

# GOVERNING

THE STATES AND LOCALITIES

September 2019

## SMALL TOWNS, HUGE FINES

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*Warwick, Ga., pop. 397, depends on fines and forfeitures for 75 percent of its general budget. It's just one of hundreds of towns across the country that are dangerously reliant on fines.*



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# Goodbye, *Governing*

I'll never forget the call I got from *Governing* asking me to come work there. It was May of 2000, and I was a college sophomore in Tennessee. Classes were already over for the year, and my roommates and I had moved most of our stuff out of our apartment. The landline phone was sitting on the floor, its table carted off for the summer, when it rang. On the other end of the line was Anne Jordan—*Governing*'s punctilious managing editor at the time—confirming my invitation to join the editorial team in Washington, D.C., as a summer intern.

What I discovered when I got to D.C. was something that tens of thousands of smart public servants around the country already knew about: a smart, thoughtful publication that covered state and local public policy in a fresh and innovative way. It was simultaneously laser-focused and broadly comprehensive, drilling down on minute policy issues across 50 states and in innumerable cities and counties. It was strikingly balanced and nonpartisan. And it was interesting—*Governing* wrote about government in a way that was accessible, engaging, vibrant, even exciting.

A few years later, after college and a couple other jobs in journalism, I wound up back at *Governing*. I've been there ever since, first as a researcher, then as a reporter, and for the past nine years as a senior editor and executive editor. For almost my entire adult life, *Governing* has been my career, my home, my professional family.

Which is why it's all the more saddening to know that this will be the final issue of *Governing*. After months of deliberation, our parent company, e.Republic, announced last month that the magazine and governing.com would be ceasing publication completely this fall. *Governing* is not immune from the same revenue pressures that have befallen other publications in recent years. Despite years of investment and attempts to right the ship, *Governing* has unfortunately proven unsustainable in the current media environment.

*Governing* was launched in October 1987 (next month would have marked our 33rd anniversary issue) by a small cadre of Washington journalists who'd grown tired of covering Congress and the federal government when the real policy action taking place was increasingly in states, cities and counties across the country. Led by inimitable founding publisher Peter Harkness, this team of reporters set out to cover state and local public policy in a way that had never been done before. John Martin, the magazine's founding managing editor, brought a newspaperman's ethic to the enterprise, and presciently launched governing.com way back in 1995. Elder Witt, who served as general manager and deputy publisher for the first 22 years of the magazine's existence, worked to establish *Governing* as the preeminent magazine of record for states, cities and counties.

Within a couple years, Alan Ehrenhalt was brought on as executive editor, establishing the magazine's voice and overseeing its editorial perspective for nearly 20 years. (Since 2013, Alan has served as a senior editor of the magazine.)

Just one week after I started full-time in 2004, *Governing* hired Elizabeth Daigneau. (Like me and like so many other staffers over the years, Elizabeth had also initially been introduced to the magazine as a college intern.) As a web producer and, later, as the editor of governing.com, Elizabeth helped evolve the website from a static repository of our monthly print stories into a dynamic and robust platform of daily online news, analysis and opinion. Since 2012, she's been the managing editor overseeing our print and online editorial functions. I like to say that Elizabeth keeps the trains running on time, but the truth is that she doesn't just keep them on schedule, she also builds and conducts the trains herself.

Elizabeth and Alan and our entire editorial team have built on *Governing*'s history of telling the stories that matter most to the nation's state and local leaders. I'm gutted when I think about the ending of *Governing* and the breakup of our staff.

But beyond that, what truly saddens me is the thought of all the important stories we won't be able to tell. An in-depth look at California's new data privacy law. A profile of how ICE raids decimated an Iowa town a decade ago, and what that means for other towns with high numbers of undocumented immigrant workers today. A story on the conservative approach to prison reform that's showing results in Texas, Florida and elsewhere. These are just a handful of the stories we'd planned for the next few issues of the magazine, and they're emblematic of all the vital public-sector stories we will no longer be around to write.

I am heartened, though, by the knowledge that the amazing work of America's 7.4 million state and local public employees will go on. If there is one thing I've learned in my 15 years with *Governing*, it's that the vast majority of the men and women in state and local government are smart, dedicated, passionate and creative. The people that we've profiled in these pages—and in our Public Officials of the Year awards, which have recognized outstanding state and local public servants every year since 1994—are problem-solvers of the highest order, toiling constantly to make government more efficient and more accountable to the people it serves.

The good work of these great individuals will go on. I'm forever grateful to you, our audience of public servants, for letting us be a part of your lives and the lives of your communities. Your work matters deeply, and *Governing* is honored to have played a small part in telling your story.

Sincerely,  
**Zach Patton**  
Executive Editor





#HurricaneStrong Home designed by Illya Azaroff, FAIA of +Lab Architects, Breezy Point, NY

# The next hurricane doesn't stand a chance.

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# Observer

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Coal isn't going to bounce back in West Virginia. Can tourism and recreation replace it?



FUCKRY/CAPOLYN LEHRKE





Students protest budget cuts to the University of Alaska system.

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## In 'Academic Bankruptcy'

**H**igher education in Alaska is in crisis. At the end of July, the state's public university system declared a financial emergency after it was hit by a 41 percent cut in its funding. It amounts to an academic bankruptcy, a rarely declared condition that makes it easier for an institution to lay off tenured faculty. "Financial exigency is an action I never anticipated that this great university or its regents would need to take," says University of Alaska President Jim Johnsen. "But every day we delay, it increases the size of the cuts required."

The decision came after Gov. Michael Dunleavy used his line-item veto power to cut \$130 million from the University of Alaska budget. The cuts sparked protests around the state and even fueled recall attempts against Dunleavy. The governor and university leaders ultimately agreed in mid-August to reduce the size of the cuts by half and

spread them over three years. Still, the deal will likely result in widespread layoffs and consolidation of the state's far-flung system into one university.

The governor's initial cuts alarmed higher education advocates. "As far as cuts in financial support, this is probably the worst we've ever seen," says Mildred Garcia, president of the American Association of State Colleges and Universities. "You know you may be in difficult times, but you never expect a 41 percent cut in one year."

Alaska isn't a star performer in higher education to begin with. It ranks 44th among states in attainment of post-high school certifications or college degrees. It's estimated that two-thirds of all jobs created in Alaska by next year will require postsecondary education, but only 42 percent of residents have that background.

Dunleavy's cuts are part of a bigger

battle over Alaska's budget, which depends largely on oil tax revenues to fund state operations. A crash in the price of oil at the end of 2014 started a crisis, which rages on today. Alaska officials have tried to cut state spending to keep it in line with the decline in revenue. The state university system, for example, had already laid off 1,200 employees over the last five years.

The cuts to universities are part of more than \$400 million in line-item vetoes. As a lawmaker and now as governor, Dunleavy has railed against what he sees as excessive state spending. "Over the past several years we have used \$14 billion from our savings to subsidize the government," he said of his cuts. "This situation, everyone agrees, is not sustainable."

Dunleavy said his vetoes would eliminate half of the state's yearly deficit, and make the budget "sustainable, predictable and affordable." But their main purpose seems to be a restoration of the annual payout Alaska residents get every October from the state's permanent fund—a stockpile of cash accrued from oil taxes over decades. Dunleavy is pushing to set the annual payment at around \$3,000, nearly twice what it's been in recent years. In a faltering economy, that money has to come from somewhere, and the university system struck Dunleavy and other conservatives as a particularly juicy and politically convenient target.

But the vetoes to the university system and other popular government programs still sparked a wave of protests, one that didn't stop after lawmakers were unable to muster the required three-fourths majority to reverse the cuts. In Garcia's view, the whole chain of events could have repercussions for years to come. "For those students who can afford it," she says, "they will go to another state for their higher education, and they won't come back. You're affecting generations over the long run."

—Daniel C. Vock



# EXPUNGED

**H**alf of all the criminal records in Pennsylvania—covering some 30 million cases—are about to be sealed over the next year, helping people who had minor brushes with the law pass background checks for jobs and housing.

“A couple of decades ago, this was barely a blip on our radar,” says Jamie Gullen, an attorney with Community Legal Services, a legal aid provider in Philadelphia. “But as technology started making these records more and more widely available, the commercial background-checking industry really exploded.”

Now, about two-thirds of the group’s clients need help with sealing or expunging their records. Even non-convictions can be a problem. People who were arrested and never charged, or charged but found not guilty, still have records in their file. “There’s no record too old or too minor to stop somebody from getting a job,” Gullen says. “We’ve seen people with decades-old and non-conviction arrest records be denied jobs.”

The volume of record-sealing cases has grown so much in Philadelphia, in fact, that the legal aid group developed computer scripts to automatically generate legal documents that get the records sealed. Pennsylvania is one of the few states where all the criminal courts and law enforcement agencies use the same computer system, making the expungement process simpler.

But while the computer program has made life easier for legal aid attorneys, the increased volume of requests added to the caseloads of judges and prosecutors, who had to review and approve them. So legal aid activists started pushing the Clean Slate bill, providing for many of the cases to be sealed automatically. That expungement would apply to the least controversial cases:

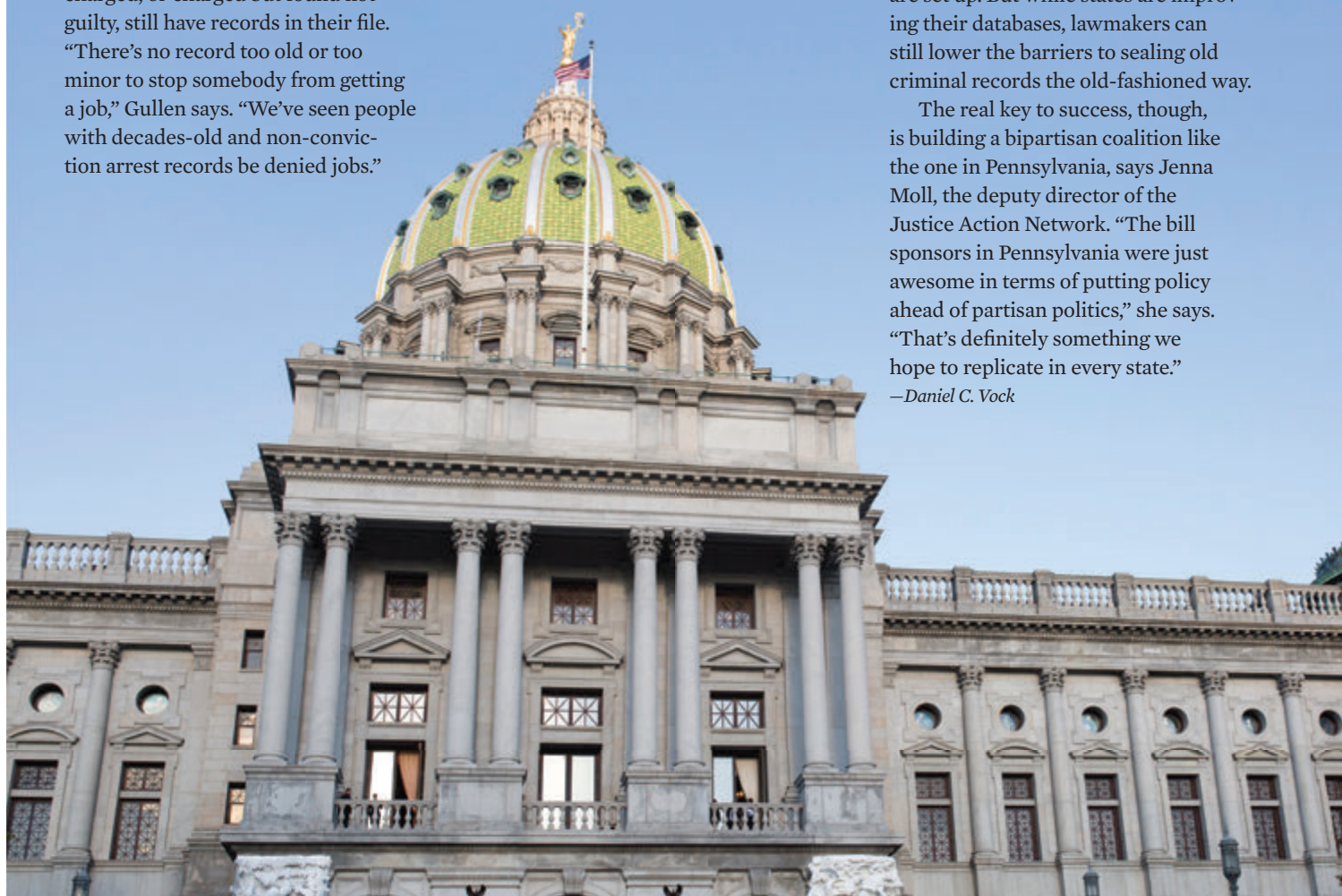
nonviolent misdemeanors and assault cases that are 10 years old or older, if the offender hasn’t committed another crime since and has paid all court fines.

The Clean Slate legislation passed almost unanimously this year in both chambers of the Pennsylvania General Assembly. Sen. Scott Wagner, a Republican, was one of the main sponsors. Outside groups supporting the idea included the AFL-CIO and the Center for American Progress on the left, and Americans for Prosperity, an ally of Koch Industries, on the right.

The effort has attracted nationwide attention. Utah passed a similar law to Pennsylvania’s. Lawmakers in California and North Carolina have considered bills as well. Enacting Clean Slate legislation will take more work in some states, depending on how their law enforcement computer systems are set up. But while states are improving their databases, lawmakers can still lower the barriers to sealing old criminal records the old-fashioned way.

The real key to success, though, is building a bipartisan coalition like the one in Pennsylvania, says Jenna Moll, the deputy director of the Justice Action Network. “The bill sponsors in Pennsylvania were just awesome in terms of putting policy ahead of partisan politics,” she says. “That’s definitely something we hope to replicate in every state.”

—Daniel C. Vock



## THE BREAKDOWN

247

*The number of doctors in California who have had their medical school debt paid off under a new state program aimed at addressing a medical provider shortage. Recipients must agree to see Medicaid patients for 30 percent of their caseloads for five years.*



*The fine for killing a wild turkey in Missouri under a new state anti-poaching measure. The measure also includes black bears, elk and deer.*

91%

*The percentage of county clerks in Arkansas who are women.*

1 year

*The length of time a driver's license can be suspended in Kansas, under a new law, for refusing to take a police officer's sobriety test.*



## Dockless in Dallas

**A**t the height of the dockless bike craze a couple of years ago, the streets of Dallas were filled with 18,000 of the rental bicycles, making that city the center of a fast-growing trend in the United States. The bike rental companies, flush with venture capital money, saw Dallas as a testing ground for a new mobility option. Dallas officials encouraged deployment of the bikes by choosing not to regulate them when they were first introduced. They imposed rules only after residents complained about the proliferation of bikes and all the inconvenient places people were leaving them.

Now, though, the dockless bike services are all gone. Uber, which operates the e-bike service Jump, announced in June it would be leaving Dallas, giving few details about its rationale even as it continued to offer Jump bikes in other places. Uber had been the last dockless bike operator in the city. The company said it would continue to offer scooters for Dallas residents who wanted them.

The demise of dockless bikes in Dallas is a mixed bag for cycling advocates there. While all the companies eventually withdrew, they demonstrated a pent-up demand for cycling and other alternative forms of mobility and exposed the city's lack of infrastructure capable of handling new modes of transportation.

One of the legacies of the dockless bike-share programs is a trove of data

that can help advocates, city officials and transportation planners better address unmet needs. Before the wave of bikes came, people were using their best guess in recommending where bike lanes and other cycling infrastructure should be installed. But the dockless bikes turned up some unanticipated hot spots, like the busy bar district along McKinney Avenue, where parking can be scarce. Regular cyclists might avoid it for its high automobile traffic and its uneven surfaces, but dockless cyclists were looking for a way to get there and back without driving.

In any case, scooters are filling at least some of the gaps left by dockless bikes. Cycling advocates believe it's the scooters—which are cheaper for companies to operate than bikes—that were the biggest factor in pushing out the dockless bikes. “Had scooters not come in, I’m not sure we would have had the same exodus of bikes,” says Heather McNair of Bike DFW, a local cyclist advocacy group.

The brief heyday of dockless bikes may turn out to have been a sign of progress for cyclists in general. Downtown is increasingly seen as a place where people can live and socialize in nonwork hours—and bike to their destinations. “Regardless of the bike-shares,” McNair says, “Dallas is moving in the right direction.”

—Daniel C. Vock



# Lights Out

**W**hen Texas Gov. Greg Abbott signed a new law this year banning red-light traffic cameras in Texas, he chose not to go with a formal ceremony attended by a collection of dignitaries. Instead, he posted the news in a 25-second video on Twitter. He offered no explanation or commentary, just a faint smile. But, judging by the reaction, people loved it. The video has been seen more than 1.5 million times and “liked” more than 64,000 times.

Red-light cameras have always been controversial, as drivers fume when they’re caught taking illegal turns or belatedly trying to get through a crowded intersection. Texas lawmakers have considered banning them since 2007. But a bill finally cleared the legislature this year, after Abbott complained that the cameras at intersections “pose constitutional issues.” Abbott, the state’s former attorney general, suggested that the traffic cameras violate people’s right to confront their accuser in court.

Safety advocates criticized the new law, arguing that it would make streets more dangerous and lead to more traffic deaths in the state. Abbott’s decision to sign the bill seemed to conflict with an order from the Texas Transportation Commission just days earlier to require the state transportation department to join the Vision Zero movement, with the goal of eliminating traffic deaths by 2050. Currently, about 10 people die every day on Texas roads. “We hate to see this,” says Russ Rader, a spokesman for the Insurance Institute for Highway Safety

(IIHS), which supports the use of traffic cameras. “It’s really a gut punch for all of us when this happens because we know the cost, which is that more people will be hurt and die in crashes.”

That’s the conclusion of an IIHS study that looked at the change in traffic fatality rates when cities added or removed red-light cameras. In 14 cities that shut down their red-light cameras between 2010 and 2014, the fatal red-light-running crash rate was 30 percent higher than would have been expected if they had left the cameras on. The rate of fatal crashes at signalized intersections was 16 percent higher.

A separate study found a similar impact when Houston pulled the plug on its intersection cameras in 2011. The city saw a 23 percent increase in right-angle red-light crashes at intersections that previously had cameras.

Despite the safety benefits, the number of jurisdictions in the country using red-light cameras has declined every year since 2012. Eleven states, including Texas, now ban them altogether. Rader says one reason is that many communities seemed to treat them as revenue-generating devices rather than safety tools, leading to widespread citizen dissatisfaction. That’s why a number of safety groups have developed strategies for red-light camera systems that stress transparency and deployment based on safety considerations.

Another reason, though, is more visceral, Rader says. “People don’t like to get tickets.” —*Daniel C. Vock*





# The Mayoral Balancing Act

**A** few months ago, on the day she took office as the 56th mayor of Chicago, Lori Lightfoot pounded away at the potent issue that she had spent months campaigning on. She wasn't going to be a "downtown" mayor. She was going to be a mayor for the neighborhoods. "We need fairness," Lightfoot said, "which means paying as much attention to our neighborhood business as we do to the businesses downtown. Our neighborhoods have been neglected for too long. They cannot be any more."

Running as the neighborhood candidate made perfect political sense given the reputation of the mayor she was succeeding, Rahm Emanuel. Emanuel's efforts on behalf of Chicago's affluent city center had led critics to deride him as "Mayor One Percent." But Emanuel's association with downtown wasn't the only thing neighborhood activists held against him. They resented his decision to close 50 of the city's public schools, most of them in minority neighborhoods. They were angry about his inability to bring down the crime rate in those same communities. They cited an Urban Institute study claiming that Chicago's white neighborhoods received nearly three times as much public and private investment as those that were mostly black.

