turnout, as Democrats claim. The reality is that most legislators don’t have to worry about voters much at all.

Last November, 42 percent of all state legislative seats went uncontested by one party or the other. (In North Carolina, the figure was 45 percent.) Those numbers are in line with other recent election cycles. And, despite the fear legislators seem to have about potential opposition if they break with party orthodoxy, few ever actually see a primary opponent. Just under 80 percent of the incumbents running again last year had no primary contest. All told, a third of legislators were re-elected through the simple act of showing up, facing no opposition in primaries or the general election. Among those who drew an opponent, the vast majority had no real contest.

All of this has emboldened legislators. What’s more, with parties separated into warring camps, the desire to entrench power has grown. Power grabs can be justified as preventing the other side from pursuing its evil ways. “When you view the other side as the enemy, you increasingly feel that the ends justify any means,” says Lee Drutman, a senior fellow in political reform at New America, a think tank in Washington.

With Republicans controlling two-thirds of the nation’s legislative chambers, they are doing most of the power grabbing these days. But Democrats are not guiltless. The new three-seat Democratic majority in the Nevada Senate this year changed chamber rules to prevent GOP Lt. Gov. Mark Hutchison from casting tie-breaking votes. In February, California’s Democratic Senate majority voted to remove Republican Janet Nguyen from the floor for giving a speech defending the Vietnam War. (She eventually got an apology from Senate President Pro Tempore Kevin de León.)

Even in the limited number of districts that are competitive, there’s a problem holding politicians responsible for such moves. Many voters now are as set in their partisan loyalties as officeholders. If Republicans won’t consider voting for any Democrat, that leaves them with little leverage over GOP legislators. Their votes can be taken for granted, regardless of what actions a

GOP-dominated legislature might take. Vice versa for Democrats, of course—even more so under Trump. Voters in either party are apt to cheer any perceived victories for their side rather than complaining that the system of checks and balances they vaguely remember from school is being violated. “Not only political elites but the general public thinks of themselves as part of a team,” says Paul Nolette, a Marquette University political scientist. “They’re rooting for their team, even if there’s some cheating going on.”

The rise of partisan suspicion creates an arms race mentality, or what Drutman describes as a “doom loop.” The urge is to press every advantage before the other side can take control again. Actions that are corrosive to institutions invite reciprocal actions by the other party once the majority changes hands (and triggers a disingenuous dance of politicians suddenly reversing themselves



California Senate Democrats removed Republican Janet Nguyen from the floor for giving a speech defending the Vietnam War.

on a given issue or process, depending on whether they’re newly in the minority or majority). “A Republican legislator would say the majority rules, we’re following procedures, we’re doing what Democrats used to do when they were in the majority,” says Ferrel Guillory, who teaches public policy at the University of North Carolina. “On the ground, it has the feel of a majority that feels that now is its time, its time is limited and they’re going to do everything they can do while they’ve got power to do it.”

At the same time, the line of defense protecting institutional norms is weakened when respect for institutions themselves has been badly eroded. Polling numbers exploring trust in government keeps plumbing new depths. The media, ostensibly tasked with being the watchdog, faces similarly bleak numbers when it comes to trust.

For all these reasons, the idea of defending procedural fairness doesn’t make for much of a rallying cry, even in a year when other

kinds of protests are very much in vogue. People will march for women's rights and for science and against climate change and certainly against Trump, but there are no marches on behalf of the democratic process itself. Fights over rules and procedures matter intrinsically to officeholders, but are yawn-inducing for the public. "Nobody goes to the barricades for norm-breaking," Nolette says. "People care about abortion and health care, but they don't care that nobody has used this particular mechanism before to strip a governor or attorney general of his power."

It's hard to quantify whether norm-breaking has gotten worse. There aren't any widely accepted definitions that would document how many traditional norms have been broken this year, and how that would compare with a decade ago, or two decades ago. Clearly some of the ways that legislators seek to entrench their power are eternal. Redistricting has been all about preserving and expanding majority power since the earliest days of the republic. Undercutting or underfunding ethics enforcement is also a time-honored tradition.

In the 1960s and early 1970s, a majority of states passed laws to crack down on civil rights and anti-war protesters. As long ago as 1990, a book called *Politics by Other Means*, by Benjamin Ginsberg and Martin Shefter, argued that elections were becoming irrelevant, with political institutions mired in perennial trench warfare and important decisions being made by unelected actors, including special prosecutors. "What we should ask ourselves," one reviewer of the book wrote, "is whether America is about to end its experiment with electoral democracy."

So the assault on fair play isn't a new idea. Nevertheless, it seems clear to most observers that something new is going on. Maybe it's a difference in kind, or maybe there really is more openness about bending the rules to suit partisan purposes. Legislators have often been known, for example, to challenge ballot measures in court, or redirect or withhold funds that voters have approved. That still happens. But South Dakota took this tactic one step further this year. The state legislature kicked off its session by overturning a law (an ethics package, no less) that voters had just enacted at the ballot box in November. "Now legislators are picking and choosing what part of the voters' will they're going to accept," says Justine Sarver, executive director of the Ballot Initiative Strategy Center, "and that's just not how democracy works."

In a similar way, it's become a familiar practice for legislatures to restrict the authority of cities and counties to set their own policy courses on matters such as property taxes, minimum-wage levels, immigrant protections and gay rights. What's less well known is that states stand ready to interfere not just with policy but process at the local level. In October, California's Democratic-dominated legislature changed the redistricting process for seats

on the Los Angeles County Board of Supervisors, in a clear maneuver to elect more Democrats. This year, legislation has been introduced to do the same thing in San Diego County.

In April, Indiana passed a law creating a merit selection process for judges in Marion County, which includes Indianapolis. That sounds like a responsible thing to do, but in this case it had the effect of disenfranchising the county's large populations of Democrats and African-Americans. The judges will now be chosen by Republican Gov. Eric Holcomb, rather than by voters in the county. While North Carolina legislators were pursuing their "straight up political" strategy to make local judicial races partisan, Tennessee's Republican-controlled legislature passed a bill in March making local judicial races nonpartisan—but only in the state's Democratic strongholds.

Legislative respect for the independence or neutrality of courts sometimes appears to be withering away altogether. North Carolina's legislature may have backed off from packing the state

Supreme Court, but legislatures in Arizona and Georgia approved exactly that change last year. This year, legislators in 15 states introduced more than 40 bills that sought to constrain the judiciary, according to a new study from New York University's Brennan Center for Justice. These bills included a wide range of approaches, from changing the ways judges are selected to limiting their terms. The bills reflected a desire on the part of legislators to increase their influence over the courts, entrenching partisan power or punishing courts that had issued rulings they didn't like. "These sorts of attacks

matter, even if they don't get passed into law," says Michael Nelson, a political scientist at Penn State University. "They can affect the sort of cases judges choose to hear, or it might make them more deferential overall."

The voting public pays little attention to state courts, making them ripe fodder for tinkering and interference. Julio Gonzalez, a Republican member of the Florida House, introduced a bill to allow the legislature to override judicial rulings. He explained it by claiming that under the existing rules, there is nothing the legislature can do to push back against the power of the court. "That's not a check and a balance," Gonzalez says. "That's not a dialogue. It's a monologue from the judiciary to everybody else."

In fact, it is a check and balance. Judges are supposed to be the umpires. In turn, legislators can impeach judges they think have gotten out of control. They can also pass new laws in response to judicial opinions. But one of the reasons courts exist is to have an institution separate from the political branches to determine whether new laws violate the state or federal constitutions. The point of separating powers is to ensure that the people who pass the laws are not deciding for themselves whether their products pass constitutional muster. "If legislatures can just overrule courts anytime they want, why even have a court system?" asks Billy Corriher, who focuses on state courts at the Center for American

The assault on fair play isn't new. But it's clear that this time, something is different.



DAVID KIDD

Tennessee's Republican-controlled legislature passed a bill in March making local judicial races nonpartisan—but only in the state's Democratic strongholds.

Progress, a liberal think tank in Washington. “They’re trying to minimize the powers of other branches of government, so the legislature reigns supreme.”

Despite all their blustering and their transparent power grabs this year, legislators can’t get away with doing anything they want. If lawmakers venture too far, a gubernatorial veto can often still be sustained, even in a state where one party has what looks like a “veto-proof” majority. Courts have not lost the power to make legislators behave. And public opinion still matters. Four months after Oklahoma voters approved a pair of ballot measures on criminal justice issues, the state House voted to overturn them, but public outrage convinced the legislature to back away from final passage. “When voters notice these things and really speak out, they still have the ability to stop some of these actions,” says Gene Perry, policy director of the nonpartisan Oklahoma Policy Institute.

But legislators are tired of hearing from the public. Or so it seems, when bills have been introduced in many states to increase criminal penalties for protesting and to give law enforcement agencies more authority to break up demonstrations. Four anti-protest bills were signed into law in February in North Dakota alone. Just

last month, Oklahoma enacted legislation to deter protests around “critical infrastructure,” which primarily means oil and gas pipelines. Protesters are now subject to fines of up to \$100,000 and prison terms of up to 10 years. Even the people who offer them rides or housing now face legal liability. Earlier, the legislature made it a crime to compensate protesters.

The public may be willing to protest pipelines, but whether it will take to the streets to preserve the right to take to the streets is another question. This is a moment when institutions and norms are in decline at all levels of the political system. The willingness of federal politicians to abandon existing norms—with the president openly questioning the authority of courts and the U.S. Senate holding open a Supreme Court seat for a year, to cite only two examples—may have an unfortunate trickle-down effect, suggests Alicia Bannon, a senior counsel at the Brennan Center. “We’re just seeing generally that these unwritten rules that have lasted for many years,” Bannon says, “are breaking down and are under threat.” **G**

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Kentucky's judicial districts, such as the one that contains the old Fayette County courthouse in Lexington, haven't been redrawn in more than 120 years.



ORDER IN THE COURTS

Some judges are severely overworked while others don't have enough to do. But fixing that can be politically impossible.

By J.B. Wogan



A lot has changed in Kentucky since 1893. There are the obvious advancements in technology and culture, of course. And then there's the state's population centers, which have shifted and evolved as well. Once-prosperous coal towns have emptied out; former farmlands outside Lexington and Louisville have bloomed with exurban families. Overall, the state has added some 2.3 million residents over the past century, even as its rural counties collectively have lost more than a million people.

One thing that hasn't changed much, though, is Kentucky's judicial district map. Aside from a few minor tweaks, it hasn't been revised statewide since the last time it was redrawn 124 years ago. Because the courts haven't kept up with the demographic ebb and flow, judges' workloads can vary widely. In some parts of the state, a single judge faces large, time-consuming caseloads appropriate for two or more jurists. Other jurisdictions have too many judges for a relatively small, uncomplicated caseload.

There have been attempts to redraw the lines over the years, but the task has proven to be so politically difficult that most people have simply thrown up their hands and admitted defeat. One chief justice in the 1980s spent years on plans that ultimately went nowhere. Another refused to discuss the issue altogether, dismissing it as a political third rail.

John Minton Jr., the current chief justice, is well acquainted with all of this history. So he was less than thrilled three years ago when the state legislature tasked him and the state Supreme Court

with presenting a plan to rebalance judgeships across Kentucky. Such a redistricting would mean adding positions in some places, while eliminating judgeships in others. Taking an elected judgeship away from a community is a good way to make enemies, from residents to state lawmakers to the judges themselves. As an elected official himself, Minton knew a redistricting plan would probably draw political opposition in future bids to keep his own job. "I went into this as a reluctant participant," Minton says. "No community wants to be told it's got to give up a judgeship. There are going to be some who gain and some who lose. And those who lose, they speak up."

But Kentucky's court mismatch had become too big a problem to ignore. The Senate had ordered a third-party study of judges' relative workloads across the state. It found that the problem wasn't just a geographic and demographic disconnect. The state had too many district and circuit court judges, but not enough judges in family courts, which had become overwhelmed by a surge in child abuse and neglect cases. The judicial map simply wasn't fair, and the study's results suggested that taxpayer dollars weren't being spent as efficiently as they could be.

So Minton and his colleagues spent more than two years developing a framework for redistributing the state's judgeships. In an effort to sidestep regional politics, the plan they came up with was based on a field study that measured both the time and complexity of caseloads. The total number of judgeships wouldn't change, and the price tag (about \$2 million) would be a quarter of the estimated cost to simply hire additional family court judges. No one would be kicked out of office in the middle of a term: The

Kentucky Chief Justice John Minton was tasked with redrawing his state's judicial map to better align with current needs.



new system wouldn't go into place until 2022, the next time that every affected position is up for re-election. All it needed was a rubber stamp this spring from the legislature, which had ordered the redistricting proposal in the first place.