It sounds like an open-and-shut case against a myopic mayor catering to his rich friends and ignoring the poor. But once you start looking at the details, you begin to see a more complicated picture. During his eight years in office, Emanuel

established a fund to move fees from downtown projects to support small business in poorer parts of the city. He shifted tax increment financing, which under previous administrations had been targeted mostly to gentrified neighborhoods, to better meet infrastructure needs. He lured grocery chains to some of the most food-deprived places on the South Side. He even built a 67,000-square-foot food research center in long-suffering Garfield Park.

And he protested to anyone who would listen that, regardless of his public image, he wasn't some downtown elitist ignoring the rest of the city. "At the end of the day, we are a city of neighborhoods," he said in a speech shortly before he announced his retirement. "We all know going back decades there are neighborhoods in our city that had been starved of investment. ... Lack of investment takes families out of neighborhoods. We do not have a dollar or a neighborhood to waste." In the twilight months of his mayoral career, it's hard to see why Emanuel would bother to say those things if he didn't believe them.

The truth is that if you look back a few decades in modern Chicago history, you find the same rhetoric, the same accusations and the same defenses. In 1985, shortly after Harold Washington took over as the city's first elected black mayor, he appointed an advisory committee to look into the downtown-vs.-neighborhood issue. The commission found what Washington no doubt expected it to find. "Our neighborhoods have suffered long enough," one of the commissioners declared, "while our tax dollars go to support downtown development."

Mayor Lightfoot is determined to keep her pro-neighborhood

promises. In her first few weeks in city hall, she suggested that she might not go along with one of the local business community's most ambitious projects: a development costing as much as \$20 billion along the south Lake Michigan shoreline that would house a huge transit center and 20 million square feet of office, hotel and residential space. She warned the prospective developers that they had to satisfy concerns of nearby neighborhoods about being cut off from the lakefront, or the project might not be built. The developers "have to submit themselves to a vigorous community engagement," she said.

But whatever steps Lightfoot ultimately takes in that direction, here's a prediction I'd be willing to put money on: If Chicago's central city continues its commercial boom, which it will, and crime in some of the outlying districts remains an intractable problem, which it also will, someone will come along in four years and say the mayor

**Tension between downtowns and neighborhoods isn't going to go away.**

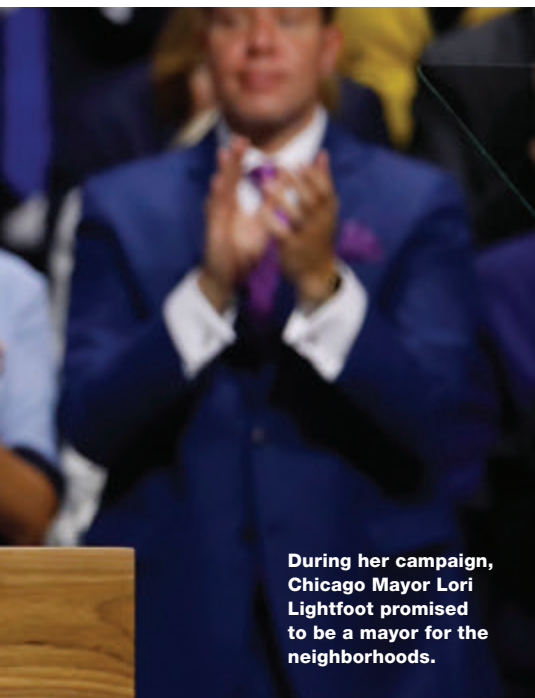




didn't keep her vow to focus on the neighborhoods. It happens to all of them.

**P**erhaps the most effective “neighborhoods first” campaign in modern urban history was one of the first, waged by Maynard Jackson in his race for mayor of Atlanta in 1973. There's no disputing that Jackson had a genuine case to make in that election. Atlanta had been run for decades by a tightly knit cadre of downtown merchants and corporate executives, a group that was wedded to development in the center and largely ignorant of what was happening in the black neighborhoods farther out.

Jackson vowed to change the balance; he won the election and became the city's first black mayor. He turned out to be a strong leader who made impressive strides at promoting minority jobs and businesses. Nevertheless, the poorest neighborhoods didn't improve much; many of them declined. Long after Jackson was out of office, some of those enclaves did start to thrive, mostly because of an influx of affluent white professionals. It was neighborhood resurgence of a sort, but not the sort Jackson had in mind in 1973.



During her campaign, Chicago Mayor Lori Lightfoot promised to be a mayor for the neighborhoods.

In the ensuing years, several mayors of other cities went to great lengths to show that their solicitude for neighborhoods wasn't just rhetoric. Stephen Goldsmith won election as mayor of Indianapolis in 1991 in part on the perception that his predecessor, William Hudnut, was putting too much money and effort into downtown renewal. Goldsmith took neighborhood revival seriously. He made a test case of a declining district called Haughville, opening a health clinic and luring manufacturing companies to an abandoned railyard there. He instituted crime watches, and the crime rate in Haughville went down. Many of the lessons there were tried out in other sections of the city, and the results were encouraging.

Goldsmith won national attention as a creative and energetic neighborhood-minded mayor. But here's the bottom line, or perhaps I should say here's the irony: When he left office after two terms, he was still having to deflect criticism from constituents that he had spent too much time and money on downtown development.

Sometimes the neighborhood ploy works; sometimes it doesn't. Two years ago in Detroit, Coleman Young II, an African-American state senator and the son of the city's first black mayor, ran a full-bore neighborhood campaign against Mike Duggan, the incumbent white mayor, accusing him of letting the city's black neighborhoods rot while the city center became a magnet for white gentrification and investment. “It's the best of times for those who are privileged,” Young charged, “and the worst of times for everybody else.” Duggan responded that he had demolished whole swaths of vacant houses and repaired thousands of broken streetlights, and that if that wasn't pro-neighborhood, nothing was. The voters reelected Duggan overwhelmingly. But some of the city's longtime political observers professed to be tired of the whole argument. “It's a fact,” one of them wrote in *The Detroit News*, “that we as a community have been talking about the same stuff for years.”

Why exactly do we talk about “the same stuff” interminably, in Detroit and in almost every large American city you can

name? One simple answer is that neighborhood agitation is a species of populism, and populism sells in urban politics. It didn't succeed for Coleman Young II, but it works often enough to make it an enticing strategy for insurgent candidates like Lightfoot.

But a better question might be why, after decades of self-professed neighborhood mayors, the struggling neighborhoods are falling further and further behind downtown, not gaining on it. Here we need to step back a bit and consider some larger realities.

The most important one is that downtown development and neighborhood renewal are different propositions, occupying entirely different realms of public policy. Making a downtown attractive is largely a matter of economics and market demand. Developers have to be convinced that corporations will locate downtown and that local residents will patronize the bars, restaurants, boutiques and entertainment venues that spring up to cater to them. If the enticements are attractive enough, the enterprise will usually succeed. It will also bring in some big bucks to the city treasury.

Neighborhood revival programs are nothing like that at all. Yes, they require the courtship of private developers. But much as we prefer not to say so, they also require adjustments in human behavior. They require crime rates in the poorest urban neighborhoods to decline significantly. They require schools that provide a decent basic education, and—perhaps more important—a cohort of pupils who come to school prepared to learn what the teachers have to teach. Those are urgent human problems that we don't presently know how to solve. There is ample evidence that simply pouring money into them is not a solution.

And so it isn't really any mayor's fault that big-city downtowns are coming to life while our poorest neighborhoods remain poor. But as long as that remains the case, the issue will come back again and again—and again. **G**

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# Reality TV Politics

**C**an we get past the idea that politics is a reality show? a television critic wondered in the aftermath of one of the Democratic presidential debates. A team of Italian economists thinks the answer is “no.”

A popular Italian entertainment network, Mediaset, came onto the scene in the early 1980s. Those who watched a lot of its reality TV shows, the researchers found, came to expect that kind of entertainment from political campaigns as well. It then set the stage for a generation of populist leaders who gave them reality TV politics.

It's not just Italy, of course. And it's not just TV, either. Social media is a culprit, too. There are billions of Google searches every day, nearly 14 billion hours of shared video on YouTube, 50 billion WhatsApp messages and 500 million Tweets. Most people with a smartphone check it 50 times a day or more. As a result, some critics jibe, the attention span of humans (8 seconds) is now less than that of a goldfish (9 seconds). Moreover, “the more we know, or can see, the less we trust,” the research firm Axios concludes. About 62 percent of us get our news on social media, but most of us—68 percent—don't trust the news that crosses our screens.

This has fundamentally transformed our presidential campaigns. Democrats are moving to simple phrases to break through the noise, such as “Medicare for all” or “cancel student debt,” and away from complicated ideas, like how to address climate change, that require a lot of words. Of course, they've learned from the very best at the game, President Trump, the global king of Tweets who bottled electoral magic with his “build the wall” pledge.

And that, in turn, has radically transformed election-year promises for programs dealing with states and cities. Until very recently, no self-respecting candidate for national office could shoot for

## Soundbites and slogans might work in Washington, but closer to home voters expect results.

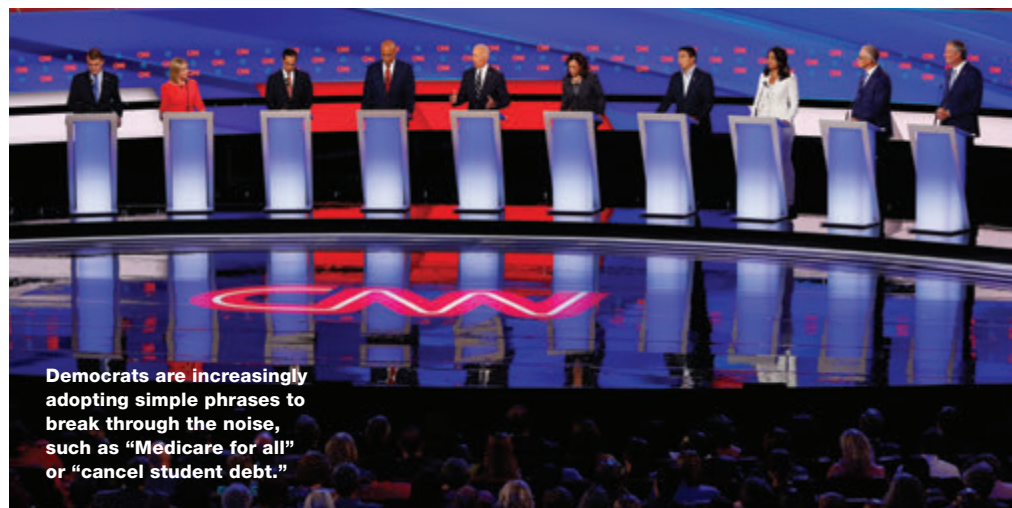
the presidency without at least a couple of significant local arrows in their quiver. Even the 2016 presidential campaign had a debate about investing in infrastructure, seemingly a sure bet to pass a divided Congress, but the idea evaporated in the blizzard of reality TV national politics.

Reality TV politics seem destined to dominate the coming presidential election. But state and local candidates aren't likely to get far with that campaign style. Outside Washington, officials have to deliver on the things voters need, and what we really need requires more focus than shallow TV entertainment can provide. In fact, there's probably never been a time in American history with a bigger gulf between national leaders and local realities.

In 2017, *Politico* ran a story on “America's 11 Most Interesting Mayors.” There was

Eric Garcetti from Los Angeles, who told the reporter that “my main job, and my overwhelming job, starts with my family, my street, my neighborhood and my city.” He managed to win a campaign for higher taxes to pay for mass transit and housing for the homeless. Reno, Nev.'s Hillary Schieve is helping to build her city into a high-tech center. In Louisville, Ky., Greg Fischer is a self-proclaimed data geek, while Boston's Marty Walsh is a “union hall progressive” and has flown the transgender flag over city hall. These and other top mayors have made their mark on their cities—but none of them have done it as reality TV candidates. They make commitments and must be seen working to honor them.

The same goes for most of the nation's leading governors. Those who tried the reality-style approach had short-lived success. In Kansas, Sam Brownback was a soundbite conservative who lived and died on punchy slogans. He pushed through big tax cuts aimed at fueling economic growth. What he got instead was sluggish growth and big deficits. Republican leaders turned on Brownback, and the legislature pushed through tax increases to balance the budget. He left office with



Democrats are increasingly adopting simple phrases to break through the noise, such as “Medicare for all” or “cancel student debt.”

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two-thirds of his citizens having an unfavorable opinion of him. Wisconsin's Scott Walker did little better, as he became increasingly unmoored from his conservative identity in battling the king of reality TV for the 2016 Republican presidential nomination.

Democratic strategist Stan Greenberg says that "people are desperate for government to show it can do big things." What they seem to want from their presidential candidates is what mayors and governors, both Republican and Democratic, do every day. But these efforts don't translate well to reality show politics—and reality show politics don't work well on the ground. It's getting harder for tangible local issues to break through in presidential politics.

The result is that everyone is frustrated. Presidential candidates are searching for the perfect catchphrase, because that's what resonates most with voters. But voters don't trust most of what they hear. They might vote for slogans, but they expect results that matter to them in their communities.

The search for that magic slogan couldn't be more different from the reality of state and local politics—real programs that affect real people on their doorsteps. We're heading for two tiers of politics, with presidential campaigns increasingly disconnected from what citizens really claim to want. The result is that this presidential campaign is shaping up to be particularly barren of ideas that connect with state and local governments.

Next year I am releasing a book, *The Divided States of America*, that looks, in part, at federalism and the shrinking number of places to discuss it. Now that *Governing* is shutting down, the loss of this column is the loss of one more such space, a place to examine how, among other things, reality TV politics is impacting federal, state and local government. I've had the great privilege of sharing ideas with you here for 22 years. Along the way, I've heard from many of you, and it's been an honor to talk with the most engaged and thoughtful people I know. We'll all miss *Governing*—surely even more than we know. **G**

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## 'This Law Is Your Law'

Does a state own its own laws? The U.S. Supreme Court is set to decide. It has agreed to take up a case from Georgia, which has copyrighted its annotated legal code and licensed it to LexisNexis. The company sells it for \$404 and shares the royalties with the state. Lower courts have ruled that the text of legal codes can't be copyrighted. Last fall, a federal appellate court said Georgia's publishing arrangement was illegal because the annotations—which include opinions from the state attorney general and summaries of court findings—were basic building blocks of the law and thus "intrinsically public domain material."

Other states have similar deals with private publishers, which legal scholars complain limit full access to the law. The Supreme Court will decide whether legal annotations belong to the state or the people, as the source of sovereign power. Carl Malamud, who runs a nonprofit that published Georgia's laws in defiance of the state, urged the Supreme Court to take on the case, even though he prevailed at the appellate level. He wants the question to be settled nationwide. "This law is your law, this law is my law," he tweeted after winning the lower court ruling. —*Alan Greenblatt*

## Deregulating Local Zoning

With a swish of his pen, President Trump signed an executive order in June that will create the White House Council on Eliminating Regulatory Barriers to Affordable Housing. The group will examine and potentially remove zoning laws that sometimes prevent the development of multifamily housing, such as laws that mandate a certain height for apartment buildings or require a minimum number of parking spaces. Housing and Urban Development Secretary Ben Carson will chair the council.

Carson is a proponent of deregulating zoning laws as a way to ease segregation in

communities and provide more affordable housing. "Increasing the supply of housing by removing overly burdensome rules and regulations will reduce housing costs, boost economic growth and provide more Americans with opportunities for economic mobility," he said in a statement.

While affordable housing advocates applaud the move, they also caution against deregulation for the sake of deregulation. "Removing needless regulation is one strategy," said Nan Roman, president and CEO of the National Alliance to End Homelessness, in a statement, "but it cannot be the only one." —*Mattie Quinn*

## Debating Election Security

The Democratic-controlled U.S. House of Representatives passed election security legislation in June to mandate post-election audits and backup paper ballots for federal races. The bill would give states \$600 million to update voting technology and ban election systems from connecting to the internet, plus another \$175 million every two years to maintain election infrastructure.

But Republicans such as Illinois Rep. Rodney Davis think the Democrats' new legislation has too many federal mandates. GOP Senate Majority Leader Mitch McConnell says the measure is a "nonstarter" in his chamber, noting that Congress just approved \$380 million for election security last year.

Election security experts, for their part, argue that last year's investment was welcome but insufficient. Members of both parties worry that America's state-based voting systems remain highly vulnerable to foreign interference following Russia's much-discussed meddling in the 2016 presidential election. —*Graham Vyse*



# Appalachian Hope

**T**he small cities of West Virginia are, many of them, quite picturesque. They're dotted along rivers, among small farms and nestled around mountains. It's easy to imagine them as boutique little enclaves. But their reality, as we know, is different.

West Virginia has long been among America's poorest states, dominated by a coal industry that never brought true prosperity. Now coal use is declining, as are the state's municipalities. The state-wide poverty rate is increasing. For example, McDowell County is part of southern West Virginia, or coal country. Since 1950, its population has dropped from 98,000 to 18,000; per capita income is \$14,000 a year; and life expectancy is similar to that of developing African countries, thanks largely to the opioid and meth epidemic. The county is plagued by abandoned buildings and visible signs of poverty, such as "coal camps" full of ramshackle trailers.

The area itself is beautiful. McDowell's main route—Coal Heritage Road—winds along the Tug Fork River, through a hollow within one of the most mountainous stretches of Appalachia. The gritty little towns have plenty of character. Yet there's practically no ecosystem of niche businesses to attract tourists or affluent residents. The Hatfield-McCoy trails, which include a moonshine distillery, are the closest thing I saw to an attraction on a recent 65-mile drive along the route.

This is a wasted opportunity. In other mountainous parts of America, such as

**Coal isn't going to bounce back in West Virginia. But tourism and recreation can replace it.**



The Greenbrier is a historic country club and resort in West Virginia's coal country.

SHUTTERSTOCK.COM

Colorado, Oregon and Virginia, there are plenty of towns that utilize their natural beauty to become destinations. They have ski resorts, golf courses, regional food and beverage hubs, and lively old downtowns. West Virginia could have all this—and even more, due to its rural culture—with commercialized camping, whitewater rafting, ATV tours, and hunting and fishing.

A few places in West Virginia already do, such as Greenbrier County, which also sits in the state's impoverished southern part. Its largest employer is The Greenbrier, a historic country club and resort that hosts a PGA golf tournament. Several miles away is Lewisburg, once called America's "coolest small town." It's a 3,900-person community centered around a charming town center. Elsewhere in the county are campgrounds for nature tours, a bluegrass festival, and charming bed and breakfasts.

Greenbrier County does not have a dominant industry or a university. It simply has fun things to do, so people visit. This has bolstered its economy, giving it the second-highest median household

income in the 13-county southern West Virginia region.

So how can McDowell be like Greenbrier? One idea would be to stop thinking of itself as a coal hub. A recent documentary showed that the overwhelming political dialogue in the county is about bringing back coal. But that industry has declined for decades—even more recently, thanks to natural gas. Its decline has hammered coal country. McDowell has an 8.6 percent unemployment rate.