It should have been simple. This year, for the first time in decades, Republicans controlled both chambers of the Kentucky Legislature. Party leadership in the Senate had already endorsed the redistricting proposal, naming it as one of its top priorities for the year, and passed a bill in March. But the momentum stopped there. The new Republican House majority, ignoring their peers in the Senate, let the bill die in committee. Minton and his allies haven't given up on passing legislation next year. The bill's sponsor, Sen. John Schickel, says there simply wasn't enough time this session to educate House members about the proposal. By next year, he says, he'll have the votes to put the plan into effect. But it's also possible that redistricting, which inherently leaves some stakeholders unhappy, still won't garner enough support from lawmakers whose districts are losing a judge.

If Kentucky had passed a system-wide overhaul of its districts, it would have been a major departure from how most states address problems in judicial workload. States often tinker with the number of judges across a state, and sometimes they combine neighboring districts. But in terms of a large-scale re-making of the map, "it's simply not done," says William Raftery, an analyst with the National Center for State Courts. "The much more common situation is to add a judge here, take a judge there."

Of course, states routinely redraw the political map for state legislative seats and congressional races. That's a thorny enough task. Judicial redistricting is even more difficult, because it's not just population changes that must be accounted for. More important are the kinds of cases that courts handle and the average time it takes to reach a decision. For example, in Kentucky, Raftery's group found that a traffic charge takes, on average, less than three minutes to process in district court, whereas a juvenile case usually takes 48 minutes. Areas with an uptick in those time-consuming cases require more judges.

Kentucky's experience illustrates a problem that many state legislatures have faced: Even when most lawmakers recognize a need to address a judicial workload imbalance, they may not be willing to fix it if it means the communities they represent would lose judges. At least three states have tried to tackle the issue in the past few years, and none has successfully implemented a plan yet. "It's a very tough pitch," says Schickel. "They never want to take away judges. But as a steward of the taxpayers' money, that is just not acceptable."



Kentucky Senate President Robert Stivers supports the redistricting plan, even though his home county would lose a judge.

DAVID KIDD

Two years ago, Montana set out to fix the same problem confronting Kentucky. The legislature appointed a commission to study judicial workload data and consider potential redistricting options. The results of the study were similar to those in Kentucky. The commission found that rural areas had lost population while the more urban areas had gained residents, leaving an imbalanced court system. And as in Kentucky, Montana courts were grappling with an increase in child abuse and neglect cases. (In both states, that increase was linked partly to the rise in opioid use in recent years.) The study concluded that Montana was short 21 judgeships.

The question before the commission was straightforward: Should Montana redraw its judicial districts? But the group also had to contemplate the deeper implications of prioritizing the needs of urban counties over rural ones, and whether the costs to the rural areas were worth it. "The ultimate answer was no," says former state Sen. Kristin Hansen, who served on the commission.

Hansen and her colleagues considered six redistricting options and unanimously voted against five of them. The sixth plan, which had been put forth by Hansen, only got one "yes" vote, from Hansen herself. It was a decidedly modest proposal that would have shifted a single judgeship from a rural area to Yellowstone County, the state's biggest population center. Even Hansen acknowledges that it would have provided only minor relief while adding a lot of commuting miles for the remaining rural judge. "In terms of the upheaval that it would have caused," Hansen says, "I wasn't 100 percent opposed to the commission's decision [to reject the plan] either."

Lawmakers abandoned the notion of redistricting. But they still hadn't addressed the original problem of overworked judges. This



year, Rep. Jeff Essmann proposed a partial fix by adding judgeships in a few targeted areas across the state. His bill presented fewer political costs—no one would lose a judge—but it meant an added expense of nearly \$1.4 million per year at a time when state revenues had fallen \$236 million below projected levels. Essmann's original legislation would have created five new judges, plus support staff, starting next January. Because of budget constraints, the proposal got pared down to two new judges in 2019, and a third starting in 2021. "I consider myself lucky," he says. "The money was just not going to be there for two years."

Montana's approach—scraping together funds for a couple new judgeships when the workload becomes unmanageable—is typical of most states. But there's at least one other state that's considering the kind of large-scale remapping that's been debated in Kentucky: Missouri.

State Sen. Bob Dixon became interested in judicial redistricting the way most lawmakers do. He kept hearing about overcrowded jails and case backlogs in his own district. Dixon represents an area that includes Springfield, the third-largest city in the state. Missouri's judicial boundaries haven't been overhauled since 1959, and just as in other states, the demographics and nature of cases have changed. A workload study found that the area around Springfield had the most severe shortage of judges in the state. Dixon began pushing for legislation to enact statewide redistricting.

It took him nearly a decade to pass it. He faced staunch opposition from rural lawmakers who didn't want to see their judges go to another part of the state. "So we had to come up with a creative solution to go around them," he says. The solution was to create a process that mostly happens outside of the legislature. His bill, which passed in 2013, calls for an independent "judicial conference" to study and propose new boundaries every two decades, starting in 2020. The legislature still has the option to block the plan and pass its own realignment proposal. Dixon hopes the law will impose enough pressure on legislators to either accept an outside fix or finally negotiate a plan of their own.

Missouri's law is really just the first step toward an actual plan.

For now, it essentially sidesteps all the controversial details that could ultimately torpedo a redistricting effort in the future. There's no telling how lawmakers will react when they have a document in front of them outlining which districts would lose or gain judges.

In Kentucky, meanwhile, the controversial details are already on the table. Sen. Robin Webb, who represents Boyd County in northeastern Kentucky, voted against the Senate legislation, which would have resulted in the loss of two judges in her county but the gain of a family court judge. Besides her parochial concerns, Webb contends that the state Supreme Court's decision-making process wasn't well documented and seemed arbitrary. "I'm not opposed to adjustments," she says, "but I think they need to be rational." The

independent workload study showed a reduced need for district and circuit court judges in Boyd County, but as a trial attorney herself, Webb doesn't put a lot of stock in the finding. "It's hard to quantify the workload of a judge," she says. "It's not an exact science."

For his part, Chief Justice Minton is inviting constructive feedback about the plan that failed this year. "If legislators have suggestions about a better way to draw these lines," he says, "I would welcome that conversation."

In the end, though, Minton may not need to tweak the plan. At most, 15 of the state's 120 counties would lose judges under the bill, and even some senators who represent those areas have decided to lend their support. "If you are about fiscal conservatism—using tax dollars wisely—you would be for this issue," says Senate President Robert Stivers, whose home county would lose a judge. Stivers says the legislature has got to reckon with recent demographic changes in the state,

starting with the significant loss of jobs—and residents—in Eastern Kentucky. "There's been an outmigration for the past several years, so the caseload has dropped. That's just the reality."

To enact redistricting, proponents will need more people to adopt Stivers' big-picture perspective. Minton likes to remind lawmakers that all of the state's individual judicial districts make up one single court system. "I'm hoping that everyone will be able to step back," he says, "and take a broader view." **G**

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Montana's approach—scraping together funds for a couple new judgeships when the workload becomes unmanageable—is typical of most states.



20
17

COLORADO AUG. 1

TENNESSEE SEP. 7

VIRGINIA OCT. 17

MASSACHUSETTS NOV. 2


CALIFORNIA DEC. 7

OHIO DEC. 14

GOVERNING LEADERSHIP FORUMS

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A photograph of a person lying on a dark-colored couch in a dimly lit room. The person is wearing a dark jacket and is positioned horizontally across the frame. The background is a plain, light-colored wall. The overall mood is somber and quiet.

**A small Idaho
city has endured
many months
of anti-immigrant
hostility—and
emerged stronger
as a result.**

A PLACE OF REFUGE



Mohammad Mustafa, a former translator for the U.S. military in Afghanistan, came to Twin Falls with his wife. He works part-time at the local Chobani yogurt plant while she learns English at the refugee center.

By Daniel C. Vock

Photographs by David Kidd

Liyah Babayan was 6 years old when she and her family fled their home country. As Armenians living in Baku, the capital city of Azerbaijan, they feared they would be killed when dormant rivalries between Muslim Azeris and Christian Armenians flared up during the final days of the Soviet Union.

They escaped to Armenia, but Armenia was in no shape to handle them. An earthquake had leveled a large portion of the country, knocking out basic services and much of the government. Now homeless, Babayan's family moved into a school utility closet and lived there for several years. They had escaped death in Azerbaijan, but they were seen as intruders among their fellow Armenians. As refugees, they were outcasts.

Eventually, Babayan's family found a home in the United States. After a stopover in New York, they landed in Twin Falls, Idaho. There, amid the cows and canyons of the high desert, Babayan learned English and perfected an American accent. She graduated from high school in Twin Falls before setting off to Oregon for college, and the Netherlands for a job. But she wanted to be near her parents, so she returned to Twin Falls. Babayan opened the Ooh La La! consignment dress shop on Main Avenue, had two children and joined the local school board. The school board position was especially fitting, she says, because the Twin Falls schools were the first place in her life she ever felt safe.

But the city has changed in the last two years, and Babayan has been singled out for being a refugee once again. She says that when she was growing up, refugees were generally ignored, if they were noticed at all. Now they are suddenly center stage in this town of 45,000 people. Outside groups and media outlets have used anti-Muslim rhetoric to fuel a backlash over refugees in the area. They've targeted the Twin Falls Refugee Center, as well as

refugees like Babayan. She has felt the anger toward refugees, even though she is a Christian who has been in Idaho for 25 years. A landlord harassed her. Her car was keyed. Customers walked out of her store. A neighboring business owner blasted anti-immigrant speeches through their thin shared wall until police arrived and shut off her speakers.

City officials have struggled to respond. They have found themselves blamed for events beyond their control, branded as liars and on a few occasions had their lives threatened. Twin Falls Mayor Shawn Barigar worries that the hostility has "hijacked" the city's agenda, but he admits that it took a while for community leaders to develop an appropriate response. On the way there, though, they got help from allies outside government, including the local newspaper, religious followers and even a group of Boy Scouts.

The Refugee Center at the College of Southern Idaho opened in Twin Falls in 1980 and until recently had never attracted controversy, even though it has settled Muslim refugees from Bosnia and other countries for at least two decades. It has long since outgrown the small blue house downtown that it occupied when Babayan came there as a child. The center is now located in a small industrial building, which gives it space to host English classes, store donations and park vans that transport its clients to doctor appointments and jobs.

The center, which is federally funded, has helped about 300 refugees settle in the Twin Falls area every year. Those refugees have quietly left an impact on the city. There's the downtown bar called Bumpin' Bernie's, owned by Albanian refugees Afrim and Fatushe Hetemi, where the menu includes cheeseburgers and nachos alongside sandwiches with beef cevapi—a skinless sausage—served on bread that Fatushe bakes herself. Newly arrived refugees, like 27-year-old Mohammad Mustafa, a former translator for the U.S.



Liyah Babayan and her family came to Twin Falls in the early 1990s after fleeing persecution in Azerbaijan. She now operates a consignment dress shop on Main Avenue and serves on the local school board.

military in Afghanistan, work at the Chobani yogurt plant. Refugees also work with other immigrants in the area's dairies, which depend heavily on them to staff their facilities.

The goal of the refugee center is to make its clients self-sufficient, and to do it fast. Most refugees have only eight months of assistance from the center to learn English, find a home, get a job, learn to drive or figure out another way to get around town, and, if they need it, to get medical and mental health treatment.

The recent trouble for the center started in April 2015, when the local newspaper, the *Times-News*, reported that the center expected an "influx" of Syrian refugees, even though it had not settled any Syrians previously (and two years later, still hasn't). The projections came as the numbers of international refugees reached levels not seen since World War II. The head of the Twin Falls refugee center, Zeze Rwasama, said at the time that the center would be prepared for Syrians, because it already resettled Iraqis, who came from the same region in the Middle East.

But several Idaho state lawmakers seemed increasingly wary of Muslims entering the country. A conservative bloc in the legislature temporarily tied up a bill to adopt international standards for collecting child support because of concerns it would impose Muslim Shariah law. More than a dozen legislators also attended a presentation in Boise by Shahram Hadian on "The True Face of Islam in Idaho." Hadian is a Washington state pastor who converted from Islam and now says it and Christianity are at war with each other. Meanwhile, refugees of all stripes started receiving more scrutiny, after thousands of children from Central America fled to the United States the year before.