The county needs to explore its real advantages. These can begin with government and business coalitions rebranding the area, changing its regulations and incentives to encourage tourism and other new economy sectors. But it also must happen through individual entrepreneurs opening new enterprises and other businesses that leverage McDowell's natural beauty. That way, outsiders will want to see a county—and a region of West Virginia—that deserves to be seen. **G**

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## 2019 SPECIAL DISTRICTS

# Technology Innovation Award Winners

### SOUTHEAST

#### CITIZENS CATEGORY

Housing Authority of the City of Prichard // Project SOAR  
St. Johns River Water Management District // Water Well Construction Module  
North Springs Improvement District // Advanced Metering Infrastructure (AMI)

#### OPERATIONS CATEGORY

Bonita Springs Fire Control and Rescue District // Technology Projects  
Southwest Florida Water Management District // Data Consolidation Initiative  
The Children's Trust // Trust Central  
Housing Authority of the City of Fort Lauderdale // Neighborhood Master Plan

#### LEADERSHIP CATEGORY

Greater Naples Fire Rescue District // Shawn Hanson, Deputy Chief/Fire Marshal  
Tampa Housing Authority // Cherrie Calloway, Neighborhood Networks Technical Trainer

### SOUTHWEST

#### CITIZENS CATEGORY

Colorado Valley Transit District // GoFare Card  
Fort Bend County Levee Improvement District No. 2 // Public Outreach

#### OPERATIONS CATEGORY

Brushy Creek Municipal Utility District // Plan for Unaccounted for Water  
Capital Metropolitan Transportation Authority // Detour-Aware Real-Time GTFS Feed  
Central Texas Regional Mobility Authority // State Highway 45 Southwest  
Colorado Valley Transit District // Fare Cards  
East Texas Council of Governments // GoBus New Fare System

#### LEADERSHIP CATEGORY

Orleans Parish Communication District // Tyrell T. Morris, MBA, CPE, Executive Director  
Edinburg Housing Authority // Rene Torres, Information Systems Manager

### MIDWEST

#### CITIZENS CATEGORY

SouthWest Transit (SWT) // SW Prime - Microtransit Service  
Naperville Park District // Eight-Facility Wi-Fi Provision

#### OPERATIONS CATEGORY

Cleveland Metroparks // New Technologies Usage  
Columbus Crossroads Special Improvement District // Collaboration for Increased Ridership  
Des Moines Area Metropolitan Planning Organization (MPO) // Container Locator  
Greater Cleveland Regional Transit Authority // Continuous Auditing Implementation  
Indian Trails Library District // Transformation to Community Space  
Naperville Park District // 311 Parks System

#### LEADERSHIP CATEGORY

Lucas Metropolitan Housing Authority // Demetria Simpson, President & CEO  
Park District of Oak Park // Innovation Team  
Metropolitan Water Reclamation District of Greater Chicago // John Sudduth, Director of Information Technology  
Naperville Park District // Omar Sandoval, Director of Information Technology  
Lexington Regional Health Center // Rob Hanna, CIO

To learn more about the winners' initiatives  
and the Special Districts Program, visit:

[govtech.com/districts](http://govtech.com/districts)



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government  
technology



# Targeting the Mayor

Running a city can open an elected official up to a lot of painful insults.

**D**emeaning comments, harassment and—less commonly—threats of violence all come with the job of being a mayor.

A new national survey assesses how frequently mayors experience various forms of abuse. The survey, the basis of a study published in the journal *State and Local Government Review*, finds that most mayors contend with verbal hostility or physical intimidation at rates above those of the general workforce.

In all, 79 percent of mayors reported at least one form of “psychological abuse,” which the survey defined to include

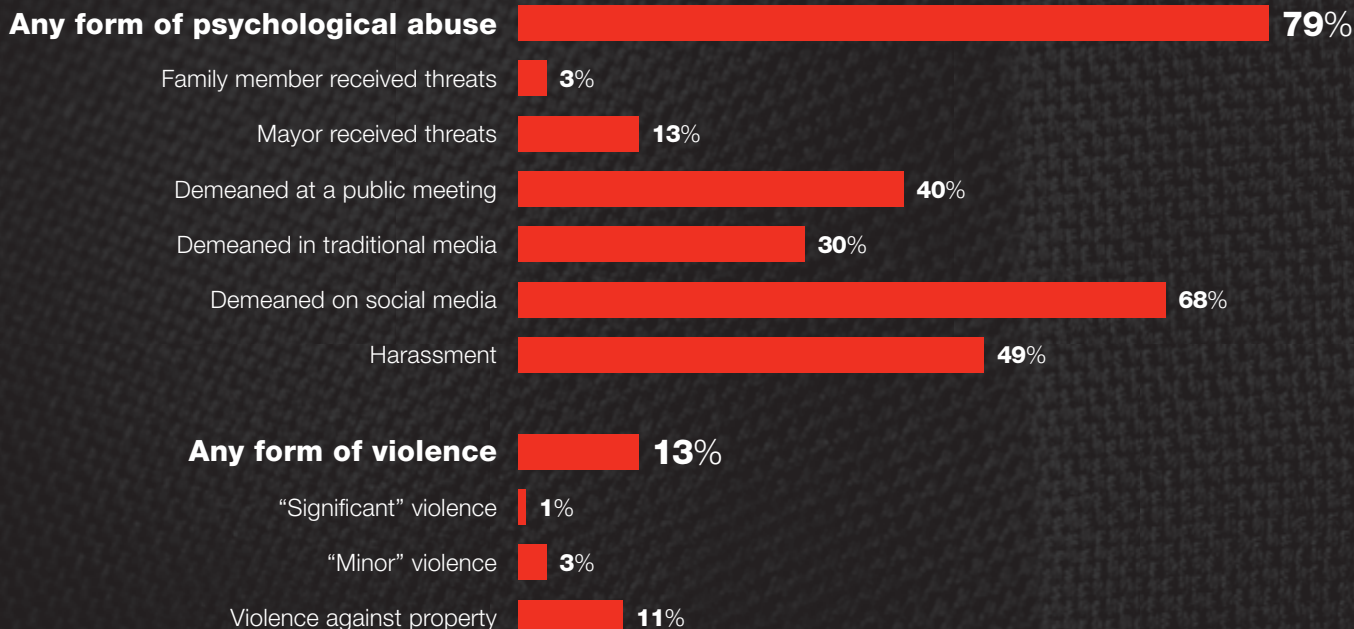
harassment, being demeaned or receiving threats. Disrespectful comments or images on social media were by far the most frequent means of abuse. Nearly half of mayors similarly experienced harassment, while 13 percent reported threats of violence directed toward them. “You see this as a widespread phenomenon,” says Sue Thomas, a researcher at the Pacific Institute for Research and Evaluation, who co-authored the study. Few in the position, she says, are spared.

More serious acts of violence were far less common. About 11 percent of mayors reported property damage.

While it’s not at all surprising that mayors encounter negativity, some face much more frequent offenses than others. The only factor that predicted both psychological abuse and physical violence was gender, with women more than twice as likely to experience such incidents as men, after controlling for time in office and other factors. The types of abuse women face are also different: more personal, says Annise Parker, who served as Houston’s mayor until 2016. “They want to demean us as women,” she says. “They get mad at us, and the first thing they talk about is the way we look.”

## Trappings of the Office

Most mayors encounter some form of abuse or violence. In a recent study, researchers contacted all U.S. mayors serving cities with populations over 30,000. A total of 283 responded, saying they experienced some kind of violence or abuse as either a candidate or while in office.





Younger mayors and those who consider themselves to be more conservative than their constituents report more psychological abuse (although not more physical violence). The same was true of mayors serving larger cities and those in systems where the mayor has strong powers. Differences across most other traits—including party affiliation and region—were not statistically significant.

It's not just the position of mayor. A 2013 survey by the International City/County Management Association found 53 percent of the organization's female members reported "inappropriate or disrespectful" treatment or comments from other elected officials. Studies have shown women in the general workforce face more sexual harassment and other abuse than men as well.

More broadly, government workers suffer more workplace violence than private-sector employees. A 2011 report from the Bureau of Justice Statistics detailed higher rates of workplace violence for law

enforcement, medical, mental health and teaching employees in government than for their private-sector counterparts.

One reason public officials bear the brunt of abuse is that they simply have more contact with the public, exposing them to greater risks. Parker, who now leads the Victory Institute, a group supporting LGBTQ officeholders, says it's important for those concerned about harassment to make themselves accessible to voters before a crisis develops. "You have to be in the arena and where your constituents are."

In an open-ended section of the survey, mayors most frequently cited negative experiences with social media. Parker recommends that officials have staff manage their accounts to put distance between them and the keyboard.

For some, harassment or abuse can take such a toll that they decide to abandon their political careers altogether. Sixteen percent of mayors experiencing abuse or violence reported that they had thought about leaving

public office or suspending their campaigns as a result. An article in the journal *Politics, Groups and Identities*, utilizing the same survey data, raises the possibility that the issue may be contributing to a larger underrepresentation of women in office.

Kiah Morris, who had been the Vermont General Assembly's only black female state representative, told *The Washington Post* she received death threats, had her home vandalized and once found swastikas on tree trunks on her property. Morris resigned late last year before the completion of her term, citing concerns for her family. Such encounters can be particularly unnerving for political newcomers. In 2011, a first-time District of Columbia city council candidate dropped out of the race after what she says was an "intimidation campaign" by her opponent that included being surveilled by a private investigator. **G**

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The study examined a range of demographic traits and other variables, finding statistically significant relationships for some groups of mayors.



### Strong Mayors

Mayors in a strong mayor form of government were about 2.6 times more likely to experience psychological abuse than those in weak mayor systems.



### Women

Female mayors were more than twice as likely to report psychological abuse and nearly three times more likely to report physical violence than male mayors.



### Young Mayors

The younger a mayor, the more likely they are to experience psychological abuse.



### Education

Mayors were more likely to face physical violence if they served cities with lower levels of educational attainment.



### Political Ideology

Mayors who consider themselves to be more conservative than their constituents were twice as likely to experience psychological abuse.



### Big Cities

The likelihood that a mayor experienced psychological abuse was positively correlated with the size of a city's population.



The background of the entire page is a dark, grayscale collage of overlapping city code compliance forms. These forms are from the City of Doraville and contain various sections such as 'VIOLATION', 'OFFENSE & DESCRIPTION', 'CODE COMPLIANCE Citation / Summary', and 'NOTICE'. The forms are scattered and layered, creating a complex, textured background that visually represents the 'addiction' to fines mentioned in the title.

# Addicted to Fines

Small towns in much of the country  
are dangerously dependent  
on punitive fines and fees.

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BY MIKE MACIAG / PHOTOGRAPHS BY DAVID KIDD





Police frequently make traffic stops along Interstate 75 in Georgia.



**F**lashing police lights are a common sight all along Interstate 75 in rural south Georgia. On one recent afternoon in Turner County, sheriff's deputies pulled over a vehicle heading northbound and another just a few miles up on the opposite side of the interstate. In the small community of Norman Park, an officer was clocking cars near the edge of town. In Warwick to the north, a police cruiser waited in the middle of a five-lane throughway.

These places have one thing in common: They issue a lot of tickets, and they finance their governments by doing it. Like many other rural jurisdictions, towns in south Georgia have suffered decades of a slow economic decline that's left them without much of a tax base. But they see a large amount of through-traffic from semi-trucks and Florida-bound tourists. And they've grown reliant on ticketing them to meet their expenses. "Georgia is a classic example of a place where you have these inextricable ties between the police, the town and the court," says Lisa Foster, co-director of the Fines and Fees Justice Center. "Any city that's short on revenue is going to be tempted to use the judicial system."

This is by no means just a Georgia phenomenon. Throughout the country, smaller cities and towns generate major dollars from different types of fines, sometimes accounting for more than half of their revenues. Some places are known for being speed traps. Others prop up their budgets using traffic cameras, parking citations or code enforcement violations.

To get a picture of just how much cities, towns and counties rely on fines and fees, *Governing* conducted the largest national analysis to date of fine revenues and the extent to which they fund budgets, compiling data from thousands of annual financial audits and reports filed to state agencies.

What we found is that in hundreds of jurisdictions throughout the country, fines are used to fund a significant portion of the budget. They account for more than 10 percent of general fund revenues

in nearly 600 U.S. jurisdictions. In at least 284 of those governments, it's more than 20 percent. Some other governments allocate the revenues outside the general fund. When fine and forfeiture revenues in all funds are considered, more than 720 localities reported annual revenues exceeding \$100 for every adult resident. And those numbers would be even higher if they included communities reporting less than \$100,000 in fines; those jurisdictions were excluded from our analysis. In some places, traffic fine revenue actually exceeds limits outlined in state laws.

High fine communities can be found in just about every state, but they tend to be concentrated in certain parts of the country. Rural areas with high poverty have especially high rates. So do places with very limited tax bases or those with independent local municipal courts. And these jurisdictions are far more common in

**Jurisdictions most reliant on fines tend to be rural cities and towns with only a few hundred residents.**

the South than elsewhere. The states that stood out in our analysis were Arkansas, Georgia, Louisiana, Oklahoma and Texas, plus New York. Fines and forfeitures accounted for more than one-fifth of general revenues in the most recent financial audits for 52 localities in Georgia, and 49 in Louisiana. By contrast, several Northeastern states with high property taxes had no localities exceeding the 10 percent threshold.

Five years ago, the issue of excessive fines gained national notoriety following the revelation that Ferguson, Mo., and other St. Louis-area municipalities generated outsized revenues from fines and court fees. Since then, advocacy groups and state lawmakers have stepped up political pressure to address what they say are excessive fees. Multiple lawsuits in several states are challenging municipal court practices and fines, and some cities are beginning to revisit their fines with an eye toward social justice and equity for low-income residents and communities of color. On top of those legal and political pressures are other looming changes, including new advancements in driving technology, that could one day drastically limit the money that cities can take in through speeding tickets and other violations. The fact is that fines and fees are a volatile revenue source, and the towns that rely the most on them face an increasingly uncertain fiscal future.

**F**ines—and the revenues they yield—have mounted in recent decades as the prospect of raising taxes has proved politically difficult in many places. "There's a culture that's built up over time of tolerance and normalization of this idea that courts are there for revenue generation," Foster says. There are no

**80**

The number of towns in which fines and forfeitures fund more than half of general revenues.





A group of residents in Doraville, Ga., filed a lawsuit claiming the city was using excessive fines and traffic tickets to generate revenue. Jeff Thornton, one of the plaintiffs, was fined \$1,000 for logs and rubbish in his backyard before charges were dropped.



hard numbers on how much fine revenues have climbed nationally, although Census Bureau survey data suggests a significant national increase.

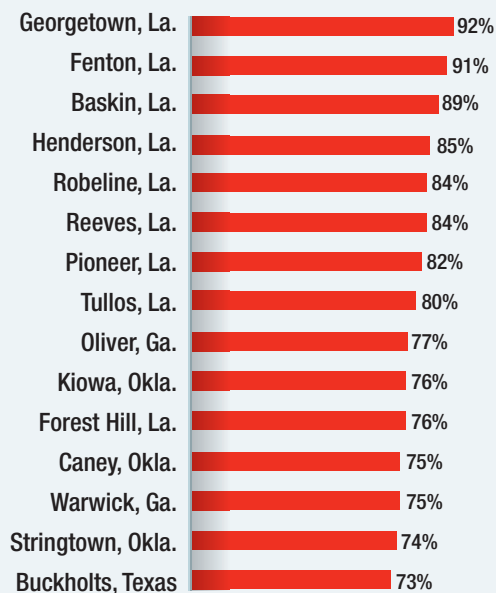
Fines and fees are not the same thing. Fines serve as punishment for committing offenses; fees are levied to support operational expenses. Different states charge fees for mandatory services such as drug tests, monthly parole meetings or even for a jury trial. Failure to pay those fees can result in interest charges and other surcharges. While both fines and fees have been on the rise in recent years, it's the fees that have swelled the most, and these days they're often used to fund parts of government that have little to do with the justice system itself. Georgia, for example, levies about a dozen fees, and they're used to pay for a state police motorcycle unit, a brain and spinal injury trust fund, and a police supplemental retirement fund.

For the vast majority of local governments, fines aren't a significant funding source, amounting to less than 5 percent of general revenues. Some states don't allow their cities and counties to retain much money from traffic tickets. The North Carolina Constitution, for instance, requires that fine revenues be appropriated for public schools.

But in other places, a dependence on fine and fee money is simply built into the budget. Louisiana is one of those. In many of its small towns, state highways cut right through central business districts. "It would be malfeasance if they didn't aggressively patrol some of these stretches of highways through towns," says John Gallagher, head of the Louisiana Municipal Association. He points out that local governments don't collect nearly as much in property taxes as similar communities in other states, and many

### Fine-Heavy Budgets

Fines and forfeitures accounted for the largest shares of general fund revenues for these localities.



Rankings reflect governments reporting at least \$100,000 in fines in their latest statements for either 2017 or 2018. Several Ohio villages grouping fine revenues with licenses and permits were excluded.

homesteads are fully exempt. Local governments collect sales taxes, but not much commerce exists in rural parts of the state, and the legislature has enacted numerous exemptions for those as well.

Robert Scott, president of the Public Affairs Research Council of Louisiana, agrees that weakened tax bases are contributing to the problem, but says it ultimately stems from localities' ingrained habits. "If I had to point to one reason why this happens, it's because culturally you have [local] agencies who've grown dependent on these types of revenue sources," he says. "They don't want to let it go."

In some extreme cases, local budgets are funded almost exclusively by fines. Georgetown, La., a village of fewer than 500 residents, was the most reliant on fines of all reviewed nationally. Its 2018 financial statement reported nearly \$500,000 in fines, accounting for 92 percent of general revenues. Not far behind is Fenton, La., which reported more than \$1.2 million in fines, or 91 percent of 2017 general fund revenues. Such situations can be ripe for scandal: A Louisiana state audit last year found that some cash payments for citations in Fenton were never deposited in the village's bank account and alleged improper compensation to city officials.

Actions taken by the legislature in Louisiana and in other states have likely compounded the issue. According to Census data, in nearly all states with the most fine-reliant jurisdictions, localities incurred far steeper state funding cuts than elsewhere across the country over the past decade. Many of those same states have also enacted numerous revenue restrictions for cities over the years. In fact, according to research from the Center on Budget and Policy Priorities, in states that implemented caps or limits on local property taxes starting in the late 1970s, fees and charges substantially increased as a share of all revenues that local governments raised.

The mostly rural towns that collect high fine revenues have typically weathered decades of economic decline. Jurisdictions that *Governing* reviewed where fines and forfeitures accounted for more than 20 percent of general revenues recorded a median household income of just \$39,594.

In Warwick, the median income is only \$22,000, and an estimated 37 percent of residents live in poverty. Its town center lacks any significant commercial activity. Over the years, Warwick

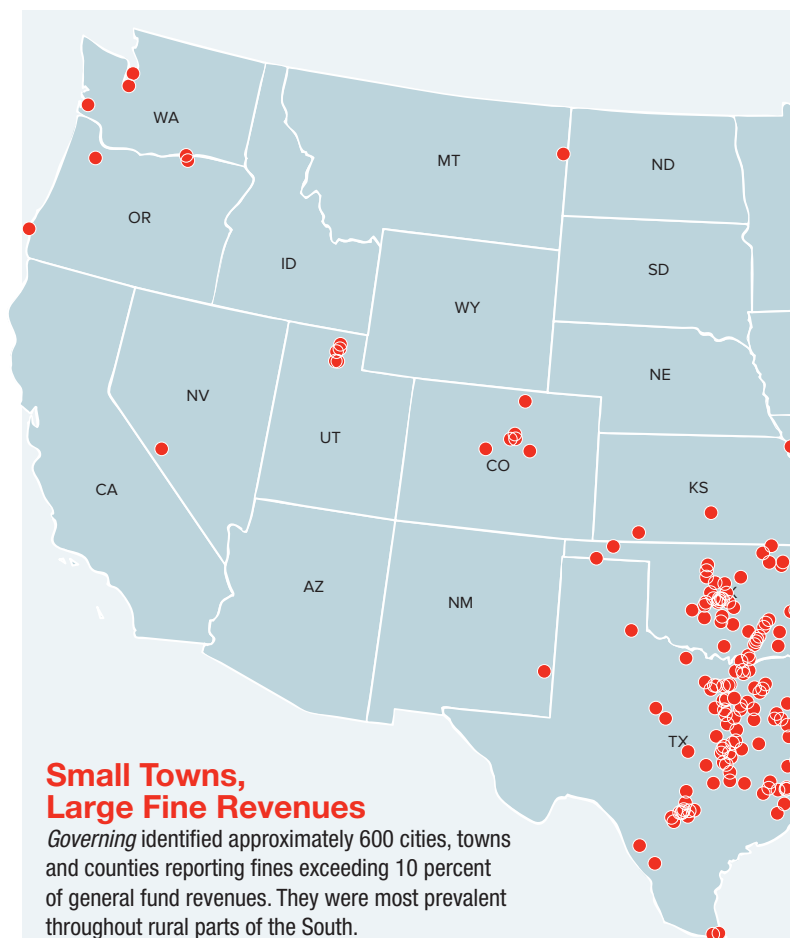
has earned a reputation as a speed trap. Its latest financial audit shows fines and forfeitures accounted for three-quarters of general revenues. Mayor Juanita Kinchen says the city recently reduced speeding fines and would adapt to any future declines in citation revenues. "The city has experienced economic growth, recession and even depression," she emailed in response to questions from *Governing*. "We are working to not rely on fines and we will continue to work on this."