So the prospect of Syrian refugees coming to Twin Falls instantly put the small city on the front lines of much larger battles over refugees, Islam and conservative principles. The first center of attention was the community college's board meetings. No one from the public offered any comments when the trustees discussed the refugee program in April 2015, but by that summer dozens of people wanted to weigh in on it.

First, a group of immigration opponents demanded that the college close the refugee center. They worried about refugees taking their jobs, not assimilating into American culture, posing security risks or spreading Islam. "This program is giving the college a bad rap. Let someone else take it over," activist Rick Martin, a former organizer for Ron Paul's presidential campaigns and a gadfly in local politics, told the trustees. (Martin, along with several other leaders of the anti-refugee efforts, did not respond to several interview requests for this story.)



A Congolese woman speaks through an interpreter to a refugee center caseworker.

Meanwhile, supporters of the refugee center also started coming to the meetings to defend the program. By July 2015, when 50 people came to its meeting, the board capped the public comment period at half an hour.

The board never seriously considered shutting down the refugee center. Nevertheless, Twin Falls got an introduction to life in the national spotlight. Conservative commentators weighed in from afar. Ann Corcoran, a Maryland-based author of the website Refugee Resettlement Watch, smelled a conspiracy. "I thought Twin Falls was just one more small city with do-gooders driving the resettlement of refugees," she wrote. "Now I don't think so. Someone is driving the resettlement in Twin Falls. Or is it a plan being driven by the [Obama] White House to colonize rural Idaho with 'diversity.' (Or both?) Note that new mosques are popping up!"

Hadian came to Twin Falls twice in three months to speak out against the refugee center, at the invitation of Martin. Three Percent of Idaho, a militia group that touts the slogan "When tyranny becomes law, rebellion becomes duty," led a march in Twin Falls and, a month later, a rally on the steps of the Idaho Capitol in Boise, calling for the refugee center to be closed down.

The Paris terrorist attacks in November 2015 stirred the debate further over Syrian refugees in Twin Falls and nationally, because one of the perpetrators carried a fake Syrian passport. Republican governors, in particular, either tried to shut down refugee resettlement programs in their states or encouraged the federal government to do so. Idaho Gov. Butch Otter urged President Obama to allow the state to opt out of the federal refugee resettlement program.

In Twin Falls, Martin tried to shut down the center with a local ballot measure. By law, Idaho ballot measures must be reviewed by the county's prosecuting attorney for legal defects. Grant Loebs, the Republican prosecutor in Twin Falls, told Martin's group that the ballot measure was vulnerable to legal challenges because it asked the county to make decisions it had no power to make. The fate of the refugee center in Twin Falls, he said, was up to the federal, not the local, government.

Martin's group pushed ahead with a similar ballot measure anyway. They waved signs along the road outside of grocery stores to get residents to sign their petitions, which were due by April 5, 2016. Despite all of the attention to the refugee center the previous year, organizers were able to collect only 894 of the 3,842 signatures required to qualify for the ballot. Local officials had wondered how much support the anti-refugee movement had in the community. Now they had something of an answer. The issue seemed to be finally put to rest.

But things were about to get much, much worse.

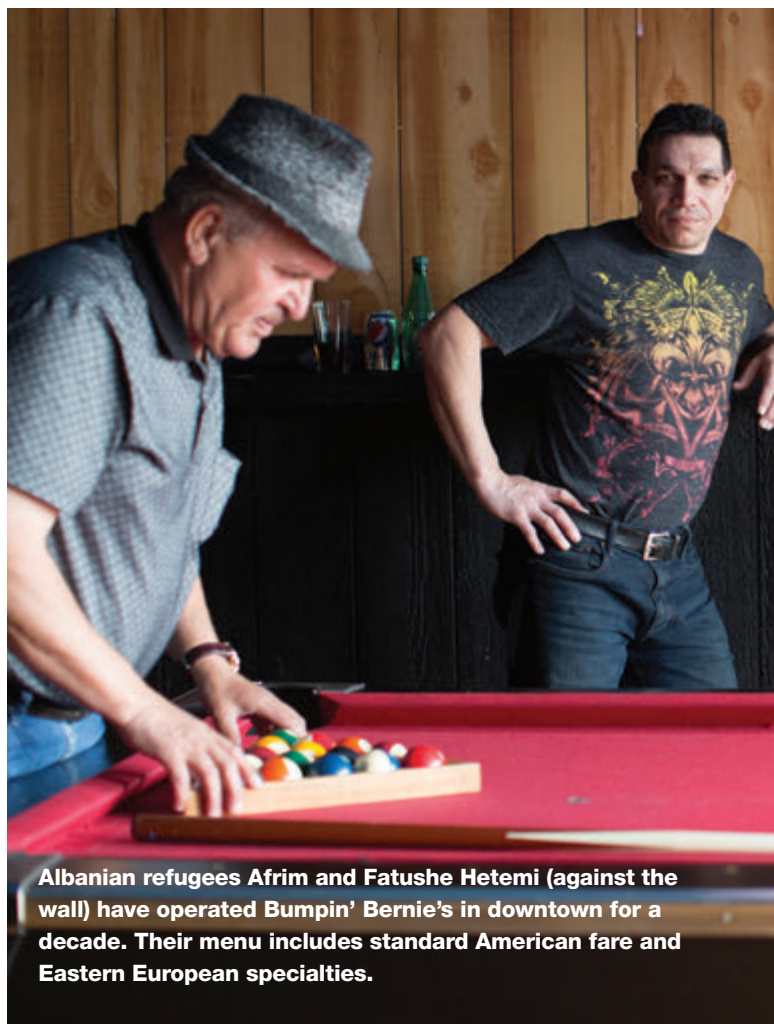
On June 2, 2016, three boys—ages 7, 10 and 14—took part in the sexual assault of a 5-year-old girl in the Fawnbrook Apartment complex on the north side of Twin Falls. Two of the boys came from Sudan; the other, from Iraq. Loebs, the county prosecutor, says his office handles eight to 10 similar cases every year. But because the crimes involved foreigners who were thought to be refugees, news of the assault instantly lit up conservative websites and spread to national and a few international media outlets.

The first reports falsely claimed that two of the assailants were Syrian and that they used a knife to carry out the attack. These reports described the assault in graphic detail, although Loebs says many of the details were wrong. The accounts were quickly picked up by websites such as InfoWars and World Net Daily. The Drudge Report ran an account under the headline: "REPORT: Syrian 'Refugees' Rape Little Girl at Knifepoint in Idaho."

Locally, only one TV station initially ran a story, and it offered few details. The online attention was enough, though, to bring a half-dozen people to the next city council meeting demanding more information. City council members hadn't heard of the incident, which only irritated the anti-refugee speakers even more. "It's a little disappointing to hear you guys don't follow the news. Is that on purpose?" asked activist Julie Ruf. "Because that's what I'm hearing."

By the next council meeting, two weeks later, other media outlets had jumped on the story, and local officials began offering more details. "There were no Syrians involved, there was no knife involved, there was no gang-rape," Loebs, the county prosecutor, told the *Times-News*. He stressed, however, that he could not divulge many details because the suspects were juveniles, and Idaho law severely restricts the information that can be shared about juvenile cases.

Conservative commentators chafed at the lack of information provided by city and county officials. "Pro-mass immigration advocates may not like the sources of some of the original reporting that forced the case into the sunlight, but the watchdogs got



Albanian refugees Afrim and Fatushe Hetemi (against the wall) have operated Bumpin' Bernie's in downtown for a decade. Their menu includes standard American fare and Eastern European specialties.

more right than wrong," wrote columnist Michelle Malkin, in a piece that Donald Trump Jr. promoted on Twitter. "These critics now have Twin Falls' political leaders sputtering to cover their backsides and police brass defending themselves against explosive charges that they dragged their feet."

Pamela Geller, the president of the American Freedom Defense Initiative and Stop Islamization of America, told Sean Hannity on his radio show that mistaking the nationalities of the boys in the attack was "like saying we got their sock color wrong." The important thing, she said, was that they were from "jihad nations." Geller said the sexual assault would be a "game-changer" for how the country regarded Muslims. "Idaho," she said, "should be the clarion call of every suburban mom out there."

As the drumbeat of stories, commentaries and accusations from conservative media continued, city council meetings in Twin Falls were dominated for months by refugee-related debates. Barigar, the mayor, says city officials tried to "fight fear with facts," but those efforts were complicated by stories that accused city officials of trying to cover up damaging information. As he points out, it's hard to win over someone who starts the conversation thinking you're a liar. "I'm not convinced we will ever change the mind of those who came to our council meetings," he says, "because the



agenda was not ensuring justice for this little girl. Their agenda was: We don't like Muslims, we don't like refugees, we don't like outsiders, we shouldn't let anybody in town. That became very clear from them."

The case put Twin Falls under the microscope again. *The Washington Post*, *The New York Times*, *BuzzFeed* and *Slate* dispatched reporters to the town. *Breitbart* sent its lead investigative reporter at the time, Lee Stranahan, to the city for a month to report on the Fawnbrook case and dig for dirt on the refugee program. Stranahan went beyond writing stories. He berated a city council member during the public comment portion of a meeting. Then he helped launch a group to promote populism and "localism" rather than "globalism" in Twin Falls. The group, called "Make Your Hometown Great Again," also pushed for more aggressive policing, curbs on immigration and developing alternative media to replace local newspapers and TV stations as sources of information.

The *Times-News* dutifully covered the announcement about Stranahan's new group, but it became increasingly clear that the local paper and the conservative provocateurs viewed each other with disdain. When the refugee center first became a flashpoint, the newspaper organized a community forum with representatives

from the U.S. State Department, the college, the refugee center, the city police, the school district and the local hospital to address residents' concerns. More than 700 people came to the event, although some groups left during the presentations because they felt the forum was too one-sided in favor of the refugees.

Until the Fawnbrook incident, *Times-News* editor Matt Christensen says, the newspaper's opinion page was the only community institution pushing back against the idea that the refugee center was dangerous. "That was really frustrating for us, because it really felt like we were standing alone in the community," he says. "We thought the city's responsibility isn't just to provide clean drinking water and patch potholes. The government does have some responsibility for defining the ethos of the community, and we felt the government at the time was not doing enough to combat that narrative. As a result, in that vacuum, it was all being filled with the untruths and the outlandish conspiracy theories."

When it came to the paper's news coverage, Christensen says, reporters and editors started wondering whether they were fanning the flames of the controversy by covering all the latest angles. They decided to forge ahead and focus on informing readers who were "open to truth and facts," not the small percentage of residents they thought would be against refugees no matter what. "You heard the mayor and the city manager talk about our community's narrative being hijacked by the alt-right," Christensen says. "There was a sense in the newsroom that we were kind of at war with those other publications. Personally, just as a journalist, I was like: This is bull. This is not the truth and we're the paper. Let's put the truth out there."

Newspaper employees received death threats via email and anonymous phone calls. One activist tried harassing workers in the newsroom before he was escorted off the property. After a warning from city officials of a threat, the newspaper shut its front office for a day. It instituted a buddy system for leaving the paper at night. After Fawnbrook, Christensen received so many threats that he hesitated to answer any call that didn't have the local 208 area code. One caller threatened to rape and kill Christensen's two daughters, who were about the same age as the victim in the case. "I'm much more concerned about the white Christian militiaman who's lived in Idaho his whole life than I am about the refugee family who just got here last week," he says.

It wasn't just the newspaper getting threatened. People at local TV and radio stations, the city police, the county prosecutor's office, and people in city hall all received threats, says Loeb, who has worked with the FBI to track the origins of the hostility. Callers threatened to set off bombs, kidnap children or shoot people. But the threats had one thing in common: "I would say, without exception, it [came] from outside this area," he says. They came from Florida, Kentucky, Michigan, New Jersey and even Canada. "It's all because it's printed in these know-nothing websites."

In April, Bill Colley, a local Fox radio talk show host who had long been sympathetic to the anti-refugee activists, publicly denounced them after receiving a death threat. Colley said hardliners wanted not only to stop new refugees from coming to Idaho, but also to deport refugees who had already settled in the area, even if they had become U.S. citizens. That and the death threats, he said, went too far for a conservative like himself. "How much



High school sophomore Kaleb Gourley led his Eagle Scout service project at the refugee center and later shared his experiences with the Twin Falls City Council.

of this lunacy are we going to allow to continue and besmirk the rest of us?" he asks. "We have legitimate concerns. But we aren't fascist killers."

The raging debate has had a significant impact on the refugee center: It triggered a huge surge in donations and volunteers. A year later, donated clothes, kitchen utensils and decorations are everywhere, filling storage rooms, lining hallways, lying on classroom tables and even stuck on the floor of the director's office. Dozens of donated bicycles sit locked up outside. "We have never seen in 30 years so many volunteers coming," says Rwasama, the center's director. "We don't have things for all of them to do." Before the controversies started, he says, the center had trouble getting enough help to carry out its programs. "The opposition to the refugee program," he adds, "created an opportunity that is golden for refugees."

One of the main sources of support in Twin Falls has been religious groups, particularly the Church of Jesus Christ of Latter Day Saints. Mormons make up about a quarter of the population in the area, and, as refugees became an increasingly contested topic in the 2016 presidential campaign, their church urged members to work on behalf of refugees.

Kaleb Gourley, a high school sophomore, came to the refugee center in search of an Eagle Scout service project. Gourley remembered a lecture he'd heard at his church the year before. "Less than 200 years ago, Mormons were refugees ourselves," he says. "We were driven state to state by persecution." Gourley found out that the refugee center needed a car for driver education. He worked with a local auto dealer to get a red 2007 Pontiac Grand Am donated to the center.

One of the adult leaders of the Scout troop, Mark Crandall, a cardiologist, did some research and came up with the idea of asking

the city council to pass a resolution declaring Twin Falls to be a "welcoming city." It was modeled after resolutions that two Idaho communities, Boise and Ketchum, had passed earlier in the year, and was intended more as a statement than a change in policy. Passing it would signal that, despite two years of controversy, Twin Falls still welcomed its refugees. "It would show our mayor and our city council are in favor of the refugee center," Crandall says. "The refugees will know they are wanted."

The effort came at an opportune time. Just a few days before the city council met and discussed the resolution, prosecutors reached plea agreements with the three youths involved in the Fawnbrook assault. The media frenzy had died down. The *Breitbart* reporter who had camped out in Twin Falls left the organization to start a talk show for a Russian news outlet. Martin, the activist who wanted the refugee center closed, had been quiet after losing a bid to unseat one of the college's trustees the previous November.

Crandall showed up at an April city council meeting along with a dozen uniformed Boy Scouts, including Gourley. Two dozen supporters spoke in favor of the resolution. Only four people opposed it. The city council instructed its staff to draft a formal resolution to proclaim Twin Falls a welcoming city. The vote was unanimous.

Meanwhile, Babayan was back at Ooh La La! selling prom dresses to high school students and preparing for wedding season. She says the initiative from the Boy Scouts encouraged her. "When my parents and I moved here," she says, "there was no one speaking out on our behalf like that." Babayan has made changes since the controversy started, too. She now uses business cards that identify her as a refugee. She has also launched a "MakePeace" product line of fragrant soaps and other beauty items made with Idaho potatoes. For every product she sells, she promises to send a bar of soap to someone in a refugee camp. **G**

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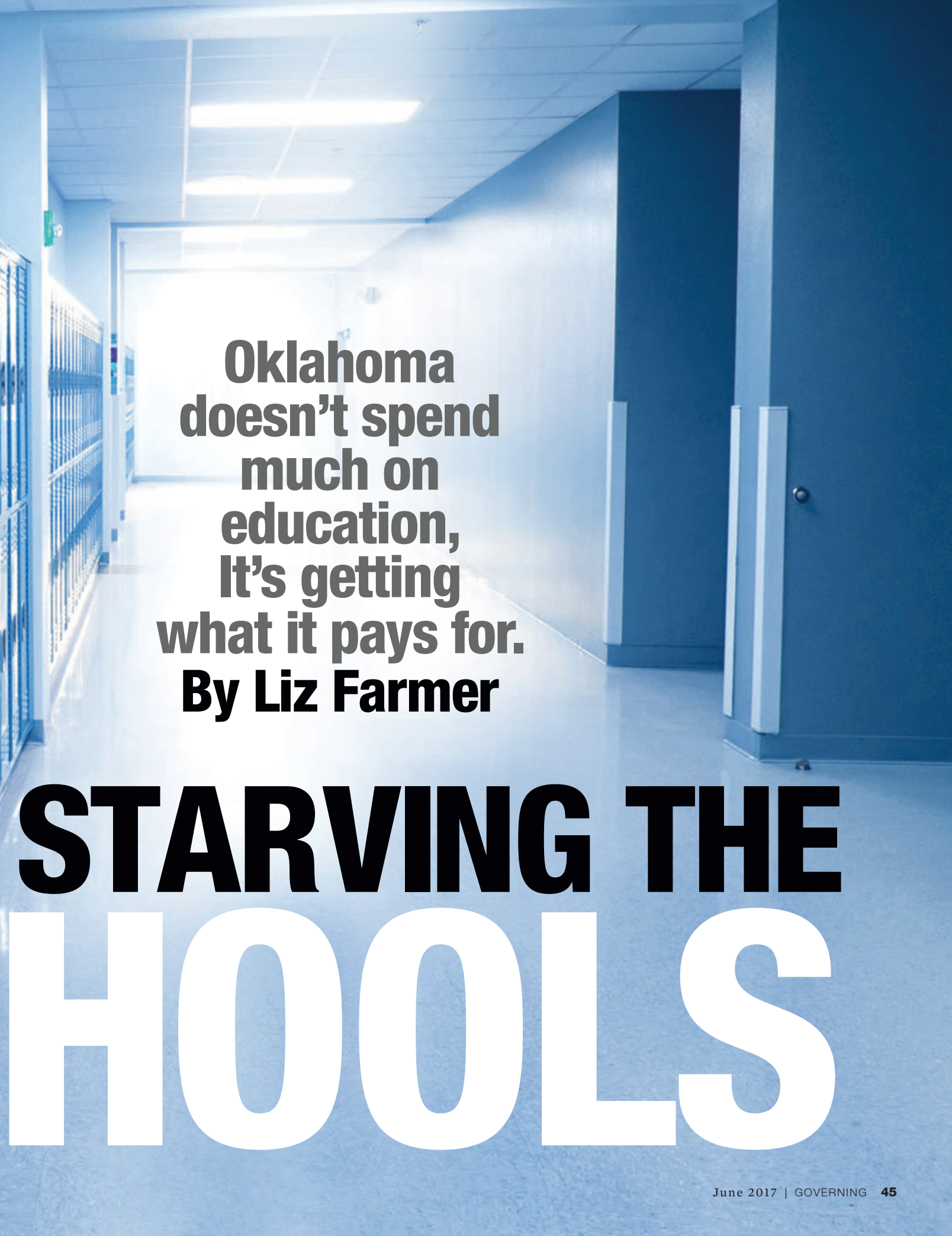
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**Oklahoma
doesn't spend
much on
education,
It's getting
what it pays for.
By Liz Farmer**

STARVING THE SCHOOLS

In his 17 years as a school official in Oklahoma, Robert Romines has dealt with more than his share of painful situations. In 2013, as superintendent in the town of Moore, he had to shepherd his system through the aftermath of a tornado that caused \$2 billion in total damage, destroying entire neighborhoods and taking down two elementary schools. Today, he is up against a subtler but deeply corrosive attack on his schools: death by a thousand spending cuts.

No state has suffered more than Oklahoma when it comes to education funding over the past decade. As it has struggled to balance its budget in the face of declining oil revenue, spending on schools has declined further than anywhere else. Oklahoma now spends \$1 billion less on K-12 education than it did a decade ago. One in five of its school districts has opted for a four-day school week; the base minimum salary for educators hasn't been raised in nearly a decade; and emergency credentials are being awarded at a record pace to help fill teacher vacancies. Arts programs are going away. Some schools are consolidating their sports programs with other schools to save money. Funding was cut in this year's education budget for the statewide science fair, in which students compete for awards and scholarships.

In Moore, Romines has tried to hold off as long as possible from making budget cuts that directly impact students. But in the last few years, he has had no choice. Among the hardest decisions was abandoning the district's rule that limited the size of classes to 24. Now, there's technically no limit. He's had to cut honors and AP courses where only 18 or 19 students test in because he can no longer justify the cost of the small class size. As a parent with two kids of his own in the school system, Romines says it's disheartening to see his son and daughter in classes with up to 34 other students. "We are squeezing kids in these classes," he says. "The

teachers have done an excellent job in keeping up. But to be quite honest with you, that's not something our teachers are going to be able to accomplish year after year and still produce the same product when our kids graduate."

The years since the Great Recession have been difficult on public education practically everywhere in the country, as states have been forced to adjust to a new spending reality. In the decades prior to the recession, public education enjoyed steady funding increases. Between 1994 and 2004, average per-pupil spending across the nation increased by nearly 24 percent. But after 2008, state revenues plummeted—some by as much as a quarter. Governments had to react quickly and drastically, and in most cases relied heavily on slashing budgets. "There's no way to cut your way out of a recession that deep without touching K-12 schools," says Erica Williams, an education researcher at the Center on Budget and Policy Priorities (CBPP). She says that before the recession, education funding had been a "bipartisan third rail," immune to significant reduction. "We saw a full reversal of that during the fiscal crisis," she says. "Now, it's really hard to make up that lost ground."

Indeed, the recovery nationally has been slow, particularly for schools. Some state budgets still haven't fully recovered when inflation is taken into account. Today, 23 states are providing less education formula funding—which typically accounts for half of elementary and secondary school budgets—than they did in 2008, according to the CBPP. Schools have restored just one-third of the 351,000 jobs cut in the aftermath of the downturn.

But slow revenue growth isn't the only reason some states have seen drastic cuts in education spending. Of the eight that have cut general funding per student by 10 percent or more since 2008, five—Arizona, Kansas, North Carolina, Oklahoma and



TULSA PUBLIC SCHOOLS/TRACY KOUNS

Tulsa Superintendent Deborah Gist says the frequent departure of teachers shows that the state is “not investing.”

Wisconsin—have also enacted substantial income tax rate cuts. In Kansas and Oklahoma, those cuts, which some hoped would jump-start the economy, have served only to constrain the state's revenues. Making matters worse, oil prices began a dramatic downturn in 2014. In Oklahoma, where oil and natural gas extraction accounts for more than 11 percent of the economy, that's led to even more spending reductions—which aren't just limited to the budget-making season. In April, for example, Oklahoma schools were notified that their monthly payments from the state would be shorted by an additional \$174 million. That brought the total reductions since January to nearly \$87 million.

School advocates in Oklahoma have long argued that the state doesn't spend enough on education. Now there is broad agreement that a crisis exists. But beyond that, there's been little consensus on how to fix the problem. Republican Gov. Mary Fallin has made efforts to raise more money through various revenue enhancements, including a statewide tax on services. So far, she has been unable to persuade her fellow Republicans in the legislature. For the short term, schools and lawmakers are focused on stopping the bleeding. Many worry that any lasting solution to Oklahoma's school finance problems is a long way off.