Tourist destinations, too, register substantial fine revenues. Only a few hundred people reside in Morrison, Colo., but tens of thousands visit a speedway and the nearby Red Rocks Amphitheatre on busy days. Fines and forfeitures for fiscal 2017 totaled nearly \$1.2 million, while the town spent roughly the same amount on public safety. Town Manager Kara Winters says the town board has emphasized traffic enforcement as some concertgoers speed or drive drunk. *Governing* identified at least 124 other jurisdictions across the country that collect more than \$500 a year for every adult resident, suggesting it's mostly out-of-towners who bear the brunt of the fines.

In some communities, traffic cameras further generate substantial revenues. Suburban Maryland has a significantly high number of such places. In Seat Pleasant, Md., a Washington, D.C., suburb of 4,800 residents, fines account for about 48 percent of city revenues—and much of that comes from speed and red-light cameras. Police

# 363

The number of jurisdictions that reported fine revenues exceeding \$200 per capita.





Chief Devan Martin says the cameras were installed in response to traffic deaths, and they've helped reduce accidents along two congested state highways running through the community. "The purpose of the program is not for the potential financial revenue that's generated from it," he insists. "Our only purpose is to curb behavior to improve traffic safety and public safety." Part of Seat Pleasant's \$3.7 million in total fine collections was paid to the camera vendor, as is the case in other cities. Still, the city's latest budget proposal states the deployment of an additional mobile photo radar camera "will increase photo enforcement revenue." The revenues help fund public safety resources that other similarly sized towns don't enjoy: 24 full-time sworn officers, including a three-person dedicated automated speed enforcement unit and a drone aviation unit.

**W**hile the issue of excessive court fines and fees isn't new, it was only in 2014, with the civil unrest in Ferguson, Mo., following the police shooting of Michael Brown, that the practice started drawing considerable interest around the country. A Department of Justice investigation found that Ferguson police prioritized generating revenue from writing tickets.

Missouri lawmakers responded by lowering, to 20 percent, a cap on the proportion of general operating revenues that could come from minor traffic violations. Missouri Attorney General Eric Schmitt, who sponsored the bill as a state senator, views it as



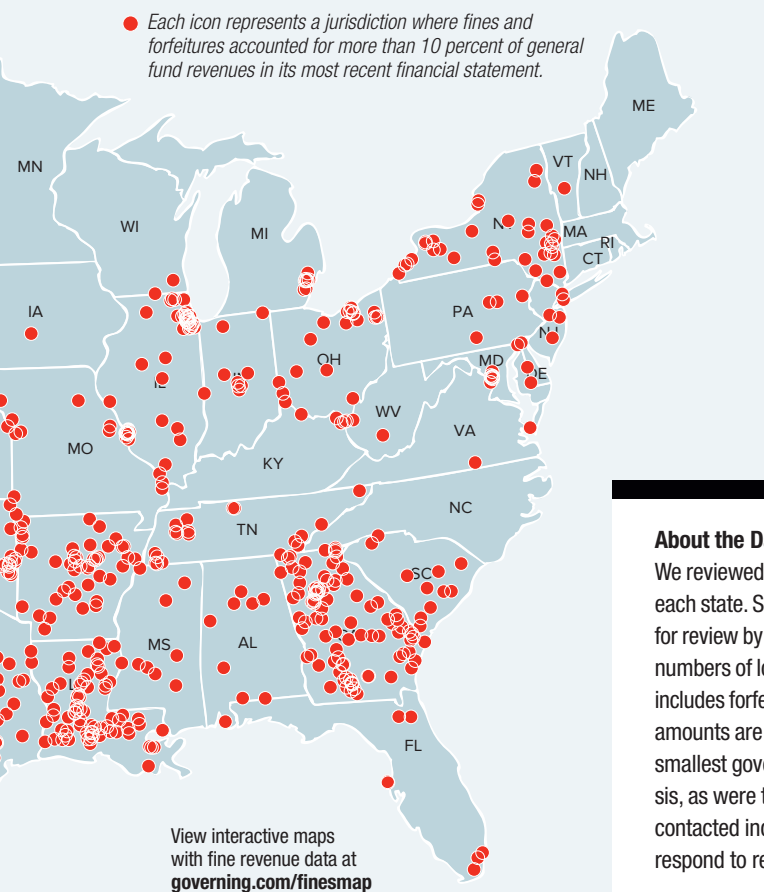
**Dooly County, Ga., Probate Judge Rooney Bowen III says he has changed practices to better accommodate low-income defendants.**

a national model. "There is an important oversight role in making sure that you don't have practices that are abusive, discriminatory, treat people as ATMs, or have a practice of taxation by citation," he says. Any cities exceeding the cap must either turn their excess revenue over to the state or else face what Schmitt calls a "death penalty," in that citizens may vote to dissolve their governments. The new lower cap has contributed to drastic reductions in money localities are taking in through fines and fees. Municipal court disbursements fell 39 percent statewide between fiscal 2015 and last year, according to data from the Missouri Office of State Courts Administrator. In Ferguson, fine and forfeiture revenues plummeted from more than \$2 million to about \$300,000.

A few other states, including Georgia, Maryland and Texas, also maintain revenue caps. But some cities still exceed them. In their most recent financial addendums, at least five jurisdictions in Missouri reported fines and court revenue surpassing the 20 percent threshold, remitting the excess to the state. Policy advocates express concerns that jurisdictions may respond to caps with budgetary workarounds.

**92%**

The portion of Georgetown, La.'s general revenues in 2018 that came from fines.

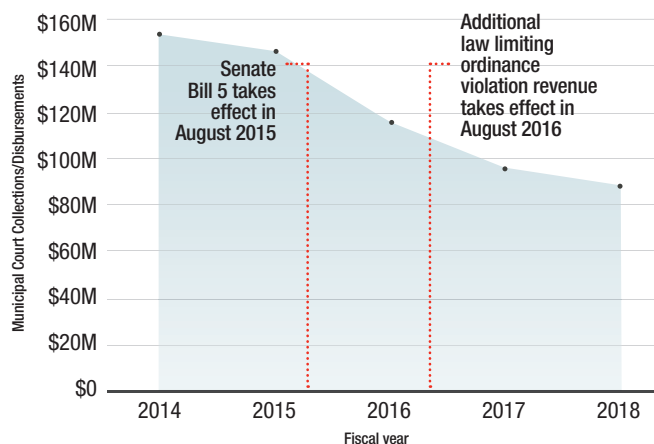


#### About the Data

We reviewed the most recent financial statement or audit filed by municipalities and counties in each state. Some states publish revenue data for localities. For others, we flagged governments for review by analyzing 20 years of Census Bureau financial surveys of governments, FBI data on numbers of local officers per capita, news reports and other sources. Our fine revenue measure includes forfeitures as they're often grouped together on financial statements, although forfeiture amounts are generally small. Court revenues and court fees were also included if reported. The smallest governments with less than \$100,000 in fine revenues were excluded from our analysis, as were those that aggregated fines with nonpunitive revenues in financial statements. We contacted individual governments without publicly available financial reports, but some did not respond to requests. View additional data and notes for states at [governing.com/finesandfees](http://governing.com/finesandfees).

## Moving the Needle

Following the public outcry over high fines in Ferguson and other localities, Missouri lawmakers passed measures to limit such revenues. The state's total court disbursements, consisting primarily of fines and fees, have sharply declined as a result.



Some municipal courts began transferring cases to state circuit courts when minimum operating standards went into effect in September 2016. In FY 2018, 384 municipal courts reported disbursements of more than \$0, while 432 did in FY 2014.

SOURCE: MISSOURI OFFICE OF STATE COURTS ADMINISTRATOR STATISTICS

One Missouri community, Pagedale, drastically increased citations for code enforcement and other municipal ordinances after the state imposed the new lower cap on traffic fines, so lawmakers approved another bill limiting revenue from non-moving violations.

At the heart of the debate over fines and fees is the concern that law enforcement officers may feel pressured to write more tickets just to raise revenues. A special prosecutor investigating Ridgetop, Tenn., earlier this year found an “improper and illegal ticket quota.” In April, a municipal clerk in the small town of Mount Enterprise, Texas, was similarly convicted of pushing a ticket quota. Revenue-generating efforts may hinder policing in other ways. A 2018 study published in *Urban Affairs Review* found police in cities relying more on fines and forfeitures solved violent crimes at significantly lower rates than others. “The police end up losing the connectivity to get information to solve problems in the community,” says Ronal Serpas, a criminology professor at Loyola University in New Orleans and a former police chief in that city.

One rural town in Georgia may even have established a new police department last year largely to raise revenue. According to documents obtained by *Governing* via a public records request, the state Department of Public Safety received a letter from a local probate judge alleging the small city of Cecil had created a police department and a local court in part to help pay off a debt owed for sewer services. “Since the inception of their police department and municipal court, my office has been flooded with calls and visits by individuals who, in my opinion, have legitimate complaints,” the judge wrote. Georgia law limits speeding tickets to 35 percent of a local law enforcement agency’s budget (excluding school zone

violations and citations exceeding 20 mph over the posted limit). A subsequent investigation by the state found such speeding citations issued over just four months amounted to 150 percent of the total police budget, so Georgia temporarily suspended Cecil’s permit to operate speed radar guns. Officials in Cecil and most other localities did not respond to requests for comment.

**F**ines and fees are a significant issue in some big cities as well, although for different reasons. With much larger budgets, fines generally aren’t a major source of revenues for larger cities. Among the 50 biggest cities in the U.S., fines and forfeitures account for a median of just 2 percent of general revenues.

Instead, the main concern in larger cities is that the people facing fines—and the resulting hefty court costs—are often those who can least afford it. Research consistently shows that poorer households and residents of color are disproportionately impacted by fines and fees. That’s led to a small but growing number of cities that are reevaluating the way they structure and impose fines. One such city is Chicago, under an initiative led by City Clerk Anna Valencia that includes officials representing city departments and community groups. Mayor Lori Lightfoot has backed a few of the group’s initial recommendations, such as no longer doubling vehicle sticker tickets for failing to pay promptly. “We need to find other revenue sources that aren’t burdening our most vulnerable population,” Valencia says.

As they have elsewhere, fines and fees in Chicago have gradually ticked up over the years. “There was an unintended consequence



Crisp County, Ga., Sheriff Billy Hancock says deputies are taking on more duties and issuing fewer speeding citations. “We don’t have the time to stay out there and dedicate those traffic units like we did,” he says.



of raising a fine or fee a little here or there,” Valencia says. In 2018, fines and forfeitures accounted for nearly 11 percent of the city’s general fund—the highest of any of the nation’s 50 biggest cities—and about 5 percent of total governmental revenues.

San Francisco enacted major changes last year, abolishing fees for jail booking, monitoring and probation. In Kitsap County, Wash., just outside Seattle, hundreds lined up at a courthouse earlier this year for “reconsideration day,” when individuals were allowed to request that court debts be forgiven or reduced.

Traffic violations are civil infractions in most places, but not everywhere. In Georgia, they are criminal misdemeanors, carrying fines of up to \$1,000. This comes as a shock to many tourists passing through. Motorists who can’t pay often end up on probation, incurring monthly supervision fees in addition to their fine.

Some of the most problematic practices are found in small municipal courts with little state oversight. New York is home to approximately 1,300 town and village courts that, unlike the larger state-run city courts, keep most of their revenues from fines and fees. That means those judges have an incentive to show that their courts earn back the money spent on them, given that they’re funded almost entirely by the locality, says Amelia Starr, chair of the Fund for Modern Courts, which promotes access to justice in New York state courts. “Almost any state that has courts that generate money for their locality in small towns is vulnerable to exactly these kinds of pressures,” Starr says.

This arrangement carries serious ramifications for those facing charges. A Fund for Modern Courts survey of defense attorneys and public defenders reported that courts in 43 New York counties,

or most of the state, “rarely” or “never” took a defendant’s ability to pay into account before issuing a bench warrant.

Similarly, the legal advocacy group ArchCity Defenders has called for the consolidation of nearly 80 municipal courts operating throughout St. Louis County, Mo. Blake Strode, the group’s executive director, says that consolidating them under the purview of the state court would yield more consistency and professionalization. “People are in court time and time again for what are really crimes of poverty,” Strode says. “We have to rethink whether the court is the right institution to serve those people.”

**I**n the small towns that are most dependent on fine revenue, though, the real question isn’t about social equity or the burden borne by low-income residents. It’s about the risky fiscal future of relying on fines.

The U.S. Supreme Court ruled in February that the Constitution’s ban on excessive fines applies to states and localities. It didn’t attempt to define “excessive,” but provided clues, citing the Magna Carta’s requirement that sanctions “be proportioned to the wrong” and “not so large as to deprive [an offender] of his livelihood.” While the decision itself doesn’t mandate any changes, it’s expected to provoke future legal challenges and provide ammunition for defense attorneys. Another case in Doraville, Ga., makes a constitutional challenge to what it claims is the city’s

4

Half of all localities where fines and forfeitures account for more than 10 percent of general fund revenues are found in just four states: Georgia, Louisiana, Oklahoma and Texas.





**Dooly County Commissioner Terrell Hudson says fines and fees will never fully cover costly public safety expenses.**

practice of using police and the courts to generate revenue. A judge has denied the city's motion to dismiss the case.

Several states considered outlawing traffic enforcement cameras this year. Texas banned red-light cameras, while Ohio lawmakers cut state funding for localities based on the amount of camera fines they collect. After years of steady expansion, the number of communities with speed cameras plateaued about four years ago, while the number of red-light cameras is sharply declining, according to statistics from the Insurance Institute for Highway Safety.

Rethinking fines and fees could further emerge as the next broad step in the criminal justice reform movement, with supporters ranging from the libertarian Koch brothers to the ACLU. "There's absolutely a political risk for long-term reliance on these sorts of revenues," says David Eichenthal, who works with cities on the issue for the consulting firm PFM. "There's a movement both in terms of advocacy going on at the local level, litigation in the federal courts, and a series of post-Ferguson statewide task forces that started to look at these issues."

New technologies also are threatening the fiscal future of jurisdictions that rely on fines. Speed-trap alerts that warn drivers about possible enforcement ahead have long been a feature on the Waze navigation app, and they were added to the popular Google Maps app earlier this year. One proposed bill in the U.S. Senate would limit maximum tractor-trailer speeds to 65 mph using software that most trucks are already equipped with. Further into the future, traffic fines could take a major hit with the proliferation of autonomous vehicles that don't park illegally and never exceed the speed limit. Indeed, starting in 2022, vehicles sold in the European Union will be required to use technology that automatically restricts speed using GPS or cameras that recognize posted limits.

Is there a "right" way for cities to budget for fines? There's no national standard for how much local governments should be collecting, and no consistent way those revenues are reported. Audited financials may or may not include related fees, and some may include revenues remitted to states. Rules for reporting these revenues aren't always enforced. West Virginia, for instance, directs localities to conduct annual audits, but several we reviewed hadn't actually completed one in the past five years. For those reasons, our findings undoubtedly represent low estimates, as we excluded many governments without available audits and those that don't report separate line items for fines.

The way governments allocate fine revenue also matters. The majority deposit it into their general fund, but many in Oklahoma, for example, route the money to separate police or public safety funds. That's a mistake, says Michael Makowsky, an economics professor at Clemson University in South Carolina. "You want to separate officer incentives from the revenues they generate," he says. One solution he proposes is to route fines and fees to state governments. States would then redistribute all the funds back as block grants based on population or other metrics, effectively removing incentives to issue tickets.

Many of the small rural and suburban towns facing financial woes find themselves in a much different situation than when they originally incorporated. In Warwick and similar cities, fines now account for more revenue than taxes. Some small towns may decide they need to disband their police departments, as Oak Park, Ga., did earlier this year. Others may have to consider unincorporating or merging with neighboring municipalities, says Jay Shambaugh, director of The Hamilton Project, a Brookings Institution policy initiative. Unlike larger cities, they have few services left to cut. "They either need to find a way to avoid the other revenue constraints," Shambaugh says, "or they eventually are faced with the decision whether it makes sense to fund themselves at all."

Terrell Hudson has served on the county commission in rural Dooly County, Ga., for more than three decades. The county, he says, has never had a budget that wasn't tight. Only around 14,000 people reside there, and the millage rate already ranks among the highest in the state. Dooly County reported \$4 million in fines and forfeitures in fiscal 2018, accounting for just over a quarter of its general fund revenues. County law enforcement officers patrol Interstate 75, and when there's a backup, generally on weekends or in bad weather, police direct traffic along the state road that runs parallel. The fines and fees also help fund two full-time ambulance crews, another costly line-item for a limited budget. "The system will never pay its own weight," Hudson says. "That is part of what our government is supposed to provide to keep people safe."

Hudson views the revenue cap on fines and property tax exemptions enacted by the legislature as "handcuffing" Georgia's rural localities. "With the requirements that state has put on cities and counties," he says, "at some point in time, we're not going to be able to afford these smaller cities or towns." **G**

**5**  
Fines and forfeitures accounted for between 20 and 48 percent of revenues in five Maryland suburbs outside Washington, D.C., that use traffic cameras.

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# DRESS CODE

*Do schools' dress codes unfairly target girls of color?*

**BY CANDICE NORWOOD**





CODED

**H**asana Alidu likes to dress for her mood. A student at North Valleys High School in Reno, Nev., Alidu loves to express herself through clothing, wearing yellow when she's happy or black when she's sad. But on a cool morning this past February, Alidu didn't think much about the outfit she wore to school: an off-the-shoulder black top tucked into crimson-colored pants. She pulled her long afro curls neatly into a low ponytail. She certainly never imagined her clothes would result in two school police officers escorting her through the halls, as other students watched.

Her school district, the second largest in Nevada, had a clear dress code ban against exposed shoulders at the time. But Alidu says she wasn't worried about the particular shirt she chose that day. Classmates wear similar clothing—and even more revealing outfits—all the time, she says, without any consequence. For Alidu, the trouble started during lunch when an administrator asked her to cover her shoulders. Alidu initially obliged by pulling up her sleeves. Later in the period, however, the sleeves had slipped back down. When the administrator again saw her with bare shoulders, she called the school officers to take Alidu to the office. As punishment, she received an in-school suspension, and her mother was called. The Washoe County School District did not confirm whether the suspension would be reflected on her record. “I think it’s ridiculous,” Alidu says. “I had to miss class for what I was wearing.” The dress code is unfair, she says. “Most guys wouldn’t even have to deal with that problem; most of the dress code is targeted toward girls.”

Of the 39 restrictions listed in the district’s 2018 handbook, at least half a dozen mentioned items more likely to be worn by female students. Among them: no low-cut necklines, exposed cleavage, or spaghetti straps; no halter tops, tank tops or tube tops; skirts and dresses must be at least mid-thigh in length. Since the incident, a revised policy published online lists 17 restrictions that do not specifically mention exposed shoulders.