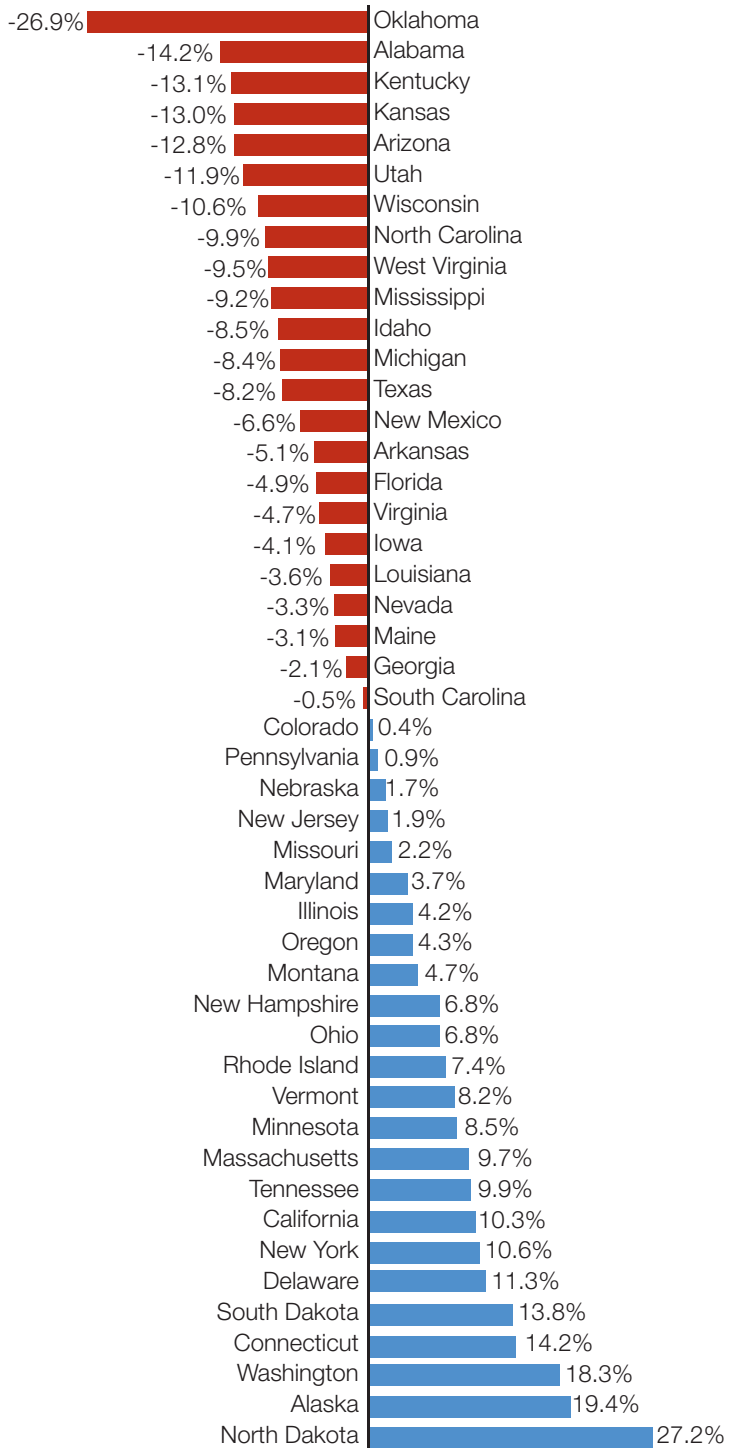
Sitting on Superintendent Deborah Gist's desk in Tulsa is a flyer from the Dallas Independent School District in Texas. It features three smiling teachers with the caption "Oklahoma, Join Us!" and advertises information sessions and interview dates over three days in Oklahoma City. Dallas' advertised starting salary of \$50,000 is eye-catching for teachers in Oklahoma, which ranks 49th in the nation in teacher pay. It's a far cry from Tulsa's \$33,900 starting salary, which is slightly higher than the state teacher median.

Out-of-state teacher recruitment has been happening in Oklahoma for decades. Gist herself was lured away to Texas when she started out as a teacher in the late 1980s. But lately, the efforts by out-of-state school districts have been brazen—and effective. That's evident in the number of emergency credentials Oklahoma has had to issue as it deals with a growing teacher shortage. As recently as 2012, only 30 emergency certifications were issued. The past two school years have each seen more than 1,000. It's added to the anxiety many parents and community groups already have about their public schools. "They worry about their teachers," Gist says. "When they have a beloved teacher or principal and get news that person is leaving, that demonstrates what we're not doing as a state. It's clear we're not investing."

Oklahoma has never been at the top of the list in support for education. During 2008 and 2009, the high points of per-pupil funding, it spent just under \$8,000 per student and ranked 47th in the nation. The political leadership of the state has generally argued that more money doesn't always make things better. Indeed, Utah, which spends less per pupil than Oklahoma does, now ranks 32nd in *Education Week's* "Quality Counts" report, while Oklahoma remains in 47th place. Conservative think tanks such as the CATO Institute and the Heritage Foundation make similar arguments regarding spending and student performance. One CATO study found that American students' mathematical and

The Education Funding Crisis

State general funding per student is still lower than 2008 levels in 23 states. What follows is the percent change in state formula funding per student, inflation adjusted, for fiscal years 2008-2017.



NOTE: General or formula funding is the primary form of state K-12 funding. States also typically provide revenue for other, more specific purposes, such as bus transportation and contributions to school employees and pension plans. Hawaii, Indiana and Wyoming are excluded because the data necessary to make a valid comparison are not available.

SOURCE: CENTER ON BUDGET AND POLICY PRIORITIES

verbal skills have actually declined over the past 40 years, while per-student spending has tripled.

But in recent years, Oklahoma's funding naysayers have grown quiet as public schools have been forced to cut into the student experience via larger classes, reduced bus transportation and a shorter school year. In Tulsa, students are in class seven fewer days than the national average of 180 per year. It might not sound like much, Gist says, but it matters. She likes to compare her district to one in the Houston suburb of Aldine, Texas, which is three days below the national average but has a school day that is 30 minutes longer. "By the time a student graduates from high school in Aldine," Gist says, "he or she would have had two more years of instruction than we have here."

Many cite 2014 as the moment when conversation inside the state Capitol began to focus on finding a new, dedicated source of funding for schools. That was the year Oklahoma took over the No. 1 spot as the state that had cut education funding most deeply since the recession. Tens of thousands of teachers took a day off from school—effectively shutting down school districts for that

roughly 20 percent of the budget. They closed it via a combination of revenue increases of about \$900 million and more cuts—but most of the revenue increases are non-recurring. That means there will be another shortfall in the 2018 budget.

As the cutting has continued, finding a fix for education has proved elusive. Last year, Boren's proposed sales tax increase made it to the ballot. But Oklahomans decisively—and surprisingly—struck down the proposal, 59 percent to 41 percent. Many say the rejection wasn't because the public opposed more money for education, but because voters felt the burden would fall disproportionately on those with modest incomes.

The effort to find more money continues. Fallin, who seven years ago wanted to phase out Oklahoma's state income tax, went to the legislature this year with a budget that called for \$1.5 billion in tax hikes and permanent revenue increases as a way to help education and shore up the budget. The proposal included taxing nearly all services, raising taxes on tobacco and fuel, and imposing a new tax on wind production and electric cars. It was not an idea that attracted much support among the Republican legislative

majority, but it reflected a remarkable turnaround for a small-government conservative governor. "Had it come from a Democratic governor," says David Blatt, executive director of the nonpartisan Oklahoma Policy Institute, "it would have been skewered as being a tax-crazy liberal budget."

Various ideas remain on the table. One is an effort to halt the next scheduled income tax cut. Another would reduce corporate tax incentives for oil and gas companies. In April, Fallin signed a bill rolling back the state's tax credit program for wind energy firms. At least, Blatt says, "there is now widespread awareness that we do have a revenue problem. There's an openness to tax increases we have not seen in the state at least for 25 years."

But for many, there's still too much uncertainty about the future, and in some instances, it's having a chilling effect. That's the case for Tulsa native Marni Stilson, who in 2012

moved with her husband from the high-priced Washington, D.C., area back to Oklahoma for the lower cost of living. Now she has a daughter who is three years away from entering kindergarten, and has watched with frustration as programs have been cut and her local elementary schools consider a consolidation. "I want to send my kid to a public school," she says, "but I cannot send her to one of the schools here."

It's led to an ironic turn of events. The desire for a family-friendly lifestyle played a big role in the Stilsons' decision to move back to Oklahoma. Now, the family is the main reason they're thinking of leaving. "I'm not sure that when we came here, we expected to move again," she says. "Now we're doing everything we can to leave in a couple years." **G**

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Gov. Mary Fallin has called for \$1.5 billion in tax hikes and permanent revenue increases to help fund education.

day—to rally in front of the Capitol building. Even the state's free market think tank, the Oklahoma Council of Public Affairs, began saying that teachers needed a base pay raise. The following year, University of Oklahoma President David Boren began advocating for a measure to raise the state's sales tax by one percentage point as a way to boost teacher pay and education funding.

But the timing couldn't have been worse: 2014 was the year oil prices began their rapid decline and Oklahoma began scrambling to balance its budget. It was also the first year of a phased-in reduction in income taxes. Instead of considering new funding streams for public education, lawmakers in Oklahoma City were in budget crisis mode. Since then, they have struggled to cover the shortfall in the general fund. One reason is that any tax hike requires a supermajority—75 percent approval—to make it through the legislature. This year, lawmakers faced a massive \$1.3 billion deficit,

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Is Recycling Broken?

By Elizabeth Daigneau

**To survive
and prosper,
local recycling
efforts are
forging ways
to update,
upgrade
and educate.**



IN 2014, six months after the residents of Lowell, Mass., received new 96-gallon recycling carts, Gunther Wellenstein got a “nastygram.” The letter to the city’s recycling coordinator came from the recycling contractor, Waste Management. It let Wellenstein know that contaminated—that is, unrecyclable—items were making their way into the carts.

Wellenstein was incredulous. He got in his car and drove around, stopping every now and then to get out, lift the lid of a recycling cart and inspect what was in it. “Lo and behold,” he says, “there was quite a bit of stuff that I guess people *hoped* could be recycled.”

What he found ranged from the mundane—plastic forks, metal coat hangers, trash bags and even food waste—to the outrageous—diapers, syringes, appliances, bowling balls, doggie beds. He even found a cart full of leaves. “It was like people were saying, ‘Well, my trash can is full, but I’ve got room over here in the recycling cart.’”

Understandably, Waste Management wanted Wellenstein to address the problem. The syringes, bowling balls and other unrecyclable items were causing havoc at its recycling facility. A metal pry bar, for instance, got stuck on one of the conveyor belts and split it length-wise, shutting the building down for two days and costing the company upwards of \$50,000. But the mundane things were also costly. “The first thing that comes off the line at the facility by hand is plastic bags, regardless of what’s in them,” says Wellenstein. “They automatically get thrown into the trash, and we get charged [for Waste Management] to process it and take it to the incinerator.”

Those unanticipated costs are among the primary reasons Wellenstein tapped a state grant to reach out and educate Lowell residents about what can and cannot be recycled. Wellenstein also partnered with the Recycling Partnership, a nonprofit that works with governments to improve recycling programs, to audit two collection routes of 400 homes. Before Wellenstein and his staff fanned out to inspect carts on the routes, the city mailed multi-lingual postcards to those households that illustrated in full color which items were acceptable and which were not. For the day of the audit, the team was armed with “OOPS” cards. If the team found a cart with nonrecyclable items, they would tag it and it wouldn’t be emptied.

Before the outreach effort, the two routes had a contamination level of about 30 percent. After the effort, which spanned about 16 weeks, the level fell to 20 percent. “It’s still not ideal,” says Wellenstein, “but we could tell that in that zone of 400 households, we made a difference.” Most of the time, Wellenstein reports, it only took one tag for folks to be more careful about what they recycled. Only a fraction of them needed a second or third notification.

Lowell is far from alone in running education campaigns to decrease recycling contamination. For example, last year, Elgin, Ill., and Waste Management wrapped up a “Recycle Often, Recycle Right” campaign to instill key consumer behaviors: Recycle all empty bottles, cans, paper and cardboard; keep food, liquids and plastic bags out. Residents got a red tag on their recycling bins when they threw away nonrecyclables and green tags when they stopped doing it. While it varied by neighborhood, contamination dropped between 21 percent and 41 percent. A similar program

was also run in communities in California and Colorado.

People on all sides of recycling agree that contamination is a major problem. “There is a lack of consistency with how communities educate about curbside recycling programs, leading to confusion and frustration regarding understanding what is recyclable and where and how to find program information,” wrote the authors of *The 2016 State of Curbside Report*, which was prepared by the Recycling Partnership for the Environmental Protection Agency (EPA). “Many communities do not provide easy-to-access and easy-to-understand recycling-related information.”

This frustration has led recyclers to begin openly questioning the viability of recycling programs nationwide. They argue that residents don’t know what they can and can’t recycle and that manufacturers are constantly changing the materials in which they package their products, forcing costly upgrades to recycling facilities. They also note that there’s no viable market for some recyclables, like glass, and that recycling contracts with cities don’t reflect economic realities.

These challenges have led to an essential question: Is recycling in our cities broken?

Nationwide, recycling rates have hovered around 35 percent for the last five years, according to the EPA. “That’s a pretty low number,” says Darby Hoover, senior resource specialist at the Natural Resources Defense Council (NRDC). “I don’t know if I would go so far as to say ‘broken,’ but there are some definite challenges to getting those numbers up.”

One of those challenges arose as a result of cities trying to make recycling easier. Just a decade or two ago, residents sorted their recyclables for curbside pickup. But in order to increase household recycling rates, cities moved to “single-stream” recycling: One bin for everything—newspapers, glass, aluminum, tin, plastic and cardboard. Compliance is easier for residents and, since the city only needs one truck to pick up everything, it saves money. But the downside is that someone eventually does have to sort out the paper from the cardboard and the glass and cans from the plastic. It makes the process more expensive because now instead of just one household sorting it out, employees at a waste facility and big, costly machines do it. It also leads to more contamination and a decrease in the quality of the materials recovered. That, in turn, matters to the people who buy bales of recycled material and turn it into new products.

Another challenge is that the materials manufacturers are using are becoming more complex. “We are creating packages that are hard to recycle,” Hoover says.

Take a juice carton. Five years ago that carton was made of one kind of plastic or paper. Today, it’s typically made with two or more types of plastic, an aluminum layer and a paper layer all





Lowell's Gunther Wellenstein talks with his team after tagging a cart with an "OOPS" card.

THE RECYCLING PARTNERSHIP

fused together with adhesive. "It makes a great lightweight, non-breakable, often stable package," Hoover says, "but what it does on the recycling end is kind of stymie the recycling process." It's not only hard to separate out the different levels of packaging, but it's also expensive to get the machinery that does the separating. Even then, not every piece is recyclable.

These increasingly complex materials are costing waste companies millions of dollars. Richard Coupland, vice president of municipal sales for Republic Services, notes that five years ago, the largest fraction of what his company was selling was newsprint. Today, he says, "there's no supply and there's no demand for it, and yet we bought huge pieces of equipment to extract newspaper and are still paying for those."

Extraction aside, the value of recycled products has plummeted over the past five years. *USA Today* recently reported that the North Carolina Department of Environmental Quality found that "the average market value of a ton of mixed recyclable material

arriving at a recovery facility in the state dropped from just over \$180 in early 2011 to less than \$80 at the end of 2015." The fluctuating prices can be blamed, in part, on changing streams of materials. But another culprit has been the low price of oil, a key ingredient in the manufacture of plastics. As a result, plastic bottle manufacturers are finding that it's cheaper to produce new bottles rather than use reclaimed plastic.

All of these factors have come together to upend the market for post-consumer goods. The changing materials are forcing recyclers to make costly upgrades to the machinery in their facilities. Meanwhile, the fluctuating value of recyclables is eating into their profits. "That's the crux of the problem," says Coupland. "People don't appreciate how complicated the processing and changes in these material streams have become. There's this assumption that [the cities are] just going to give us their recycling for free and we're going to make money off of it."

That's why waste companies such as Republic Services and Waste Management want to change how they are paid. In some markets, they've restructured their contracts. In Houston, for example, the city and its contractor, Waste Management, moved to a fee-based model. "The processor wasn't going to rely on the commodity price to cover its risk anymore," says Harry Hayes, director of Houston's Solid Waste Management Department. "They wanted a processing fee to cover their costs."

It was a rude awakening for the city, says Hayes. It was the first time they ever had to pay for recycling. But it's a change that is likely coming to all municipalities. For now, several cities are raising household recycling fees to offset the reduced value of recovered commodities. In March, the city council in Ocala, Fla., approved a rate increase for its recycling program. The city's recycling processor, which sells off the scrap paper, plastic, aluminum and other materials it collects, has not been able to cover its costs to collect and process items. As a result, the city has had to back pay the company \$450,000 annually to make up the difference.

A restructured contract wasn't the only recycling surprise Houston got last year. Waste Management announced it would no longer pick up glass. Glass has always been problematic. In single-stream programs, it is virtually impossible to prevent it from breaking. It cracks apart when residents drop it in their bins or when it is thrown into the recycling truck or when it gets compacted or even when it gets dumped onto conveyor belts to be processed. Broken glass means that not as much gets recycled. What's more, the shards can contaminate other recyclables, such as paper.

For this reason, several communities have recently dropped glass from curbside recycling programs. In Houston, the announcement was met with anger from some residents. That public pressure resulted in a partnership with the largest glass recycler in North America, Strategic Materials Inc. The company, which had relied on Houston's curbside recycling glass, was also upset by the decision to eliminate glass from the city's curbside bins. It was receiving about 1,000 tons a month of recycled glass from Waste Management, according to Curt Bucey, executive vice president of Strategic Materials. Without the curbside program, he figured that volume would shrink to 100 or 200 tons a month.

To solve their mutual problem, the city and the company will set up 10 drop-off boxes throughout Houston. The solution may not be ideal—collection of glass has dropped off by 75 percent—but it's a start, says Hayes.

While cities continue to come up with unique ways to keep recycling programs going, there's another player that could help streamline the process: producers of goods. Producer responsibility, as it's called, is a tool used in Europe and, to a lesser extent, in Canada. It essentially says that the manufacturer of a product should be involved in the process of disposing of it. In the U.S., the burden of paying for recycling falls on taxpayers, cities and processors because the government has largely not required manufacturers to take responsibility for the disposal or recovery of what they make and sell. There are some notable exceptions: Producers have responsibility for hard-to-recycle materials, such as electronics, batteries, carpets, paint and other hazardous materials. "What we haven't done," NRDC's Hoover says, "is try producer responsibility for those materials that are already collected in our municipal recycling system and shift that system so that it is financially and to some degree logistically managed by the producer."



DAVID KIDD

In Ontario, Canada, for example, officials are testing out producer responsibility with medical equipment. Prescriptions for injections, for instance, come with a return package. Similarly, here in the U.S., 25 states and the District of Columbia have electronic recycling laws that, in some cases, require manufacturers to collect and recycle their products.

In place of producer responsibility, some states and cities have tried bans on certain types of hard-to-recycle material. California, for instance, does not allow groceries to distribute single-use plastic bags, and the state is expected to follow in San Francisco's steps and ban polystyrene, or Styrofoam, food containers. It's not that plastic bags can't be recycled. They simply require different processing equipment than many curbside recycling programs provide. And Styrofoam, made up mostly of air, isn't worth the cost of recycling. "Manufacturers are constantly determining what's

going to end up in the landfill or not," Hoover says. "They should hold some of the financial responsibility and some of the oversight so it's not all landing in the city's or taxpayer's pocket."

But laws mandating cooperation are hard to pass in today's political climate. Arizona, Idaho and Missouri recently forbade localities from regulating the sale or use of plastic bags, including the imposition of any fees or taxes. That's why people on all sides of the industry are stressing the need to step up efforts to educate the public about recycling. It's the best way, they argue, to reduce contamination rates, which in turn will reduce costs for the processor.

Indeed, education efforts are not only proliferating, but some states are also lending their localities a helping hand. Massachusetts, for instance, offers on its website a "Recycling IQ Kit," which provides a step-by-step guide for localities on how to improve recycling. As Gunther Wellenstein did in Lowell, local officials are advised to identify what the specific problems are or what the top five problem materials are in the city's recycling program, and to send out info cards to residents that break down what's recyclable and what's not. The city should follow up the

mailer with a curbside audit in which feedback is provided to the homeowner either in person or by tagging bins. Finally and crucially, it should track and evaluate the results and report them to the state so it can build a database.

Public education can go even further. Hoover would like people to recognize that recycling, unlike garbage, has the potential to generate revenue for government even with all the challenges and changes underway. For one, recycling creates jobs compared to disposing of materials in landfills. "If we were able to get to a 75 percent recycling rate nationally," she says, "we would create something like 1.5 million jobs, reduce pollution and save energy—all the environmental benefits we haven't even talked about."

As of 2016, according to the *Curbside Report*, there's a lot of work still to be done. Only 53 percent of the U.S. population has recycling automatically provided at their home. Of those

who do, fewer than half are served by recycling carts, a collection mechanism long recognized as fundamental to maximizing collection opportunity and efficiency.

Hoover points to the effectiveness of a fully rounded program. In San Francisco, the recycling rate is closing in on 80 percent. The city has worked with the industry to deal with the current challenges. But it also has robust education programs, and everyone in the city—especially multifamily buildings and businesses—has easy access to recycling services. Materials that are difficult to recycle have been removed through bans and other programs. "Even with the existing challenges," Hoover says, "San Francisco shows it's possible to get to the point where you are doing way better than that national average of 35 percent." **G**

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13+ MINUTES
TIME-ON-SITE



46 MILLION
EMAILS SENT PER YEAR



14 MILLION
ACTIONS TAKEN



1.5 BILLION POUNDS
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Pockets of Growth

Suburban counties are once again gaining population at the expense of the cities around them.

Halfway between the big Texas cities of Austin and San Antonio lies lesser-known Hays County, which is growing faster than either of them. Lured by affordable housing and reasonable commute times, thousands are relocating to the suburban county each year. Mostly farmland not too long ago, Hays has doubled in population since 2000.

Hays County is typical of many suburban places in the United States that have been growing dramatically after a brief drop-off during the Great Recession, generally outpacing the larger urban jurisdictions around them. Last year, migration to the suburbs accelerated even more. A review of the latest Census data finds that, in metro areas with at least a half million residents, urban counties containing large cities lost 232,000 total residents via domestic migration. Meanwhile, the other counties within these same metro areas—many of them burgeoning suburbs like Hays County—added nearly 268,000 new residents, the largest net migration gain in recent years.

Across the country, many urban counties that posted steep population gains around the start of the current decade are now experiencing slowdowns. Some, such as Austin's Travis County, are still growing, but at a slower pace than before. Others, including Davidson County, Tenn., home to Nashville, and Harris County, home to Houston, saw more people move out than moved in from other parts of the country last year.

Scores of new developments can be found in the northern part of Hays County, along the corridors leading into Austin. The county has, in many ways, played off the success of the big city. "Austin has become very easy to identify internationally," says County Commissioner Will Conley. "That helps us in describing and getting the word out to people about our community."

Nearly a third of all newcomers to Hays County have moved from Austin and surrounding Travis County in recent years. Conley says the top reason people move to Hays is lower housing costs, along with roads that are far less burdened by

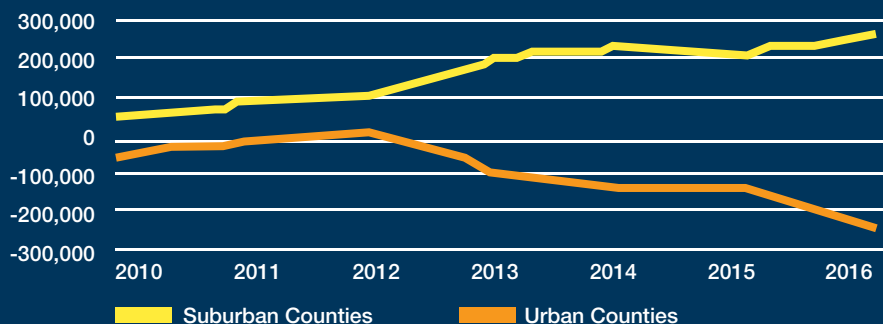
congestion than the ones Austin residents have to contend with.

The suburbs that welcomed the most new residents last year are concentrated in the Sun Belt, particularly Florida and Texas. This is part of a larger, longer-term shift in migration to all areas of the South and West as Americans retire or just seek warmer weather. Demographer Steve Murdock, former director of the Census Bureau, says lower land costs also make southern suburbs an attractive option compared to the more built-out northern urban areas with less space. "The main things driving the suburban growth," Murdock says, "are cheaper housing than in the central cities, more space and quality of schools with reputations for kids getting into universities."

Booming Sun Belt suburbs like Hays County are also becoming employment centers. Until fairly recently, the state Capitol and the University of Texas, in the center of Austin, functioned as the region's primary employment base. But that changed dramatically with the arrival of Dell and other tech companies in the surrounding areas. Amazon opened a massive fulfillment center in Hays County last fall and is already the county's top employer, with more than 3,000 workers. There are now about as many people living and working in the county or commuting to it as there are workers commuting out.

Some of the more recent migration patterns have further altered the demographic profile of suburban America. Contrary to their image as older, whiter communities, many are gradually becoming younger and much more diverse. The median age for Hays County is just 31, thanks in part to the expanding presence of Texas State University in San Marcos, and young

More People Move to the Burbs



Figures represent net domestic migration within metro areas with populations exceeding 500,000. Counties were considered urban if they contained either a region's largest city or another city with a population exceeding 200,000.