Alidu’s experience mirrors that of girls around the country who believe they face disproportionate punishment when it comes to school dress codes. It’s true that boys can be punished for sagging pants or certain types of headwear, but many people feel that dress codes impact girls more than boys. In communities across the country, protests in recent years—both in person and on social media—have ignited a national discussion about dress codes and fairness.

For black girls like Alidu, the question isn’t just one of gender equity, but of racial disparity as well. Some dress code restrictions, such as prohibitions against certain types of hairstyles, unfairly target students of color, advocates argue. Beyond that, the wide discretion that teachers and administrators have in enforcing dress code policies can mean that minority students are singled out more often. That’s part of a larger pattern of disproportionate punishments given to students of color. According to a Government Accountability Office report released last year, black students accounted for 15.5 percent of all public school students in the 2013-2014 school year, but represented 39 percent of suspended students. Black girls were also eight times more likely to receive an out-of-school suspension than white girls.

Dress code violations are minor infractions that can nonetheless have a significant impact. Punishments can range from being forced to change clothes to suspension. In some cases, girls are forced to kneel on the floor to test if their skirts or dresses reach the ground. Missing class time can result in lifelong hurdles, says Monique Morris, a doctor of education who researches the effects of school discipline on black girls. Like boys, she says, “a girl needs to have the instruction time in order to be a high performer. When we take that away from her, she is at a higher risk of participating in underground economies that can lead to contact with the juvenile court or criminal legal system later in life.” Across the country, high school graduation rates are rising and prison incarceration rates are declining for black females overall. But they remain about three times more likely to be referred to juvenile court than white girls.

Education officials and administrators have started to address

that disparity in recent years. Residents in California, Kentucky, New York, Texas and elsewhere are pushing to close the gaps between racial groups when it comes to school discipline. For individual schools, these efforts often include limiting punishments for dress code violations, and in some cases eliminating dress restrictions altogether.

**S**tarting in the 1990s, American public schools began to adopt stricter regulations and zero tolerance policies aimed at reducing violence and crime. Inspired in part by the popular broken windows approach to policing, which aims to stave off larger crimes by cracking down on small offenses like graffiti and loitering, public schools got tougher on a host of infractions. Minor

**Advocates say dress codes single out females more than males, and that they unfairly target students of color by prohibiting certain types of hairstyles.**



scuffles, profanity and insubordination became offenses punishable by detention or suspension. In 1994, President Bill Clinton signed the Gun-Free Schools Act, which requires the expulsion of any student who brings a gun to school; many districts adopted other tough-on-crime strategies in the years that followed. The 1999 shooting at Columbine High School in Colorado, which resulted in 13 deaths, marked another transformational moment. School safety became a paramount concern, and districts across the country tightened restrictions further.

In the push to protect students, schools also focused on their outer appearance. Advocates for school uniforms and dress codes believe in part that promoting a neat, professional look will minimize distraction and improve student achievement. “I

think it takes away the power of gang affiliation, and as a teacher I know sometimes clothing can be distracting if a student is showing up in pajamas or something very suggestive, or pants that are sagging down so low it almost becomes a safety issue,” an Iowa public school teacher told the Associated Press in 2011. “I think it mitigates some of those concerns.”

Most research on school clothing focuses on uniforms, but studies examining both uniforms and dress codes show mixed results. While some research indicates they can promote better learning and behavior among students, others do not show any significant differences. Beth Freeburg, a professor with Saint Louis University who has studied this issue, says that despite some flaws with implementation she believes there are noteworthy benefits to dress codes. “It’s about physical as well as psychological safety,” Freeburg says. “What dress codes do is provide a standard for behavior.”

A paper Freeburg co-authored in 2006 determined that “dress code policies can contribute to effective self-regulation by diverting attention away from the materialistic values espoused by the media and advertising while focusing attention on maintaining an educational environment where learning is foremost.”

In terms of safety, today’s focus on students’ clothing extends beyond gang symbols, messages of hate speech or sexually suggestive language. In many cases it regulates whether boys can wear earrings or girls can show collarbones, and whether black girls can wear their natural curls. These strict standards have had notable consequences. Between 1973 and 2010 the number of secondary school students suspended or expelled in a single year increased 40 percent in the U.S., according to the Vera Institute of Justice. A large number of these punishments include “discretionary” suspensions, or suspensions that are not mandated by law. A landmark study of Texas seventh-graders found that only 3 percent of violations resulting in suspensions “were related to behavior for which state law mandates expulsion or removal.” That means 97 percent were determined at the discretion of school administrators.

Vague wording leaves many school rules open to interpretation, says Adrienne Dixon, a professor of education policy at the University of Illinois. “These policies appear to be race-neutral, but the enforcement tends to impact more black and brown students,” she says. “How can you say it’s neutral when schools with the most restrictive policies have predominantly black and brown students?” Among those criticized for harsh restrictions are charter

schools, which have come under scrutiny for discipline practices and strict uniform requirements.

Much of the research directly linking dress codes with discipline rates is only anecdotal. Federal suspension data does not break out violations related to dress code policies. In many cases, such punishments may not even be recorded as official disciplinary actions:

They often result in detention or in sending the student home informally. But examinations of school dress codes underscore a connection to discipline. A 2018 study by the National Women’s Law Center analyzed policies in Washington, D.C., public schools and their effects on black girls. One school mentioned in the report is Achievement Preparatory Academy, a charter located in Southeast D.C. Achievement’s policy details strict uniform and other grooming requirements, including “100%” solid black dress shoes, in addition to matching socks that are solid in color and don’t have patterns or logos. “Dyed hair or a hairstyle that serves as a distraction—as determined in the sole discretion of the school—is not permitted,” reads the academy’s 2017-2018 student handbook. “Scholars who are out of dress code are NOT allowed to attend their classes.”

In fact, the Women’s Law Center study found that 74 percent of D.C. public high schools with publicly accessible dress codes authorize disciplinary action that can lead to missed class or school. “If you break the dress code, the school will say ‘You gotta go to the office,’ or, ‘Oh, you gotta go home,’” according to one 13-year-old girl interviewed by researchers. “I have to catch two buses and get up at 6:00 in the morning just to get to school on time. They almost made me go all the way back home, just to change my uniform pants, because my uniform pants were dirty.”

That kind of response is not unique to D.C. A black student battling brain cancer was reportedly asked by McKinney High School in Texas to remove her wig last year because of the dress code. Students at Gibbs High School in Florida protested in 2016 for the right to wear African head scarves. In Kentucky that same year, state Rep. Attica Scott decried a new policy at her daughter’s Louisville high school that banned “hairstyles that are extreme, distracting or attention-getting.” That included dreadlocks, cornrows and twists. Scott and her daughter Ashanti, who was 15 at the time, both wear natural hairstyles free of chemical straightening products. The school initially defended the measure, but

## “THESE POLICIES APPEAR TO BE RACE-NEUTRAL, BUT THE ENFORCEMENT TENDS TO IMPACT MORE BLACK AND BROWN STUDENTS.”

—Adrienne Dixon, education policy professor  
at the University of Illinois



**An organization in Oregon drafted a model dress code that allows ripped jeans, pajamas and strapless tops, among other things.**

after Scott and other community members continued to speak out, administrators reversed the hair policy. “I know that there’s a lot of work to be done, and I also know that work is possible,” Scott says today. “I’ve seen where students have gotten dress code policies changed, and how my daughter’s experience became an inspiration for other young people.”

For Deanna and Mya Cook, wearing their hair in braids was about more than looking fashionable; it was about learning to accept their naturally curly hair texture. The twins, who attended Mystic Valley Regional Charter School just outside Boston, are African-American and were adopted at age 3 by white parents. The girls spent years straightening their hair with chemicals, but in their sophomore year of high school, they opted for something new. During spring break in 2017, the Cook girls had their hair braided with extensions, a common style for many black women. The girls’ school, however, prohibited hair extensions. When Deanna and Mya refused to remove their braids, consequences followed. They were threatened with suspension and expulsion, they say. Deanna was also removed from the track team and Mya was taken off the softball team. “I just didn’t understand or know what to do. It didn’t make sense to me that I was getting punished

for having braids,” says Mya. The Cooks’ story gained national media attention, and their parents consulted with legal groups including Lawyers for Civil Rights, the NAACP and the ACLU. Ultimately, the Massachusetts attorney general condemned the rules as discriminatory, and Mystic Valley changed its policy.

Prompted by cases like Mya and Deanna’s, Ashanti Scott’s in Kentucky, and Hasana Alidu’s in Nevada, dozens of districts across the country have revisited their handbooks in recent years and adopted more lenient regulations. One group that has been leading that effort is the Oregon chapter of the National Organization for Women, which drafted a model dress code in 2016. The code allows ripped jeans, pajamas, midriff-baring shirts and strapless tops, among other things. It still bans hateful, pornographic or violent images and language. A number of schools nationwide have implemented that model code, including Evanston Township High School in Illinois, which adopted new rules in 2017 after hundreds of students protested the old regulations. “Our students were very clear and astute in their analysis of why students were being sent to the dean’s office for what they were wearing. It was both a racial and gendered concern,” says Marcus Campbell, assistant superintendent of Evanston Township. “Nothing has changed about the learning environment, and we have far fewer kids missing class because of violations.”

Other anti-discrimination efforts have focused specifically on hair policies for black people. Earlier this year, the New York City Commission on Human Rights issued legal guidelines protecting people from hair discrimination in work, housing, public accommodations and school. In June, California became the first to ban discrimination based on hair statewide. The state of New York soon followed in July by enacting its own hair discrimination law. Elsewhere, some schools are reexamining the way they discipline students, especially regarding subjective and discretionary policies like dress codes. In recent years Minneapolis has become a microcosm of the national conversation.

In 2014, Minneapolis Public Schools reached a settlement agreement with the U.S. Department of Education’s Office for Civil Rights after it launched a probe into the district’s discipline practices. This agreement came as the superintendent moved to require that her office review all suspensions of students of color. The change helped to lower suspension rates, but racial disparities persisted. Moreover, some teachers are pushing to give faculty more control over suspension decisions, with claims that the limitations inhibit their ability to stop disruptive or aggressive behavior.

The dress code debate will continue to play out during a time when educators, students and parents are increasingly concerned about safety. As some districts become more open, others have doubled down on strict standards—even promoting dress codes for parents. For more lenient schools, they say their policies can also help improve students’ well-being. “I think every administrator should be thinking critically about the messages they are sending,” says Campbell from Evanston Township. “Having a more lax dress code does not limit conversations about what is appropriate for students. I see it as something that should be explored with various communities and stakeholders.” **G**

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# GOVERNING





A photograph of a golf course. In the foreground, there is a patch of dry, brownish grass with some green weeds. A yellow flagstick is planted in the ground, angled diagonally from the top right towards the bottom right. In the background, there is a green fairway and a line of trees. The text 'COURSE COH' is overlaid in a large, white, serif font, with 'COURSE' on the top line and 'COH' on the bottom line.

# *COURSE COH*





# RECTION

*Once-popular public golf courses have become a strain on many cities' budgets. Are municipal greens still up to par? **By Liz Farmer** Photographs by David Kidd*



Standing on the 7th hole putting green on the municipal golf course in Rockville, Md., it's easy to take a deep breath and forget about the traffic-clogged roads, noisy highways and rumbling commuter trains that cut through much of this bustling Washington, D.C., suburb. It's quiet at RedGate Golf Course. So quiet, in fact, that it's easy to hear the crunch of lifeless, gray grass underfoot while strolling across the once-vibrant green.

The financially troubled course has been closed since December, when the company operating it for the city backed out of its contract three years early. Turning management over to Billy Casper Golf, which runs more than 100 courses nationwide, was Rockville's last-ditch effort at keeping RedGate open. Over the last three years, the course saw a more than 50 percent decline in revenue to roughly \$550,000 in 2018. Billy Casper drastically cut expenses—which hurt the attractiveness and quality of play at the course—but still wound up losing an estimated \$91,000 last year, according to the National Golf Foundation.

When the company sent its contract-ending notice, few were surprised. “The writing had been on the wall for a long time,” says City Manager Rob DiSpirito. This summer, after just a half-season of neglect, the course was already being reclaimed by nature. Vines curled around fences and up the clubhouse walls. Some fairways were still being mowed in the spring, but as of July they were left to grow wild.

And as they do in nature, the vultures are circling on this prime, 144-acre open space just 13 miles from the nation's capital. Dozens of ideas have been pitched to the city, many of them by developers who see an opportunity in an area with very limited new development space left. Other uses have also been proposed, including a needed school bus depot, a new county fire and rescue service facility, a light industrial park, an arboretum, playing fields, a campground, an amphitheater. The list goes on. In fact, just about every conceivable use for the space is under consideration—that is, except for a golf course. After 45 years, the city's golf venture is over.

The story in Rockville is being repeated across the country as municipal golf courses are struggling amid a national decline in the sport. Golf courses were part of a nationwide building boom in the 1990s and early 2000s as municipalities and developers invested in the sport, often linking them to new housing developments. But over the past 15 years, golfing participation has fallen by 20 percent, from 30 million in 2005 to 24 million today. Now, according to the National Golf Foundation, there are more municipal courses than ever—some 2,800 across the country—but they are serving far fewer golfers than they once did. As a result, course costs are cutting into city budgets. One-third of public golf courses don't make enough to cover annual operations. That number goes up when taking into account other expenses, such as debt and employee retirement benefits.

The supply-and-demand economics have forced difficult conversations in cities about whether taxpayer money should support a recreational activity that appeals to fewer people than a generation ago, is expensive to maintain and takes up a lot of real estate. Over the past year alone, more than a half-dozen cities including

Aurora, Colo.; Detroit; and Houston have closed public courses, and even more may follow suit. Chula Vista, Calif., and Seattle are studying possible alternative uses for their city-owned golf courses. In Minnesota, where 40 golf courses have closed since 2005, Duluth is weighing whether to sell one or both of its courses, which are deeply in debt and in need of a \$7 million upgrade. Louisville, Ky., is considering closing or selling four of its 10 public courses because they are straining the city's already-tight budget.

As many cities across the country try to find the right balance between promoting economic growth, offering affordable housing and providing quality-of-life green space, golf course closures represent what might be the last big land grab in highly developed metro areas. Government officials are tasked with striking the right note for their communities—and not repeating mistakes of the past. “When the metrics all change, you have to be realistic,” says DiSpirito. “This is an opportunity to address some of our community's needs and even some things that are on our wish list.”

For decades, municipal golf course economics were pretty straightforward. Those who had the means and the social access could have the privilege of forking over the money to join a private country club. The rest of America could reserve a tee time at the local public course. “The municipal golf course was the path





to playing the game for a lot of America,” says Jay Karen, CEO of the National Golf Course Owners Association. But starting in the 1960s, golf became more popular after broadcast networks began televising tournaments and championships. More courses began popping up that were privately built and run, but open to the public. That category now dominates the supply of golf courses across the nation, while private country club courses and municipal courses are very much in the minority. “That changed the dynamics,” says Karen. “Now if you want to play golf, the choices are huge and you have options up and down the economic spectrum, even without municipal golf.”

That change in the market, along with declining participation, is why many argue that cities don’t need to be in the business of subsidizing golf anymore. To be sure, few are saying that courses need to turn a profit. Most parks and recreational facilities operate at a loss; they are offered as community amenities. Access to them is either free or fees are nominal. Swimming pools are a classic example. If cities charged residents what it actually costs to maintain a pool, few could afford to go.

But golf courses are losing a lot of money. Even in Florida, home to some of the country’s most beautiful courses and nearly year-round golfing weather, some public courses are struggling. Sarasota’s city golf course has lost \$3.7 million over the past five years, while Martin County is out nearly \$6.6 million on a golf course it took over in 2015, according to a recent *USA Today* and

*Florida Today* investigation. The investigation found that, overall, Florida’s municipal courses have lost nearly \$100 million over the past five years. Many municipalities are doubling down on their courses, an indication of the importance of golf to the state’s economy. But that reaction is more an anomaly.

Most places are cutting their losses, and some are doing it in controversial ways. In Virginia, the small city of Buena Vista let debt on its local golf course go into default in 2015 even though the city had money to make the bond payment. The \$9.2 million in bonds were issued in 2005 by the city’s Public Recreational Facilities Authority for its Vista Links golf course. Buena Vista had hoped its Rick Jacobson-designed course would boost the local economy. Instead the Blue Ridge Mountain town of 6,650 residents poured \$4.15 million into the course’s operations after it opened in 2004. When the authority ran out of money to make payments on the debt a decade later, the city decided to walk away from the mess rather than cover the payment. The selective default led to a protracted legal battle that was resolved earlier this year when a federal appeals court upheld the city’s actions and dismissed the lawsuit brought by the bond insurers.

Back in Maryland, Rockville’s first reckoning with its municipal golf course came in 2010. The Great Recession had wreaked havoc on the city’s budget and amid all the cuts to consider, RedGate’s half-million-dollar annual losses floated right up to the top. “Many golfers were very angry about the idea of not subsidizing



**Rockville, Md., contracted the management of its municipal golf course out to a private company as a last-ditch effort at keeping it open. “We knew there was a possibility they couldn’t make it work,” says Councilman Mark Pierzchala. “But in the end, we figured it was our best shot.”**



the course,” says Councilman Mark Pierzchala. After weighing various options, the city opted to contract with Billy Casper Golf to run the course beginning in 2011. The hope was that by folding RedGate into a national company’s portfolio, Billy Casper would make the necessary investments to get the course to turn a profit. “We knew there was a possibility they couldn’t make it work,” says Pierzchala. “But in the end, we figured it was our best shot.”

Eight years later, the prevailing market forces are now too strong to salvage RedGate. It’s surrounded by competition. Four different country club courses are just miles away, and a county-run golf course and driving range is about 10 minutes northeast. Unable to turn much of a profit, Billy Casper Golf cut down on maintaining the course, which led to a host of irrigation problems in the hilly terrain. A National Golf Foundation report issued after Billy Casper dropped the course found that it would cost at least \$2.5 million to repair the drainage, irrigation, cart paths and other landscaping necessities required to restore the course to its heyday. In total, the city was looking at an investment of up to \$3.7 million to get the course back in good condition. And that investment came with no guarantee that the course would then break even.

In June, the city council officially decided to consider other options for the course and took the first step in hiring a consultant to conduct a master planning process. Unlike in 2010, there was very little—if any—pushback. Instead, most council members view it as an opportunity. For Pierzchala, it’s a chance to finally get the \$15 million windfall the city needs to restore a historic dairy barn and farmstead on the north end of town for use as an event venue. The city’s town center also needs new investment, he says. The councilman is hoping Rockville sells a portion of the land to a developer for mixed-use housing and retail. Others would rather invest in keeping the entire area as open parkland. The debate is sure to dominate the city’s elections this fall. “To me,” says Pierzchala, “it’s about what are you giving up to rescue this place.”

Experts say golf is a life cycle sport, meaning a player’s time devoted to the sport has peaks and valleys throughout his or her life. Karen points out that youth participation in golf is at an all-time high. Statistics show that participation for many of those players will likely drop off during college years,





# GOLF COURSE CLOSURES REPRESENT WHAT MIGHT BE THE LAST BIG LAND GRAB IN HIGHLY DEVELOPED METRO AREAS.

and then rise again in adulthood. Tee times might be few and far between during child-bearing years, but could become a regular occurrence again once the kids are old enough to play too, or have moved out. Municipal courses, where the average cost for a round of golf is between \$30 and \$35, will always play an important role in providing an affordable, recreational outlet for these players. But municipalities also believe they have a responsibility—much as they did with building golf courses in the first place—to invest resources in the kinds of amenities their residents demand. Across the country, golf courses are turning into parks with walking and biking trails, dog parks and soccer fields. They

are being converted into garden apartment complexes, wildlife habitats and even wildflower preserves. Wary of responding to fleeting trends, municipalities are making these decisions with input from the community and an eye toward meeting master plan goals for public offerings.