By Mike Maciag

adults who've relocated from Austin.

Governing's analysis shows that counties with medium population densities, those between 200 and 1,000 people per square mile, recorded on average the highest domestic migration rates last year. By contrast, it's the densest counties that are losing residents at the fastest rates, regardless of whether they're considered urban or suburban.

This represents a dramatic reversal from the conditions that prevailed during and immediately after the recession. For a few years, urban jurisdictions experienced a resurgence, with many gaining population for the first time in decades. More recent Census estimates suggest many of those same places are now seeing growth level off or start to reverse.

Comparing migration patterns within a given region tells a similar story. Last year, Americans moved to suburban counties at greater rates than they did to nearby urban counties in 72 of 82 metro areas with at least 100,000 suburban and urban residents. Only Washington, D.C.; Richmond, Va.; and a few smaller metro areas recorded higher migration rates for urban counties.

None of this means that Americans are necessarily rejecting urban life wholesale. Individual cities may or may not be experiencing the same declines depicted by the Census estimates. In fact, cities' downtowns and central business districts continue to prosper, even in places like Chicago and St. Louis that are losing population. And while in-migration has dropped, some cities are still recording total population increases, mostly a result of international migration.

Employers, too, are continuing to relocate to downtowns. Bethany Schneider, who tracks commercial real estate trends for Newmark Grubb Knight Frank, says the shift from suburban office parks to more urban settings hasn't slowed.

In Nashville and other successful urban centers, there's a supply problem. Not much land is left for development within the city, so homebuyers opt for

Hot Spots in Suburbia

Suburban counties in these large metro areas recorded the highest domestic migration rates in 2016.

Austin, TX	300
Sarasota, FL	294
Tampa-St. Petersburg, FL	281
Daytona Beach, FL	280
Jacksonville, FL	249
San Antonio, TX	238
Dallas, TX	225
Raleigh, NC	216
Des Moines, IA	213
Houston, TX	206
Phoenix, AZ	200
Nashville, TN	196
Charleston, SC	181
Orlando, FL	174
Fayetteville, AR	168
Charlotte, NC	164
Seattle, WA	134
Boise, ID	123
Portland, OR	121

Rates shown are per
10,000 residents.

Figures reflect aggregate totals for all counties within a metro area not containing a region's largest city or any other cities with populations exceeding 200,000.

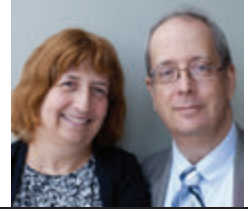
suburban neighborhoods even if an urban lifestyle might have been their first choice. "We have such a supply problem that homebuilders inside and outside the city are working feverishly to improve the supply," says Scott Troxel, president of Greater Nashville Realtors.

Some of those who desire urban amenities in the Nashville area—but not at Nashville prices—are heading out to places like Murfreesboro, about 30 miles away. That city doesn't offer all the luxuries of Nashville, but it's home to a large university and has ranked among the fastest-growing places nationally in recent years. Similarly, much of the growth in Williamson County, which borders

Nashville, has taken place in a few incorporated cities.

Williamson County Mayor Rogers Anderson says one of the top concerns of newer residents is easing congestion. Officials have identified potential investments in public transit—another urban convenience—and are exploring funding sources. Williamson County's other selling points include low property taxes and good schools. As is the case in other suburbs, though, local leaders say that maintaining these advantages while accommodating the rapid growth projected over many years won't be easy. **G**

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By Katherine Barrett and Richard Greene

Shopper's Guide

Purchasing managers are pushing to have critical thinking lead the buying process.

Last year, procurement manager Cheral Manke put up a giant black-and-white poster on the walls of Washington state's central procurement office. It was much like a page from a coloring book, with images of birds, flowers and plants, but designed for adults. The object was to unleash the creative juices of her staff. Her challenge: How do you get people to be creative thinkers when that wasn't a skill they were trained for?

Manke's poster is part of a culture shift taking place across the nation's state and local governments that focuses on how both practitioners and leaders perceive the purchasing and contracting function. That means changing how they think about

buying everything from school buses to IT consulting contracts to staplers.

This is a necessary transition, as the new world of procurement involves a much different set of skills than it did in the past. "We're trying to make a significant culture change, and it is a challenge," Manke says. The goal is for purchasers to "move from a cumbersome, form-driven administrative type of role that is black and white to a blank page where they use critical thinking."

What's driving this evolution? Technology and the growing sophistication of the field. Data about spending allows for a far more advanced analysis of what agencies need and lets goods and services be purchased at ever-more-steeply

discounted prices. Internet access and e-procurement systems even allow a small town in Utah to buy common goods off the same cooperative contracts as Los Angeles or New York City. By joining forces, the small Utah town can be part of a much, much larger purchase, which lowers per-unit costs.

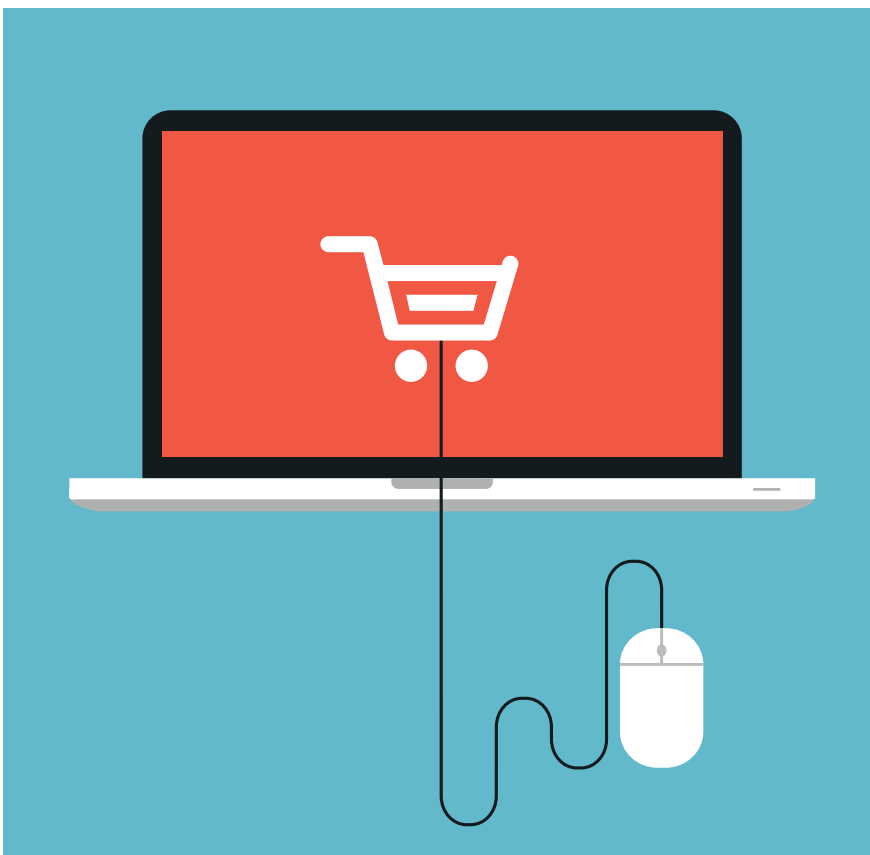
At the same time, procurement officials are grappling with ways to reduce risk in the more complex purchases or contracts created by agencies for the unique needs they have. Increasingly, procurement officials at the top of their game are working on building more flexible systems, cushioned by aggressive risk assessment. The idea is to replace the rigid rules of oversight and compliance with a system that emphasizes strategic partnerships. "We're trying to shift our culture and our approach so that our customers, both internally and externally, see us in a different light," says Manke.

Like many other procurement managers, Manke is tired of having her profession thought of as a barrier or obstacle: "We're here to meet their business needs."

In a survey last year conducted by *Governing*, procurement officials made it clear that they believe their roles are often misunderstood. Only about a quarter of the 37 responding state purchasing officials said that their stakeholders thought of procurement as having a critical strategic function that could help reduce the overall cost of government. Despite enormous changes in the field, many procurement officials worry that it is still perceived as a back-office operation that only focuses on compliance and regulation.

Change clearly is necessary. And it's coming. But it's coming slowly.

Several years ago in Georgia, the state's former procurement manager made a major effort to convince agencies that "we're not here just to say no."



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The campaign continues. Lisa Eason, the current procurement manager, held a conference at the end of April for procurement workers across the state. One of the stated goals was “to show the value of procurement to your leadership and your stakeholders.”

The shift in perception is not just to satisfy the egos of procurement professionals. “If we let [the agencies] know the value we add, they will take more time and plan out what we should be doing,” says Eason.

The key is to avoid the I-need-this-and-I-need-this-right-now problem. “Get us involved early,” she says, “to get you what you need at the best value.”

Back in Washington, the transformation under way was aided by procurement reform in 2013 that included a massive training effort. Starting in 2015, 20,000 employees statewide were required by legislation to go through procurement training, which emphasized the overarching cultural shift that was taking place. Today, new courses are added regularly based on customer needs.

Gaining the trust of stakeholders also involved customer survey work, focus groups and listening sessions. Washington’s procurement office even hired an outside consultant to “come in and teach us how to listen.” It employed Lean management principles, which help entities to map out the processes they had been using and cut out wasted steps. One of the changes was to replace requirements to fill out forms early in the life of a purchase with a conversation that would guide and expand potential opportunities. “You don’t need to submit a form with two pages of information,” says Manke. “You need to sit down and talk.”

The change in procurement and the way it is perceived continues to evolve, says Keith Kawamura, a deputy assistant director for contracts, procurement and risk management in Washington. “It’s not an easy journey, but we’re starting to see the effects now. We’re in a much better place than a few years ago.” **G**

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Double-Loop Government

It’s a learning strategy that produces conflict—and innovation.

In 1967, when I finally learned to dunk a basketball, they made it illegal. It remained so until 1976, when my days as a competitive player were about over. The rule, of course, wasn’t about me. It was about Kareem Abdul-Jabbar. His name back then was Lew Alcindor, and the NCAA rule banning the dunk, adopted after his sophomore year at the University of California at Los Angeles, was called the Alcindor Rule. Traditionalists felt that the dunk was ruining the game.

The dunk was an innovation resulting from what the late organizational theorist Chris Argyris called “double-loop learning,” a concept that people interested in dramatically improving the way government works ought to become familiar with. Single-loop learning, Argyris wrote, is when an individual or organization attempts to align outcomes with expectations without questioning “underlying causal mechanisms.” In basketball, for example, the team simply practices and improves its execution of plays and its field goal percentages. Double-loop learning, on the other hand, “encourages the questioning of assumptions and the confronting of traditions.” What UCLA did was feed the ball to a highly athletic 7-foot-2 player who could score with far greater efficiency by simply dunking the ball. The result was a 30-0 season, an NCAA championship and a lot of very upset people heavily invested in the status quo.

A fear of conflict is another critical aspect of double-loop learning. In the 1994 book *Can Governments Learn?*, Frans L. Leeuw and Richard C. Sonnichsen wrote that the questioning of organizational policy “can create difficult and complex group dynamics that many persons will actively try to avoid.” Double-loop learning creates conflict. If there’s no conflict, then there’s probably no innovation.

That’s a real problem for organizations attempting to achieve breakthrough performance, but most governments have an unrecognized ally: the auditor’s office. The image of auditors, of course, is the antithesis of innovative. But things are changing. There is a growing body of work called performance auditing that is evidence-based and conducted by people well versed in policy analysis, program evaluation and the use of data. As auditors, they are independent of the people designing and managing programs and so are able to step outside of their organizations’ norms and traditions. For them, a successful audit is one that results in a positive impact on outcomes.

Government audit units tend to be small and have less clout than top management, so the innovations they suggest may be buried. Public officials wanting to make their governments more innovative ought to seek out the auditors, take a look at their reports and talk with them about opportunities to dramatically improve outcomes. The result might be a slam dunk that taxpayers would cheer about. **G**

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Kareem Abdul-Jabbar,
playing for UCLA in 1966

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Artificial Intelligence: A Game-Changer for Emergency Response

Futuristic machine learning helps emergency planners and responders save lives and boost the resiliency of communities

Imagine you're in charge of an emergency operations center when a magnitude 8 earthquake hits, and you must make split-second — and life-saving — decisions about where first responders are needed most. A flood of 911 calls are coming from the center of the city, while an outlying neighborhood has been quiet. Do you focus rescue and response operations to downtown areas where you're certain there's damage? Or do you send resources to investigate outlying neighborhoods, which may only be quiet because communications are down? Experienced emergency management (EM) professionals are all too familiar with this dilemma, when situational awareness is slow to develop in the early stages of a crisis. How can you select the best response strategy without waiting for a comprehensive survey from eyes on the ground?