For the most part, recreational features such as bike paths or athletic fields are relatively low-risk. It's a pretty safe bet that 30 years from now people will still enjoy walking and biking. At any rate, such amenities tend to be lower maintenance than many other parks and recreation offerings. "For the most part," says Marty Conway, an adjunct professor of sports management at Georgetown University, "places view this as investment in a new form of public infrastructure, versus trying to satisfy the market need of a population."

But, he warns, some cities are falling into a new trap when it comes to putting public resources toward what might be a one-generation trend. Esports, or competitive video gaming, is a fast-growing international phenomenon that's predicted to be a \$1.5 billion industry by 2020. Thanks to online streaming services and live events, casual gamers have morphed into serious stars with the potential to earn millions in winnings and brand endorsements. Most of the roughly 380 million fans watch the gaming events without leaving home, but a new trend toward dedicated esports arenas could change that.

Some places are jumping at the chance to get in on the ground floor of these high-tech activities with "American Gladiator"-esque arenas that aim to marry the virtual experience of gaming with the social experience of watching a live contest. Last year, Arlington, Texas, became the first municipality to help build an esports stadium. Located in a renovated section of the city's convention center, the \$10 million project was a public-private partnership. Arlington's renovation and equipment investments are to be repaid through annual lease payments, event revenue and stadium naming rights revenue, among other things.

It's likely just the beginning. Comcast has plans to build from the ground up an esports venue in the city-owned Philadelphia Sports Complex, which houses an arena, football stadium and baseball field. A retired British soccer player has announced plans to build an esports stadium in New York City. Just how much cities will facilitate these and other venues remains to be seen. "Clearly there's a bubble," says Conway. "We're at the end of an incredibly level market, so investments seem easier for things like this. But at some point, when the money slows down and reverses, there's not going to be a clear exit path." **G**



**After a half-season of neglect, RedGate is being reclaimed by nature. Vines are curling around fences and up the clubhouse walls. Fairways have been left to grow wild.**

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# LEANING ON THE LAND

*More and more communities are considering reviving an old tax idea that's been tried in only a few places.* **BY J. BRIAN CHARLES**

PHOTOGRAPHS BY JESSICA KOURKOUNIS

**THE MARKET-FRANKFORD RAIL LINE CURVES PAST AN EMPTY LOT IN MILLBOURNE, PA.,** a piece of land that marks both the rise and fall of the small borough just west of Philadelphia.

A Sears store once stood on the lot. Taxes collected from the store's real estate enriched the treasury of the borough for more than 60 years. The store's tax payments were the single largest source of revenue for Millbourne, enough for its 1,200 residents to have their own full-time police force. But in 1989, Sears decamped from Millbourne, moving one town over to the much larger and more affluent Upper Darby.

Like most municipalities, Millbourne relied heavily on property taxes. The city taxed land and the buildings on top of the land at the same rate, which is typical for cities across the country. And the Sears store was the largest structure in town on the largest parcel—17 acres. “For many years,” says Millbourne Mayor Tom Kramer, “that area of land was the meat and potatoes of the borough.” But when Sears closed and the building was demolished, Millbourne's property tax revenue all but evaporated.

Millbourne fell into financial ruin. Five years after the store closed, the borough was designated as financially distressed by the state. That made it eligible for additional financial support and debt restructuring, but it was no help to the community's reputation or self-image. The mark would remain on Millbourne's back for 21 years.

The town was unable to lure in new development with tax breaks, so to avoid financial ruin, it leaned on its homeowners to fill the gap in municipal finances. Tax bills skyrocketed between 1993 and 2014. But city leaders ultimately realized the long-term vitality of Millbourne could not be financed by single-family homeowners. High taxes would eventually chase residents away. At the very least, continued increases to property taxes could spark a tax revolt like those that challenged high property rates in California in the 1970s and, closer to home, costly reassessments in Pittsburgh in 2001.

Where Sears once stood, weeds and wildlife have taken over. And from the train platform, the empty lot remains an eyesore in Millbourne. But the gash in the borough's finances has been mended. The town turned to an old yet radical idea to raise revenue. It



The Market-Frankford Line as it curves through Millbourne, Pa.



enacted a land value tax, levying high rates on the land itself and none at all on the structures built there. The tax burden was shifted. Homeowners saw their tax bills cut nearly by a third. Meanwhile, the Sears property, which still swallows up more than a third of the land in the city, saw its tax bill double.

The land value tax, a 19th-century idea, not only raised necessary funds to keep the city afloat financially, but, as intended, forced landowners to make more productive use of other large properties. A former car dealership and a bowling alley, the second and third largest parcels in Millbourne, are now under development. “It’s sort of a stick-and-carrot approach,” Kramer says.

It’s not an approach that many cities are using at the moment. But it’s an idea that quite a few local governments, most but not all of them in Pennsylvania, are starting to think about.

Property taxes have been levied since the Middle Ages, but generally not in the most efficient manner. Medieval European kings sent tax collectors out to count the number of hearths in private homes, assuming the tally was the best approximation of how many people lived in the house. In 17th-century England, tax collectors

counted windows. The idea was that the more windows a property had, the more valuable the property. This clumsy assessment was easily evaded. Property owners simply bricked their windows up. The legacy of this practice can still be seen in London and other industrial centers in England. It had detrimental health implications when the Industrial Revolution drew thousands from the country into the city, where they were often forced to live in windowless buildings with poor circulation.

Meanwhile in the United States, land acquisition was making even some of the Founding Fathers extremely wealthy. George Washington amassed a huge fortune through land speculation across colonies and frontiers. “Tax policy has always encouraged land speculators,” says Ed Dodson, a former market analyst with Fannie Mae and professor at Temple University. “It makes it easy for speculators to acquire and hold land and wait for public-private partnerships to come along with funds to pay them their profit for speculating.”

In 1879, the journalist and political economist Henry George wrote *Progress and Poverty*, a book challenging the notion that

land speculation should reap such large profits. George suggested levying high taxes on land itself, and freeing improvements on the land from taxation. The land taxes would be high enough that an owner would either convert the land into a profit-making enterprise or sell it to someone who would. "The economic value of bare land does not derive from the actions of the owner," says Joan Youngman, a senior fellow at the Lincoln Institute of Land Policy. "A piece of bare land has value because of the growth of society and the activities around it." Large landowners, she says, are actually engaging in a form of rent-seeking, buying and sitting on a piece of land at virtually no cost to themselves and waiting for the opportune time to sell after making little or no investment.

George wanted to break that cycle, and his theory was put to the test in the early 20th century in Pennsylvania, when it was used in an effort to break up large undeveloped tracts of land owned by the state's steel barons, notably Andrew Carnegie and Henry Clay Frick. The state adopted legislation allowing its cities to adopt a land value tax. A handful of them did. Most of them weren't the pure Henry George variety, under which developed structures escaped any taxation at all. They tended to be two-tiered systems, with buildings taxed but at a much lower rate than land.

Pittsburgh was one of the early adopters. The result was the development of affordable homes for many of the workers in Carnegie's steel mills. Land value taxes grew in popularity in Pennsylvania well into the mid-1900s. But there was a serious problem. Municipalities seldom bothered to reassess the value of the land. Pittsburgh had to scrap the tax in 2001 after a backlash against land value reassessments sparked outrage from homeowners. "Pittsburgh went too long without revaluing," Youngman says. "If you fail to revalue, you'll have a revolt because you get sticker shock."

And even though the city had a land value tax system from 1913 to 2001, Pittsburgh still saw the gradual decline of its industrial base in the second half of the 20th century. Steel mills slowed their output after their postwar boom. The accompanying decline in tax revenue wasn't so much a failure of the land tax system as a

failure of local industries to keep pace with foreign competitors as steel-making advanced. Some critics felt the land tax was unjustly blamed for the economic collapse.

The land value tax didn't fail Pittsburgh as much as the political system did. For decades, city leaders balked at tax assessments, which had been lagging behind the real value of land since the 1940s. Rather than adjust the land assessments to match property values, the city instituted a property tax in 1954 to fill gaps in the budget. As residents continued to leave the city, its tax base continued to dwindle. Yet Pittsburgh's leaders could not muster the political will to reassess land values. By the mid-1990s, though, the city was forced to reassess property values to help pay for services. When the assessments for 2000-2001 came back, land value taxes jumped 81 percent and taxes on buildings by 43 percent. The new valuations were in line with the actual appreciation of the land. But affluent Pittsburgh residents angered by the steep increases rejected them and filed thousands of tax appeals. The city scrapped its land value tax. "The 2001 abandonment of the split-rate in Pittsburgh," University of Pennsylvania professor Mark A. Hughes wrote in 2005, "is a compelling example of the limited role that evidence often plays in policy decisions."

But Pittsburgh didn't abandon the tax idea completely. Since 1997, the city has used a pure land value tax to assess property within the confines of its central business district. After the Great Recession, downtown construction picked up. In the last 10 years, \$8.5 billion in development has either been constructed or planned, according to a report by the Pittsburgh Downtown Partnership.

Meanwhile, California was confronting some of the same problems, but with a different outcome. As the state boomed after World War II, its population tripled. With that rapid growth came a housing crunch that led to rapidly increasing residential property taxes. A tax revolt broke out in the 1970s, and in 1978, voters

approved Proposition 13, a ballot measure that rewrote the property tax system in the state. Property taxes were assessed at no more than 1 percent of residential or commercial building value and could only increase 2 percent per year.

Had the property tax reductions been accompanied by a significant land tax, George's theories might have been given a meaningful test. But land taxes were also kept low, which didn't promote the best use of property. With property taxes strictly limited, municipalities scrambled to attract car dealers, shopping malls and even parking lots to produce sales tax receipts. Improvements to the land were minimal, and the land itself brought in very little. One of the biggest losers was the state treasury.

But the biggest victim of all was the state's school system. Prop. 13 constricted

ALL PHOTOGRAPHS BY JESSICA KOURKOUNIS FOR KEYSTONE CROSSROADS, WHY



In 1989, Sears fled Millbourne. The land where the store once stood has been vacant ever since.





The Sears property was the single largest source of revenue for Millbourne.

the main source for school revenue. The largest state in the nation, with by far the largest economy, fell to 41st in per pupil spending. Recently, some school districts in the state have turned to a revenue scheme almost akin to George's land value tax. They are placing a flat tax on each parcel of land within a school district boundary, regardless of the improvements made on the land. The city of Oakland began imposing a vacant land tax earlier this year. It taxes owners of vacant lots \$6,000 per year, and vacant condominiums \$3,000 per year. The money will be used to address affordable housing and homelessness.

While California was struggling with its property tax system, some Pennsylvania cities still depended on a land tax. Harrisburg, the state capital, was using the land tax as a way of revitalizing its economy. In 1975, as industrial decline and white flight gripped Pennsylvania's rust belt, Harrisburg adopted its two-tiered land value tax. It took some time, but city leaders insisted that taxing vacant land rather than development would revitalize the downtown. There's some evidence they were right. Between the early 1980s and the early 2000s, the number of vacant buildings declined from more than 4,000 to about 500, and the number of businesses increased more than fourfold. Other Pennsylvania cities have followed Harrisburg's lead.

Aliquippa is one of them. A small working-class town west of Pittsburgh along the Ohio River, it was once home to Jones and Laughlin Steel. The J&L plant supported the town and its residents until it shuttered in the 1980s, leaving many of the workers without jobs and the town short on resources. Overnight, the city lost 30 percent of its tax revenue. "The amount of vacant land from the demolition of steel plants," says Joshua Vincent, president of the Center for the Study of Economics, "put extra pressure on out-of-work steel workers and businesses on Main Street." In 1988, Aliquippa adopted a land value tax. From that point on, land was taxed at more than seven times the rate of buildings. The impact

was immediate. Tax revenue from land alone jumped from less than one-fifth of city tax revenues to more than 80 percent. It was so successful that the school district followed suit in 1993.

**T**om Kramer became mayor of Millbourne in 2009, as the town was slowly emerging from economic distress. He had seen the community's decline firsthand, arriving just as the Sears facility had closed. It was a chance meeting with Dodson, the Temple University professor, that convinced him that a land value tax would be the right fit for Millbourne. Kramer was open to any ideas that would generate the revenue necessary to save the town fiscally, without placing any more burden on single-family homeowners. "The most important thing we needed to do," Kramer says, "was cut the residents' taxes."

Kramer faced strong headwinds from real estate interests. Even when the local political climate supports a land value tax, adoption is difficult. In Pennsylvania, as in most states, state law severely limits the ability of a municipality to make major changes to how it collects taxes. But Pennsylvania may be a straw in the wind.

Cities in most of the country have been forced for decades to compete with each other in offering lucrative tax breaks to lure in developers and businesses. Those schemes leave local governments short on cash to build and maintain infrastructure and services needed for commerce. "Giving these picayune tax breaks makes no sense," Vincent says. In the end, he believes, cities are repeating the mistakes of decades past. "The thing that cities want is someone to build the homes and offices," he says. "And the city is taxing the good part, the building itself." What it needs to tax, in his view, as in George's view more than a century ago, is the fundamental value of the land. **G**

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# STATE







# LABS

Congress  
can learn a  
lot from state  
legislatures.

BY DANIEL C. VOCK

**S**tate legislators who move on to Congress find one of their jobs unexpectedly and sometimes maddeningly difficult: the simple act of reading a bill.

Scoff if you like, but the task is not as easy as it sounds, particularly for legislation that amends existing law. In nearly all state legislatures, bills show the current law right alongside the changes that the proposal seeks to make. New language might, for example, be underlined, and deleted language struck through.

Congressional bills, though, don't show the existing law; they just describe the changes. So, in the 2017 Republican tax cut law, a provision states, "Paragraph (3) of section 162(m) is amended in subparagraph (B) by striking '4' and inserting '3.'" Without a copy of the United States Code handy, there's no way to tell that the provision changes the number of top earners in a publicly traded company who will have their salary disclosed to shareholders. Provisions like that are littered throughout the 2,053-page law—and almost every piece of legislation Congress passes.

U.S. Rep. Tom Graves, a Republican who served in the Georgia House of Representatives, doesn't understand why bills in Congress are so hard to read, when virtually every state makes it

easier. "Here in Congress," he says, "there seems to be a cloak or a veil over any kind of changes to the legislative text."

The situation has been so frustrating that a special U.S. House committee on which Graves serves has made changing it a top recommendation for how to modernize Congress. The committee has turned repeatedly to experts in state legislatures, among others, to deal with not just the unreadability of legislation but some of Congress' other long-standing and frustrating procedural flaws.

If you take a step back, it quickly becomes apparent that many of Congress' persistent problems don't exist at the state level. Admittedly, Congress deals with a wider range of issues and does so under much more intense scrutiny than state legislatures do. Still, that doesn't explain why, for example, members of Congress often don't attend subcommittee meetings. Or why it takes 15 minutes or more for the 435-member U.S. House to vote on a bill, when it takes the 400-member New Hampshire House 30 seconds. It doesn't entirely explain why budget crises at the federal level seem to pop up at random, at all times of the year, or why even the regular budget and appropriations process is so much more opaque at the federal level than in most states.

There's a lot, in other words, that Congress could learn from state legislatures if its members wanted to. And you'd think they would want to. As many as 45 percent of all current members of



Bills in Congress are hard to read. U.S. Rep. Tom Graves, a Republican, and Democratic Rep. Derek Kilmer, right, lead a special committee that have made changing the situation one of their top recommendations.

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Congress once served in state legislatures. Even if state legislative practices aren't perfect solutions for Congress, they can help illuminate why so many of Congress' current procedures leave federal lawmakers, interest groups and the public so frequently frustrated.

One of the most striking differences between Congress and state legislatures, says Bill Pound, who served as executive director of the National Conference of State Legislatures (NCSL) for more than 30 years, is how they use time. The differences are apparent in everything from their yearly calendars to the way committee meetings are conducted.

There's a certain rhythm to a state legislative session. Most legislatures meet every year, with the exception of Montana, Nevada, North Dakota and Texas, which typically meet every other year. Initially, members focus on drafting and introducing bills. Then a series of deadlines quickly winnows out bills that aren't viable. When members are working to shepherd their ideas through committee, most of the legislature's attention is on hearings in those committees. Then the chamber's attention turns to floor debates to consider the bills that made it through the committee process. Midway through the session, the process repeats itself, as bills that passed one chamber move across the Capitol to the other chamber. Lawmakers again focus on committee work, and then shift to the floor. The sessions may end in seeming chaos, as bargaining over the finer details of big-ticket items, often including the budget, stretches to the eleventh hour. But finally, somewhat miraculously, the gavel drops and the legislature adjourns, usually on the exact day specified by law.

The congressional process is a lot more haphazard. Once a given Congress convenes, it meets pretty much all year round for two years. On paper, a 1974 law sets a framework for Congress' annual schedule by imposing deadlines for the yearly budget and appropriations process, beginning with the president submitting a budget proposal in February and ending when the federal fiscal year starts in October. The process calls for Congress to establish an overarching budget blueprint, and then to pass 12 separate appropriations bills that fill out the spending details under that budget. In practice, that process has been all but discarded in recent years. Congress has turned either to omnibus legislation—incorporating many, if not all, of the appropriations bills in one unwieldy package—or to continuing resolutions that simply extend existing spending authority with minor changes. The only real deadlines that drive the legislative process in Congress are usually self-imposed, as appropriations or major laws reach their expiration date and have to be extended to keep the government functioning.

Congressional leaders have increasingly derailed the process for non-budgetary legislation as well. Instead of being hashed out in committee, bills are increasingly negotiated behind closed doors

and unveiled shortly before a vote. Members not only have no way to understand the details of the legislation they read; often they have no time to read it at all.

Committee hearings and floor votes take place simultaneously, all session long. Committees meet even when there's action on the House or Senate floor, which means that members suddenly depart their hearings in the middle of witness testimony to cast floor votes. Because committees usually meet in the House and Senate office buildings ringing Capitol Hill, members must hustle through a warren of subterranean tunnels (or take the basement subway) to get to the Capitol before floor votes close. The fact that so many members are busy with committee work during floor sessions also means that few members are actually in the House or Senate chambers when bills are up for debate.

U.S. Rep. Don Beyer, a Democrat who presided over the Virginia Senate when he served as lieutenant governor, complained recently about the House's chaotic schedule. In Virginia, he noted, work every morning would start on the chamber floor, before members broke off to handle committee work and other tasks. "Instead of running back and forth and back and forth and back and forth," he says, "we would come, we would focus, we would work, we would do our job, then we [would] get back to the many, many other priorities that go into being a successful legislator."

"There has to be a much more sensible way [than how Congress does it]," Beyer says, "and I suspect most of our state legislatures have figured this out." The 400-member New Hampshire House of Representatives offers one example. It is the only state legislative body that comes close to the size of the U.S. House in sheer number of members. But it operates under a completely different ethos. The New Hampshire House's internal rules require the chamber to hold hearings on every piece of legislation introduced there and, furthermore, the full chamber must vote on every bill. And yet the legislature still usually adjourns by early July every year.

Paul Smith, the clerk of the New Hampshire House, says the way the chamber operates—its rule that no bill can be killed in committee, for example—distinguishes the New Hampshire House as much as its size. "We have a very open government here in the state," he says. "The transparency we've adopted stems from the public's right to know. That's something we take seriously."

## One of the most striking differences between the organization of Congress and state legislatures is how they use time.

It's not just frazzled federal lawmakers who suffer because of Congress' poor time management; it's the public, too. The hectic and unpredictable schedules on Capitol Hill are a major reason why lawmakers put committee hearings low on their list of priorities. But committee hearings are the one formal venue that

ordinary citizens have in which to address their representatives.