The answer is to capitalize on an innovative merging of human expertise and computer intelligence that's being fueled by advances in artificial intelligence (AI). Seismic Concern, an AI platform from the Silicon Valley start-up One Concern, can analyze vast amounts of information, including population profiles, schematics of physical infrastructure, seismic data, risk assessments and formal response plans. It merges this data with onsite reports from citizens, volunteers and first responders to give command and control personnel deeper insights for making more effective decisions.

Tailored for preparedness, Seismic Concern not only can save lives during an emergency, it can help government officials formulate strategies for increased safety and resiliency BEFORE a disaster strikes. The platform is part of a growing AI portfolio that also includes modules for improving resiliency to floods and fires.

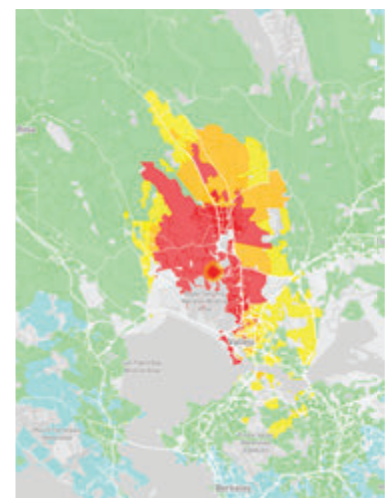
THE AI/EM CONNECTION

AI combines the data-crunching prowess of today's high-speed computers with sophisticated mathematical algorithms to quickly analyze large volumes of information for valuable insights. Used to improve everything from medical diagnoses to product marketing campaigns, AI provides EM professionals more detailed situational awareness, such as comprehensive block level damage assessment within 15 minutes after an earthquake. The proprietary algorithms that underpin Seismic Concern consider the design and age of buildings, how they fared in previous earthquakes and even surrounding soil conditions that impact risk levels. The platform then analyzes other critical factors, such as population density, to create heat maps showing the most vulnerable areas.

This information helps EM professionals and others who support the emergency operations center decide how to prioritize responses and most effectively utilize scarce resources.

In the hours and days after a disaster, the algorithms continuously update and improve ongoing resource deployments as field reports, social media posts and communications from the EM ecosystem stream into the platform.

The AI capabilities of One Concern not only can save lives during an emergency, they can help government officials formulate strategies for increased safety and resiliency before a disaster strikes.



While Seismic Concern is a critical tool for when disaster strikes, it can also enhance training for future responses. By creating realistic simulations based on geophysical data for tabletop exercises and full-scale drills, Seismic Concern keeps teams sharp and helps them identify any gaps in their response plans. The scenarios also give EM professionals information they can take to local businesses, hospitals and schools to help them improve their emergency strategies and increase community safety.

Earthquake-prone jurisdictions already using the platform include the City of Los Angeles, the City of San Francisco and multiple San Mateo County cities.

A PLATFORM BUILT FOR RESILIENCY

The success of any AI platform is directly tied to the proprietary data management and analytical capabilities engineered into the underlying algorithms. But effectiveness also hinges on other key technology components for enhancing EM team success.

Because large-scale disasters can knock out communications across large areas, the platform must be designed for resiliency. Seismic Concern takes advantage of geographically dispersed data centers and other technology underpinnings, so the overall platform remains reliable even when there is localized damage. In addition, the data streams and analyses aren't just for command center staff — first responders, government officials and non-government partners can access relevant information and collaborate in real time via the resilient operations platform. The algorithms also offer options for local customizations, so EM teams can incorporate the unique needs of their communities when developing risk assessments and action plans.

A POWERFUL PARTNER

As government officials search for new resources to make their jurisdictions safer in the aftermath of a large-scale emergency, a growing number of executives are considering AI platforms. They enhance public safety and EM effectiveness with advanced technology that helps EM professionals better utilize precious resources while disasters unfold. Leading platforms like Seismic Concern also help government officials better prepare for future disasters. By investigating the potential of AI, agencies can take an important step to reduce casualties, mitigate physical damages and increase their community's overall resiliency to risk.



Photo Credit: Shutterstock

A Mission to Save Lives

When evaluating AI platforms for EM effectiveness, government executives are correct to focus on the underlying technology — but that's not the only concern. The technology must also be backed by developers who understand emergency operations in human terms.

One Concern's co-founder and CEO **Ahmad Wani** is one such visionary. As a boy, the Stanford-educated specialist in earthquake-resistant engineering survived a magnitude 7.6 earthquake at his home in Kashmir, India. Later, while on a return visit, he and his family were trapped by monsoon floods on the roof of their three-story home for more than a week; they were among nearly one million people impacted by the devastating rains. These two emergency events gave Wani firsthand insights into what victims endure during natural disasters. Living in California taught him another important lesson: limited emergency resources that delay rescue and recovery efforts aren't just challenges in developing countries — state and local governments everywhere desire more capable technologies to prepare for and respond to widespread emergencies.



To address this challenge, he joined forces with two other visionary entrepreneurs to found One Concern:



Stanford graduate **Nicole Hu** is a computer scientist who, like Wani, was named by *Forbes* as one of the world's top 30 innovators in a 30 under 30 Enterprise Tech ranking. Prior to forming the company, Hu pioneered AI at Flipkart, a multi-billion dollar e-commerce platform in India.

Timothy Frank served as an Air Force officer and is a civil engineer with emergency management experience in various locations throughout the world. He received a doctorate degree from Stanford, where he studied the resiliency of novel construction materials subjected to earthquake loading.



The three One Concern founders are attracting a growing team of EM, public policy and technology experts who are working toward a common goal: to apply data science and machine learning to aid disaster response and ultimately save lives by transforming entire resiliency ecosystems.

1concern

The Power of Artificial Intelligence When it Matters the Most.

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Disrupted Government

Florida wants to cut IT costs. But is the state going about it all wrong?

These days, you hear a lot about disruptive technologies—how ride-hailing apps have revolutionized the taxi industry, how Facebook has altered the way we consume news or how mobile devices have changed how we watch TV. Now another technology is behind a decision to disrupt Florida's IT authority. A bill introduced in the state's House of Representatives encourages state agencies to individually buy storage and processing power from cloud vendors. And that's only one element of the legislation, which would completely reorganize the state's IT authority and strip away its central control over IT.

The bill won't become law this year. For now, legislators opted to fund the state's central IT agency as is. But the legislation's introduction reflects a growing problem with how expensive IT has become and the slow pace of change within state government when it comes to adopting new technologies. Florida state Rep. Blaise Ingoglia, who sponsored the bill, says the reorganization would give agencies opportunities to pursue new, commercially available cloud services while changing the existing business model for government IT, which has become unsustainable.

But Eric Larson, the state's interim CIO, says the bill would go about fixing these problems in all the wrong ways. In fact, he argues that the legislation wouldn't cut costs in the long term, would introduce unnecessary risks around cybersecurity and, most important, would balkanize the state's IT environment at a time when most organizations—public and private sector—are moving toward a more centralized approach. "You need a focal point for IT that exists outside the state agencies," says Larson.

The proposed change came as a bit of a surprise—mainly because of its source.

"It's unusual for legislators to get involved with overhauling IT," says Charles Gerhards, former Pennsylvania CIO and director of the Government Technology Institute at Harrisburg University. While legislators may express concern when problems occur, "they typically don't have the passion for reorganizing and overhauling what is a complex and complicated system." Indeed, states run some of the biggest computer systems in government for Medicaid, human services, finance, criminal justice programs and much more.

Florida clearly isn't the only state to try a new approach to how it buys and runs technology. A decade ago, a handful of states, most notably Virginia, decided to get out of the business of running their own IT systems and to outsource the entire operation to technology companies. But those types of big overhauls are rare (and the results have been mixed).

Today, many see cloud computing as the panacea to what ails government technology. Why buy or build large computer systems, the argument goes, when you can

rent servers from Amazon or Microsoft?

But Larson and others see some real problems with the proposed approach. First, as agencies leave the state's data center and pursue their own solutions in the cloud, they leave behind an infrastructure that has fixed costs. Second, letting agencies follow their own IT choices fragments a technology environment. For instance, Larson points out that Florida has been working on an enterprise-wide approach to user identity and authentication. This would simplify how citizens and businesses interact with the state. Such a universal method for identifying someone becomes much harder when you no longer have a central authority to figure out how to link together the different systems.

Gerhards has an even more pessimistic view of what the future would look like if agencies could pick and choose what services they use. "Once a centralized IT system breaks," he says, "it takes a long time to put it back together." **G**

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Florida state Rep. Blaise Ingoglia is the sponsor of a bill that would strip away the state's central control over IT.





Who Pays the Tax Bill?

A progressive local tax is hard to find.

For the past 15 years, cities have focused on attracting the creative class. The idea is that if you build a thriving creative culture—vibrant communities of artists, writers, and musicians and so on—a thriving economy will follow. It's a strategy that's worked well, especially in places like Asheville, N.C.; Denver; and Seattle.

In many cities, it's worked too well. Some creative-class cities have become victims of their own success, unable to keep up with demand for housing, local public services and livable-wage jobs for the lower-middle class. The result is a crisis of affordability driven by huge spikes in home prices, rents and homelessness.

Local leaders have taken steps to respond. In the past 18 months, Los Angeles, San Francisco, Seattle, Silicon Valley in Santa Clara County, Calif., and other localities have proposed new local taxes to expand affordable housing and bolster services for the homeless. As they grapple with this new challenge of affordability, they must also confront an

old question at the heart of local public finance: Who actually pays local taxes?

There are two ways to think about who pays. One is the "statutory incidence," or who is required to remit a tax to the government. The other is the "economic incidence," or who pays a tax because they're unable to avoid it. The former is easy to measure. The latter is not.

Most local governments have access to the sales tax and the property tax. There's good evidence that the economic incidence of the sales tax is on consumers. Merchants collect and remit the tax, but consumers pay it because there's really no way around buying basic items like clothing. If the goal is for tourists to help pay for local affordability, then the sales tax makes sense. However, for that same reason poor and middle-income people also pay a larger share of their incomes in sales taxes compared to the rich because the sales tax is regressive. For many affordability advocates, that's unacceptable. Why pay for affordability with a tax that falls disproportionately on the poor?

That's why affordability advocates have warmed to the property tax. Middle- and upper-income people are more likely to own property and pay property taxes, so the statutory incidence is inherently less regressive. But if we care about economic incidence, the reality is unclear at best. In fact, for more than 50 years public finance experts have argued over who actually pays the property tax.

One school of thought says it's really a tax on wealth. But higher property taxes might work against affordability by reducing the demand for housing and discouraging density. Why? It's easy to imagine a homeowner who decides not to add on a new guest room because that will increase property value and the subsequent property tax bill. The same might apply to a landlord who opts against building a new rental property.

Another view says local property taxes are what you pay for the services your local government delivers. This is especially true for zoning, public safety and other services that benefit all property owners in roughly the same way. If that's true, then property taxes are neither progressive nor regressive. Everyone pays a proportional amount for a proportional share of benefits.

Yet another view says the property tax is a tax on the service called housing. In that case, the property tax is like the sales tax. Since lower-income people cannot escape paying for housing (usually as renters) then property owners can send much of the property tax burden down the income ladder.

We're not likely to settle this question any time soon. So for now, the question of who should pay for affordability will be about perceptions, priorities and politics, and not about public finance. **G**

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A mural livens up the side of a building in Asheville, N.C., which has built a thriving creative class of artists and musicians in recent years.

Last Look

Power-washing 2,425 panes of glass is tough, especially when they're cut and placed at odd angles. Maybe that's why it had never been done. When the Missouri Botanical Garden in St. Louis built the domed greenhouse known as the Climatron in 1960, it was encased in Plexiglas. It was then rebuilt in 1988 using real glass. But it had never been washed—that is, until this past spring. With an exhibit of glass sculptures going in, spiffing up the place seemed in order. The entire job, inside and out, took about nine weeks. Still, they couldn't clean it all. A lift capable of reaching the very top would have been so heavy it would have crushed the concrete walkways around the dome. —**Alan Greenblatt**



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