The comedian Jon Stewart excoriated members of Congress in June for not taking their committee duties more seriously, noting the seemingly sparse attendance at a House subcommittee hearing to consider funding to provide medical care for first responders after the September 2001 terrorist attacks. “As I sit here today, I can’t help but think what an incredible metaphor this room is for the entire process that getting health care and benefits for 9/11 first responders has come to,” Stewart told the subcommittee. “Behind me, a filled room of 9/11 first responders; and in front of me, a nearly empty Congress.”

Congressional hearings are designed to allow every lawmaker on the panel to speak, more than to gather expertise or information from the witnesses who appear before them. First, the top-ranking members of each party provide an opening statement. Then the witnesses are allowed to speak for up to five minutes apiece. After they conclude, each member of the panel gets five minutes to either question the witnesses or offer his or her own thoughts on the subject. They normally leave after their turn is over. Cameras from C-SPAN capture lawmakers’ remarks, even on the most mundane of subjects.

The congressional hearings amount to “political theater,” says Pound, the longtime NCSL director. Showmanship will always

be part of politics, he acknowledges, but committee hearings at the state level tend to be more focused on getting public feedback about specific proposals. “At most state legislative hearings, hell, anybody can testify,” Pound notes. “Citizens, real citizens, can testify. Anyone can sign up at the beginning, and sometimes hearings drone on for hours. They may be limited to five minutes or something, but [lawmakers] still listen to them.”

Statehouse regulars sometimes opt to file witness slips instead of offering oral testimony. The slips let lawmakers know whether interest groups are supporting, opposing or staying neutral on legislation. They are usually entered into the official committee records, so the public knows where key constituencies stand. What’s more, whether they testify or quietly register their stance, lobbyists and subject-matter experts can publicly discuss the ins-and-outs of the legislation that lawmakers are considering. The meetings seem to be more about information gathering than about value signaling.

“In a state legislature, there are ways in which you can see the process more directly if you take the initiative, although most people don’t,” says Kelly Dittmar, a political science professor at Rutgers University. But with an ever-present media, vigilant lobbyists and heightened political polarization, members of Congress



**Jon Stewart excoriated members of Congress in June for not attending subcommittee meetings.**

REUTERS



are wary of having frank discussions in public. “In both Congress and state legislatures, a lot happens behind the scenes,” Dittmar says, “but even more of the policy process happens behind the scenes in Congress.”

**C**ongress passes far fewer bills, both as a percentage of those introduced and as a raw number, than state legislatures. That has big implications for how both institutions work.

During the last Congress, members introduced nearly 11,200 bills over two years. Only 416 of them became law. (Of the new federal laws, 83 renamed post offices.) But even including those, less than 4 percent of bills introduced became law. State legislatures, on the other hand, pass about a quarter of the bills that are offered. The percentage varies widely by state, from 5 percent in Minnesota to 86 percent in Maine, according to an analysis of 2013–2014 data from CQ State Track. But no state legislature had a lower percentage of enactments than Congress. “A lot of bill introductions in state legislatures are for the purpose of policymaking and getting things done,” says Andrea Hatcher, the chair of the political science department at Sewanee: The University of the South. “A lot of bill introductions in the U.S. House are less a matter of actual policymaking and more for signaling purposes.”

With little chance that their bills will actually become law, members of Congress draft legislation to communicate with constituents, special interests and lobbyists. Members can discuss their ideas with residents of their district. They can work up short floor speeches about their pet projects. They can promote their bills and speeches on their websites, social media and even fundraising pitches. “Many times,” Hatcher says, “that’s enough of a signal to constituents or to special interests that they’re doing their job.”

But given Congress’ low output, it’s easy to see why outsiders sometimes talk derisively about a “do-nothing Congress.” The fact that the last Congress ended amid a partial shutdown of the federal government doesn’t help. The numbers can be a bit misleading, though, because some of the bills that Congress passes are huge. Any bill, especially an appropriations bill, that is seen as “must-pass” legislation tends to attract enormous attention, and lawmakers clamor to include their long-sought changes. Everybody knows there are only a few sure trips to the president’s desk, so they all try to climb on board if they can. The added provisions are called “riders.”

Legislative leaders can use riders to attract more votes, especially if the must-pass bill is controversial. Other times, lawmakers use their clout to get their favored causes on an easy path to the law books. The House has fairly strict germaneness requirements; the

Senate doesn’t. But they do not prevent riders from establishing laws ranging from restrictions on abortion to controversial new security requirements for state driver’s licenses.

Two common features of state government limit the proliferation of riders in legislatures (at least, compared with Congress). One is that most governors have line-item veto powers, which allows them to strike out individual parts of bills that reach their desks. But the more important one is that nearly all states have language in their constitutions that limits the scope of bills to a single subject.

Changing that situation at the federal level would require amendments to the U.S. Constitution. Congress tried to give the president line-item veto power in the 1990s, but the U.S. Supreme Court ruled that it was unconstitutional because it gave the president powers reserved for the legislative branch. A single-subject rule would likely also need to be added to the U.S. Constitution; if it were put into place by a simple resolution or even a statute, it could easily be amended or repealed.

Even with the single-subject rule enshrined in so many state constitutions, the effect of those provisions does vary widely by state. State courts must decide how much they are willing to meddle with the inner workings of the legislative branch. “The implementation of the states’ various single-subject rules has had mixed success, at best,” wrote lawyers Stanley Kaminski and Elinor Hart. “Even though the rule seems plain on its face, state courts around the country have interpreted the

single-subject rule in most interesting and creative ways.”

Still, the states are sticklers for germaneness compared to Congress, where members don’t have much of a choice when it comes to playing along with the rules that allow riders if they want to get their own legislative priorities passed.

Inevitably, any discussion of the inefficiency of Congress turns to the dominant role that money plays in politics. From the moment they get elected, members of Congress have to worry about raising money for the next campaign. That’s especially true in the House, where they are never more than two years away from reelection. The pressure is intense enough to detract from their other duties.

Studies that look at how members of Congress spend their days make that clear. Candidates can get only \$2,800 from an individual donor for any one election, so funding a campaign takes a lot of donors. The federal lawmakers spend long hours most weeks making phone calls, meeting potential contributors and attending fundraising events. None of that can happen in government offices on Capitol Hill, so members duck out to nearby private offices or residences to make their pitch. They try to stay close enough to the Capitol that they can get back in 15 minutes for a floor vote. But they are less likely to rush back for committee

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meetings. “If you know you have to raise \$100,000 a quarter for your campaign, are you going to meet with a bundler who could potentially raise \$50,000 for you, or are you going to attend a subcommittee on a policy, when that hearing is one of 42 on that subject?” asks Jennifer Nicoll Victor, a political science professor at George Mason University. “It’s more beneficial to you, if you’re trying to keep your job, to meet with that bundler. So you can see why there are not that many people at subcommittee hearings.”

Campaign fundraising is a big deal in the states, too, but it doesn’t take lawmakers away from their core duties in the same way as it does in Congress. Half of the states ban or severely restrict the campaign contributions lawmakers can receive on legislative session days.



**Kilmer says the creation of the Select Committee on the Modernization of Congress is a positive step. “It is not crazy to think that this sort of analysis could happen more regularly,” he says.**

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**F**ifty years ago, state legislatures went through their own wave of modernizations. They saw how Congress had begun professionalizing its work. States started adopting some of those same ideas: independent auditing agencies, legislative budget offices, lawyers who turned politicians’ ideas into legislative language. Legislatures began to meet more regularly, and for longer periods of time. NCSL was formed to help lawmakers and their staffs learn best practices and exchange policy ideas. This drive toward professionalism and transparency among legislatures still continues, even as the partisan divisions that were once emblematic of national politics have grown in state capitols, too.

Congress, meanwhile, has fallen behind. When Republicans took control in 1995, they started cutting staff, particularly at the nonpartisan support units that states had tried to replicate. They eliminated an entire agency that specifically explored science and technology issues, and trimmed other agencies. Those cuts have continued, even as party control has switched hands. The Congressional Research Service, the Government Accountability Office and the Congressional Budget Office lost 45 percent of their combined staffs from 1975 to 2015, according to the Brookings Institution. This is especially problematic when it comes to technology. Members complain that they can’t even get Wi-Fi access in the Capitol complex.

At one recent hearing on congressional modernization, members heard how the Washington state Capitol in Olympia not only has Wi-Fi everywhere, but how the entire campus is already 5G-ready. Witnesses can testify remotely from other parts of the state during committee hearings. The members of the modernization panel also heard about how the California Assembly has moved almost all of its day-to-day paperwork onto tablets. With

just a few taps, legislators in California can not only compare an amendment’s text to current law, but also compare different versions of proposed legislation, allowing them to see, for example, how an amendment might change the underlying bill. One enthusiastic congressman asked state tech experts if there might be some kind of software that would let committee chairs see whether their members had conflicts before scheduling a hearing. What he was asking for, basically, was a Microsoft Outlook calendar, something that can be found in corporate offices all across America.

There are signs of improvement. The House clerk is working on software to let lawmakers compare legislation to existing law. The Select Committee on the Modernization of Congress has already started to churn out recommendations. U.S. Rep. Derek Kilmer, the Washington state Democrat who chairs the committee, hopes the process will continue, even though past efforts have been short-lived. “It is not crazy to think that this sort of analysis could happen more regularly,” he says.

But any significant changes to congressional operations will ultimately depend on whether chamber leaders feel it’s in their best interest to shake things up. There’s no guarantee that will happen, at least not anytime soon. “The overwhelming presence of ideological polarization and strong partisanship in Congress has changed the use of legislative procedure,” says Hatcher, the Sewanee professor. “It doesn’t really incentivize a different way of doing things. It doesn’t really incentivize innovation or effective governance. It’s about winning the battle in the short term. They’ll focus on winning the war later.” **G**

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# Thought to Action:

## Honoring Teachers' Voices in Reshaping America's Schools



### Introduction

Communities across the country are engaged in critical conversations about how their schools can better meet the needs of today's students. Key to realizing this vision and driving local change is ensuring the voices of those closest to students — teachers — are at the forefront.

A great education begins with a great teacher. That is why the time is now to make the profession more sustainable. It needs to evolve in ways that better prepares teachers for the realities of today's classrooms, gives them opportunities to lead and innovate, and attracts a new generation of educators that reflects the changing demographics of the nation's

students. Along with longstanding concerns about economic security, teachers say that added leadership opportunities, more professional development and support, greater classroom autonomy, and more supportive administrators are among the factors that keep them in the profession, according to *Voices from the Classroom*, a 2018 survey of 1,000 district and public charter school teachers conducted by Educators for Excellence.<sup>1</sup>

Teachers are working together and partnering with forward-thinking organizations to address these key priorities. These experiences can serve as examples for state and local policymakers committed to supporting and retaining great educators.

“People who make the laws often don’t understand what educators are going through,” says Houston educator Shontoria Walker. “Without a teacher’s voice and stories guiding the process, something that’s meant to help can oftentimes actually hinder students.”<sup>2</sup>

## Evolving Teacher Training

It’s essential that teacher development programs incorporate best practices in efforts to recruit, train and increase the diversity of future educators. This includes ensuring teachers-in-training experience time in the classroom and are adequately prepared to serve students with diverse and varied learning needs, including English language learners and those with special needs.

Growing numbers of schools of education are changing, developing more intensive, hands-on preparation programs that give teachers-in-training practical experience, allowing them to spend significant time learning alongside and getting feedback from veteran educators. Organizations like the National Center for Teacher Residencies have launched more than 35 programs in 17 states.<sup>3</sup> Similarly, graduate education students from New York University’s Steinhardt Teacher Residency Program are paired with veteran teachers in city schools for a yearlong residency program. Over the course of the year, the teachers-in-training take on increasing responsibility in the classroom while completing coursework outside of school hours.

“From day one, you’re in school every single day,” says Aisha Siddiqui, a program graduate and science teacher.<sup>4</sup> To ensure educators are equipped to meet the needs of diverse learners, programs like Bank Street College of Education are training all teacher candidates to address the intellectual, linguistic and emotional strengths and needs of students learning English.

“The classrooms of today look much different than they did just a decade or two ago,” says Lindsay Jones, CEO of the National Center for Learning Disabilities. “By changing how we prepare teachers and ensuring they have the knowledge, skills and mindsets that will allow students with unique learning and attention needs to succeed, we will improve the educational experience for all students.”

This intense, hands-on preparation not only helps students, but leads to improved teacher retention. For example, New York City public school teachers who were part of one intensive urban teaching residency program were twice as likely to remain in the classroom over time when compared to all new teachers.<sup>5</sup> Students also benefit from residency-trained educators. According to research, those taught by teachers trained in the same residency program performed as well as or better on state assessments than those taught by teachers trained in other programs.<sup>6</sup>

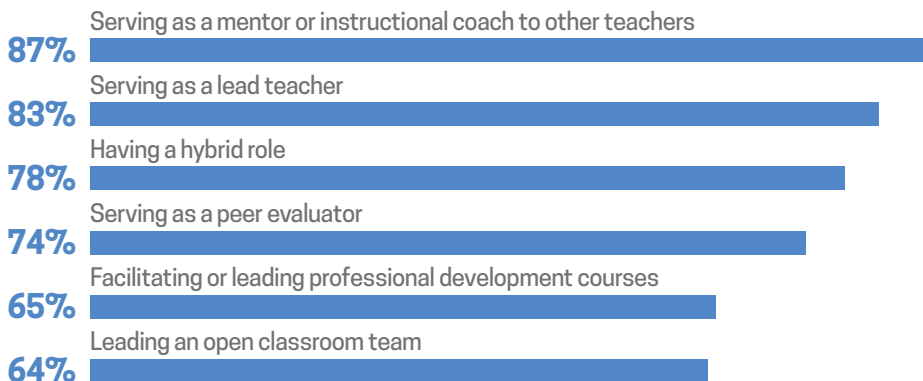
## Professional Growth Without Leaving The Classroom

For too long, teachers seeking leadership roles were forced to leave their classrooms and become an administrator. In recent years, innovative schools and systems have worked to change this — developing a range of roles and opportunities that allow teachers to grow professionally and support their peers while continuing to teach.

More than 80 percent of teachers say they’re very interested in serving as a mentor, instructional coach or lead teacher, according to the Voices from the Classroom survey.<sup>7</sup> More than two-thirds are equally interested in serving as a peer evaluator, facilitating or leading professional development, or leading open classroom teams (see chart below). Beyond issues involving pay and benefits, teachers say leadership pathways are the strongest incentive to attract educators to the profession.

# Teachers’ Interest in Leadership Roles for Career Development

How interested would you be in each of the following for your career development?



Percent reporting “very interested” or “somewhat interested”

Source: *Voices from the Classroom: A Survey of America’s Educators*, Educators for Excellence, 2018





Despite an overwhelming demand from educators, fewer than half of those surveyed say their school's administrators share leadership responsibilities with staff, empower teachers to take on leadership roles, or provide the needed resources and support to enable them to do so effectively.

Some organizations are working to change this. For example, 4.0 Schools — a nonprofit education incubator — provides support to educators interested in piloting and expanding ideas to dramatically increase student achievement.<sup>8</sup> 4.0 Fellow Meghan Mekita, for example, created NOLA Future Educators, a nonprofit that allows New Orleans high school students to shadow teachers to spark their interest in the profession.

"I had a hard time seeing myself [as an entrepreneur]," Mekita says. "Now, I truly believe every high school in New Orleans needs this program."

Other entrepreneurial educators go on to launch schools of their own. Jonathan Johnson, a former New Orleans eighth-grade teacher, founded the Rooted School, which focuses on technology-based curriculum to help ensure all students can get jobs in high-wage industries right out of high school.<sup>9</sup>

"We are establishing a pipeline of talent to tech companies. We're doing that by treating these companies as the customer and their entry-level openings as the opportunity," Johnson says.

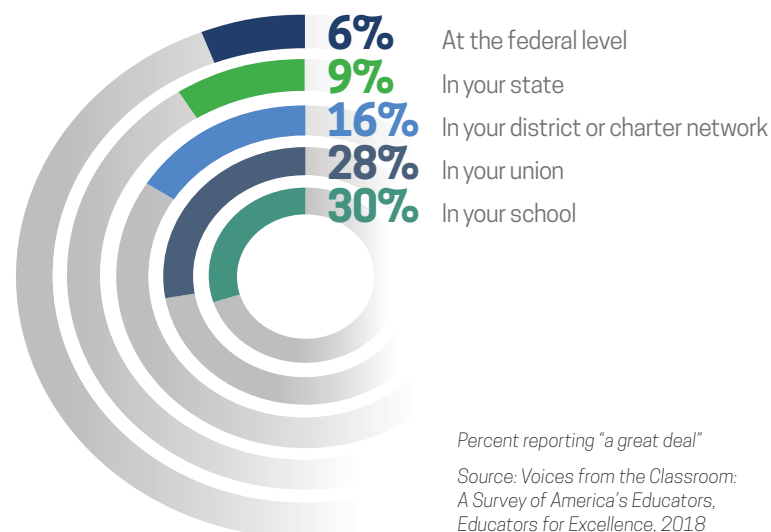
### Leadership Beyond The Classroom

Nearly all teachers (96 percent) also want opportunities to impact the profession and their students beyond the classroom. Yet very few believe their perspectives influence federal, state, district or school policies.

Teach Plus is working to change this. Its fellowship programs train highly effective educators to become advocates by engaging with policymakers, the general public and the media. In Indiana, Teach Plus fellows heavily influenced the Every Student Succeeds Act (ESSA) implementation plan.<sup>10</sup>

"The profound and lasting influence that we have on our students is why we must also reach outside of our classrooms to be deeply and meaningfully engaged in shaping the policies that affect them," says Jean Russell, a Teach Plus fellow who was also Indiana's 2016 Teacher of the Year.

## Teacher Perspective Not Represented





## Reflecting Today's Students

A significant research base<sup>11</sup> shows greater teacher diversity within a school yields higher expectations,<sup>12</sup> lower discipline referral rates<sup>13</sup> and better academic results for all students,<sup>14</sup> especially students of color. But even though students of color now comprise more than half of the nation's K-12 student population, fewer than one in five educators identify as people of color.

Programs that attract and support diverse teaching candidates can help the nation's teaching workforce more closely reflect the students it serves. For example, loans for teachers-in-training at Indianapolis' Marian University are completely forgiven after successfully completing their studies and teaching in a high-poverty Indianapolis school for two years post-graduation. This program has allowed Marian's Klipsch Educators College to increase new teacher diversity from 7.5 percent to 25 percent over just two years.

National organizations like NewSchools Venture Fund (NSVF) are also seeking new and innovative approaches to foster teacher diversity. Earlier this year, NSVF announced plans to support as many as 14 new organizations focused on recruiting, developing and retaining Black, Latino, Asian/Pacific Islander and Native American/Alaskan Native teachers in preK-12 classrooms.

"You cannot be what you cannot see," says Washington, D.C., teacher Davian Morgan. "I choose to be an elementary school teacher so my students can see someone who looks like them leading a classroom."<sup>15</sup>

## Bringing It Together

Elevating teachers' voices in critical conversations that shape the future of education will ensure a profession for the teachers of tomorrow that can both change children's lives and attract millions

more to the career. What they're calling for — improving teacher training, fostering diversity, rewarding innovation, and supporting teachers in and beyond the classroom — will ultimately create a more sustainable profession and stronger schools for students. Local schools and systems will find themselves better able to serve students when they prioritize the voices of those in the classroom every day.

Endnotes:

1. [https://e4e.org/sites/default/files/2018\\_voices\\_from\\_the\\_classroom\\_fact\\_sheet.pdf](https://e4e.org/sites/default/files/2018_voices_from_the_classroom_fact_sheet.pdf)
2. <https://www.waltonfamilyfoundation.org/stories/k-12-education/to-motivate-students-make-it-personal>
3. <https://www.waltonfamilyfoundation.org/about-us/newsroom/walton-family-foundation-supports-traditional-colleges-of-education-diverse-teacher-pipelines-across-the-country>
4. <https://www.waltonfamilyfoundation.org/stories/k-12-education/for-aspiring-teachers-an-education-that-starts-in-the-classroom>
5. [http://rockman.com/docs/downloads/TQPXCombinedReport\\_10.23.18-1.pdf](http://rockman.com/docs/downloads/TQPXCombinedReport_10.23.18-1.pdf)
6. Ibid.
7. [https://e4e.org/sites/default/files/2018\\_voices\\_from\\_the\\_classroom\\_fact\\_sheet.pdf](https://e4e.org/sites/default/files/2018_voices_from_the_classroom_fact_sheet.pdf)
8. <https://www.waltonfamilyfoundation.org/about-us/newsroom/4-0-launches-15m-fund-to-grow-the-field-of-education-entrepreneurs-and-expand-innovative-approaches-to-new-schools>
9. <https://www.waltonfamilyfoundation.org/stories/k-12-education/new-orleans-school-aims-to-put-students-on-fast-track-to-flourish-in-college-and-career>
10. <https://www.waltonfamilyfoundation.org/stories/k-12-education/in-indiana-teachers-help-shape-state-education-plan>
11. [https://drive.google.com/file/d/1kt93h8ZV16SsDffQFCCSjS\\_IqqnBoHw/view](https://drive.google.com/file/d/1kt93h8ZV16SsDffQFCCSjS_IqqnBoHw/view)
12. <http://releases.jhu.edu/2016/03/30/race-biases-teachers-expectations-for-students/>
13. <https://aefpweb.org/sites/default/files/webform/41/Race%20Match,%20Disruptive%20Behavior,%20and%20School%20Suspension.pdf>
14. [https://drive.google.com/file/d/1kt93h8ZV16SsDffQFCCSjS\\_IqqnBoHw/view](https://drive.google.com/file/d/1kt93h8ZV16SsDffQFCCSjS_IqqnBoHw/view)
15. <https://www.waltonfamilyfoundation.org/stories/k-12-education/to-engage-students-d-c-teacher-builds-cultural-connections-in-the-classroom>

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## About-Face

Three American cities have now banned the use of facial recognition technology by local government amid concerns it's inaccurate and biased.

**O**akland, Calif., in July became the third U.S. city to ban the use of facial recognition technology by local government, following prohibitions enacted earlier this year in San Francisco and Somerville, Mass. Berkeley, Calif., is also weighing a ban.

The Oakland City Council voted for the ban unanimously on the grounds that the software is often inaccurate, especially when identifying people who aren't white men. "Not only does the technology pose the risk that people will be misidentified as wanted criminals," says Council President Rebecca Kaplan, "but it's disproportionately black people and women who are misidentified."

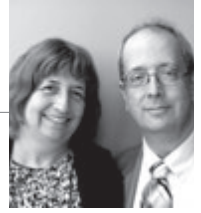
Studies support Kaplan's claims. Last year, researchers from the Massachusetts Institute of Technology and Stanford University found both "skin-type and gender biases" in facial recognition programs used by major technology companies. A study by the American Civil Liberties Union found that the software used by Amazon "incorrectly matched 28 members of Congress, identifying them as other people who have been arrested for a crime."

Brian Hofer, chair of Oakland's Privacy Advisory Commission, says the public is increasingly troubled by the "creepy" cumulative effect of government surveillance. He thinks the proliferation of facial

recognition could "obliterate the First Amendment" and result in "millions if not billions of cameras" in the public square. "It'll be super easy to find out that I'm going to a certain church," he says, "or to a doctor that only specializes in cancer, or to an abortion clinic."

These concerns are not merely speculative. Oakland's ban comes amid fallout from reporting by *The Washington Post* that federal investigators have been scanning the photos of millions of Americans in state driver's license databases without the permission of those citizens. Facial recognition is already central to the Chinese government's current ethnic profiling of Muslims. —Graham Vyse

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# Testing Period

Pilot programs don't always fly right.

**M**any cities have a common problem: the metal grates put around trees to protect them. As tree roots grow, they can shove up the protective material and create tripping hazards on surrounding sidewalks, opening cities to lawsuits.

Recently, Stamford, Conn., went looking for a fix to this problem. City leaders decided to try replacing the grates with a more flexible material. They found one made from recycled tires and other materials bound with moisture-cured polyurethane.

The new grates sounded like a good idea, but Erin McKenna, associate planner of Stamford's Land Use Bureau, was concerned that the new material might not hold up for more than a year or two and could wind up failing a cost-benefit test. She, as well as others in the city, decided to establish a pilot program for the project. With some 200 trees with metal grates throughout the city, officials wanted to avoid putting in an unproven material at a total cost of

nearly \$160,000. The pilot started with one tree and has now expanded to four more, at a cost of about \$250 apiece (the vendor is sharing the expense). Not only was the pilot set up to help preclude overspending and safety hazards, it was also established to allow the city time to gauge the reaction of store and restaurant owners whose businesses fronted these trees.

Pilots—for programs ranging from a new model of fire engine to teen pregnancy prevention efforts—are an accepted management technique almost everywhere. Unfortunately, there are lots of ways to get tripped up by them.

One such way is when a portion of a town's residents are given access to the benefits of the pilot program. As officials await results on the program's efficacy, those residents can become accustomed to the idea that they will have these new goods or services forever. "I don't think citizens are aware that they're getting support from a pilot," says Marv Weidner, founder and

CEO of Managing Results LLC. So, if the ultimate decision is made that permanently implementing the pilot program would be too expensive, those who've enjoyed the benefits of the new service will lose it. "This can be cruel," says Weidner, "if people are getting healthier or more self-sufficient with a pilot and then the money goes away."

In some cases, even though the pilots may be intended to help save money, they may end up being costly or set up in a way that makes it difficult to measure how well they are performing. As far back as 2008, North Carolina's Fiscal Research Division reported that the state's pilot programs had "flaws in evaluation design." These drawbacks included such managerial no-no's as a lack of controls and inadequate time frames for measuring outcomes.

Although legislation was passed in 2017 to improve the way pilots are constructed and managed, North Carolina legislators have never seemed keen to use pilots to guide action. "If they got bad news about something they wanted to try, they'd tell the assessor to go away for a while, and then they'd try it out anyhow," says John Turcotte, director of program evaluation for the state.

Many observers are particularly concerned that a pilot program that is very successful for a portion of the city, county or state—geographically or demographically—may not be scalable to the entire entity, especially if the pilot program isn't truly representative. Too often the pilot locations aren't thought through thoroughly.

It might sound like we're condemning pilot programs. That's certainly not our intent. Rather, it's to offer a series of cautionary notes. With the right planning and parameters, pilot programs can be designed in a solid way that leads to successful results. **G**

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# Government in a Cynical Age

It's up to public servants to restore people's faith in government.

**W**hen I learned that *Governing* was closing and I began to think about what I wanted to say to our readers in this final print edition, my mind went back to the words of then-Arkansas Gov. Mike Beebe at the dinner in 2012 where we recognized him as one of our Public Officials of the Year. Noting the accomplishments of the other leaders being honored that evening, he warned about “the cynicism that permeates our society and our government,” which, he said, “can cause all of these accomplishments to go for naught.”

What we need, he told the other honorees, is “somehow to do all we can to restore the faith of our people in a system of government that has stood us in good stead for over two centuries.” It was in that spirit that he suggested that “*Governing* magazine really does deserve the award. They deserve the award more than anybody does.” Those were kind words, and we appreciated that Beebe saw us as what we always aspired to be: an effective voice for better government.

To that end, we have worked to provide readers not only with information and ideas, but also to connect them with allies who could help them have an impact. As journalists, we were unique in that while we were quick to point out where something was wrong or wasn't working, we were always on the side of dedicated public leaders and wanted them to succeed.

The work of *Governing* has been so important because state and local government is so essential—particularly in an era of retrenchment and political gridlock at the federal level—while the work of actually governing is so hard. Governments provide essential services, from public safety and infrastructure to education and health care, but perhaps the most important responsibility, and the most difficult path, is to be a careful fiscal steward.



Former Arkansas Gov.  
Mike Beebe

A willingness to take the difficult path is what distinguishes so many of the public leaders I've encountered in my time with *Governing*. They know, as Beebe put it that night, that despite its faults ours is “still the greatest form of self-government that's been created on this planet,” one that “deserves to be maintained and sustained.”

The cynicism Beebe decried in 2012 is even more intense now, and the people who lead our state and local governments need help and support more than ever. I fervently hope that, in some form or fashion, the void we are leaving will be filled. **G**

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# High on Pot Taxes

Is there a revenue jackpot for states that legalize marijuana?

**V**isit the online menu of marijuana producer [Krane](#), and you'll glimpse the blossoming world of artisanal pot—a burgeoning industry made possible by states' momentum toward legalization. Strains like Sweet and Sour Cindy offer “an earthy mix of grape, apricot and chocolate undertones,” while Millennium Kush consists of “tropical notes” and a “citrus aroma.” “We're really about trying to promote wellness, whether it's a straight medical use or de-stressing or whatever else,” says CEO Kris Krane of 4Front Ventures, [Krane](#)'s parent company.

Krane's business is booming. He'll be operating at least 15 stores in seven states by year's end. Meanwhile, states are hoping his good fortune benefits their coffers as well. Legalization advocates have promised big potential tax revenues from pot sales. In Illinois, which legalized marijuana in June, a study predicted yearly revenues as high as \$676 million. Early legalizer Colorado has reaped a windfall of more than \$1 billion in total collections since 2014.

Nevertheless, states shouldn't assume a guaranteed jackpot for their budgets. California collected \$82 million in its first six months of sales, falling far short of projected revenues of \$185 million. In Massachusetts, revenue officials projecting \$63 million in taxes by June 2018 had collected a paltry \$5.9 million as of that March. Even in Colorado, revenues may have plateaued, according to a market analysis commissioned by the Colorado Department of Revenue.

Why these disappointments? In California and Massachusetts, regulatory snafus delayed the licensing of stores and, consequently, tax collections. Massachusetts, for instance, had just nine licensed stores three months after legalization, while California had only 620 licensed stores statewide as of April 2019 (a



tiny number considering the state's estimated annual pot production of 14 million pounds).

While smarter regulation could help boost revenues, it can't change pot's shifting economics. Most of the nine states where recreational sales are currently legal impose excise taxes based on price, along with general sales taxes. (One exception is Alaska, which taxes retail sales by the ounce.) Sales and excise taxes work well when pot is relatively expensive, but as marijuana cultivation moves out of the shadows and into industrial-scale production, “you're going to see the price come down and your taxes going down with it,” says marijuana tax policy expert Pat Oglesby.

In Colorado, for instance, the state's market analysis reports that retail prices for cannabis fell 62 percent from 2014 to 2017. In Oregon, marijuana can now be had for as little as \$60 an ounce, compared to \$350 on the illegal market, according to Karen O'Keefe of the Marijuana Policy Project.

One way to grow revenues is to increase demand, but encouraging more pot consumption is hardly good public policy. As more states legalize, counting on out-of-state sales is also less viable. Colorado's “cannabis tourism” accounts for less than 10 percent of sales. States could raise the tax rate or shift to taxing by weight—but face bitter industry opposition. “You can only wring so much out of this industry before you choke it,” says National Cannabis Industry Association spokesman Morgan Fox.

State-owned pot shops are still another option. They're a long shot, but tax lawyer Oglesby favors them. “It's like the government liquor store,” he says. “They can adjust the price immediately, they're very good about keeping kids away, and they can keep the price where they want it.”

Cannabis Corner, in Stevenson, Wash., is so far the nation's only city-owned pot store. Launched in 2015, the store expects sales of about \$1.1 million this year.

But even with maximized revenue, pot taxes will likely only account for about 1 percent of overall state budgets, according to the Institute on Taxation and Economic Policy. The \$266 million Colorado collected in 2018, for instance, pales next to the state's \$15 billion in total revenues and \$32 billion budget.

The bottom line: States should legalize for public health and safety, not the money. Plugging budget holes with pot? It's, well, a pipe dream. **G**

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# The Two-Wheel Safety Illusion

**A**mong urban cycling infrastructure experts, conventional wisdom holds that when more women are biking, a city has built a successful cycling network. In too many American cities, though, a gruesome corollary to this rule is becoming apparent: When a city builds infrastructure that creates the illusion but not the reality of cycling safety, more women will die.

Urban cycling has long been mostly a male activity. As Evan Friss writes in a new history of cycling in New York City, the bike messengers who helped define the city's 1980s streets were virtually all men. Today's food delivery cyclists are predominantly male. And the bicycle commuting population skews heavily toward one gender. Citi Bike, New York's municipal bike-sharing service, reported in June that of the 36,096 riders that month who listed their gender, 25 percent were women.

But as skewed as those Citi Bike numbers may be, they reflect growth of about 3 percentage points for women over four years. In New York and elsewhere, more and more women are taking to two wheels. It may seem counterintuitive, but in large part that increase reflects the reality that women, on average, are more cautious on the road, as is borne out in automobile crash statistics. So when cities build bike lanes and make cycling more hospitable to everyone, it follows that more women will do it; they perceive it as less risky.

That's why an emerging phenomenon should worry urban transportation officials. As of mid-July, a record 15 cyclists had died on New York's streets, five more than in all of last year. Each death is a tragedy, of course, but four of those deaths stand out against historical statistics: Devra Freeland, Robyn Hightman, Aurilla Lawrence and Susan Moses were women. It's not just a New York phenomenon. In Boston in February, 69-year-old

**More women are cycling, and more are dying. It reflects an urban failure.**

Paula Sharaga was killed; in San Francisco in March, 30-year-old Tess Rothstein died. Both were hit by trucks.

These three cities have something in common: They've done extensive marketing to get more people to commute by bicycle, despite not having done enough of the more difficult work of building safe cycling networks.

It's likely that that failure was a factor in the death in July of Freeland, a 28-year-old artist who was emerging into an intersection from the sidewalk when she was run over by a truck driver who, by city ordinance, was not supposed to have such a large vehicle on a residential Brooklyn street. Adult cyclists are prohibited from sidewalks, but Freeland may have chosen to ride there because, with no bike lane available, she perceived it as safer than the street.

Even where cycling infrastructure exists, it's not necessarily adequate to provide genuine safety. Last year, 23-year-old Australian tourist Madison Jane Lyden died on Manhattan's Upper West Side, hit by a truck after a vehicle parked in a painted bike lane forced her into traffic.

Cities have done all cyclists a disservice in encouraging cycling without creating the physical and civil infrastructure cyclists need to be safe. "Women across the city can be an indicator species for the health of the city and the safety of our streets," says Ellen McDermott, co-deputy director of Transportation Alternatives, a New York street safety advocacy group. "But our infrastructure needs to catch up to the latent demand for biking in this city—fast."

Bike lanes should be separated from other traffic by a physical barrier, and car and truck speed limits should be lowered. The growing gender parity in the cycling body count points to a persistent urban failure: More people perceive it to be safe when it is nowhere near safe enough. **G**

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# Shamed in the Lunch Line

Cold PB&Js for students who can't pay? Some states are saying no.

**Y**ou've probably seen the news stories: A child goes through the school lunch line, but because of a negative balance in the family's lunch account, a cafeteria worker denies the student a hot lunch—or even throws it in the trash—and hands over something like a peanut butter and jelly sandwich. In July, a school district in Luzerne County, Pa., took things a step further, threatening parents who had unpaid lunch fees with the possibility that their children could be placed in foster care.

The county manager assured parents that that wouldn't happen. But while it might be easy to write off these so-called lunch shaming incidents as scattered events that went viral, the issue of unpaid meal balances is a real one for school districts. It's one that has been made trickier by federal policy dating from late in the Obama administration: The U.S. Department of Agriculture required school districts to develop some kind of policy on how to handle the delinquent balances, but did not specify what they had to require.

Still, the narrative that children across the country are getting their hot lunches snatched out of their hands overstates what's really going on, according to Crystal FitzSimons, who directs the Food Research and Action Center's work on school nutrition programs. "It isn't happening in every cafeteria," she says, "but it is happening, and we do need to address it."

At least 18 states now have some kind of legislation dealing with lunch shaming, according to FitzSimons' advocacy group. The laws in California, New Mexico, New York and Oregon are deemed the gold standard by child nutrition advocates because they offer a hot meal regardless of whether a child has debt and don't allow public reprimanding or stigmatizing, such as a hand stamp.



Those states' laws also require school officials to reach out to families about options. "Often when families accrue debt, it usually means they now qualify for a free or reduced cost lunch, so working on communicating that with them is important," FitzSimons says. "The issue is a complicated one because districts do struggle with meal fees and some districts do have meal debt. But we think the focus should be on the parents and how to deal with them."

State laws limiting lunch shaming might be seen as an unfunded mandate on school districts. Since Oregon enacted its legislation prohibiting schools from checking a student's balance when handing out lunches, the state's school districts have accrued more than \$1.3 million in unpaid lunch debt, according to the Oregon Association of School Business Officials.

Here and there, there have been private efforts to pick up the fiscal slack. Maine state Sen. Marianne Moore says that in her district, the local Rotary Club usually

covers whatever unpaid lunch debt has accrued over the school year, typically around \$10,000.

Her state passed its own anti-lunch shaming bill this year, prohibiting schools from punishing a student whose family owes money. Moore, a fiscally conservative Republican, co-sponsored the legislation and says that when she traveled around the state talking about it, she heard from school officials about how much in lunch deficits they'd already accumulated. "That was always the complaint," Moore says. "They would say it's costly, that they can't afford it."

But Moore feels passionately that every child should have access to a hot lunch because "it isn't their fault they're in debt, it's their parents." Still, she says she does understand that it could put some schools in a financial bind. "A lot of schools are going to have to get creative with funding," she says. **G**

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# Parks for All

'Park equity' gets a new focus as cities tackle inequality in all facets of public life.

**F**ive years ago, the San Francisco Recreation and Parks Department acquired a 5-acre brownfield property at India Basin, the city's easternmost point abutting the bay. It's a dusty, vacant strip of land, where the rusting remnants of a derelict boat yard protrude out onto scenic waterfront along-side warehouses and fields of yellowed grass. By 2025, however, that space will undergo a \$125 million renovation, becoming—in the words of the department's General Manager Phil Ginsburg—"an equitable, culturally relevant and beautiful waterfront park" connecting nearly 2 miles of shoreline near a low-income black neighborhood.

Ginsburg calls India Basin "one of the most important park projects in modern San Francisco history." It's part of a growing national movement for "park equity" or "reasonably equal access to quality parks," as described in a July report from City Parks Alliance and the Urban Institute. The idea is getting a renewed focus as equity in general moves to the forefront of most cities' agendas. Many are recognizing that poor and minority communities often lack parks, especially ones that are well-maintained with quality amenities and programming. The report notes that parks in high-poverty neighborhoods tend to be smaller and have more litter.

To address this inequity, several municipal governments are using public data to identify where parks need to be built or improved, all while endeavoring to let neighborhoods take the lead in creating these green spaces.

"We're actually hiring people from this community to be part of the planning of this park project at an executive level," Ginsburg says of India Basin. "We're not just asking them to show up at a community meeting. The idea is to do something special for this neighborhood, and have it be a space

where the community that lives there now feels welcome—like this was built by and for them."

The report identifies myriad ways other cities are making this a priority. Los Angeles created a citywide property tax assessment district bringing in \$25 million annually for youth infrastructure, including parks. The Red Rock Trail System in and around Birmingham, Ala., used federal grants and county funds to build 100 miles of trails connecting poor and affluent communities to recreational opportunities. Minneapolis crafted a six-year capital improvement plan featuring parks planning with an equity framework.

And Miami-Dade County, Fla., is analyzing how parks benefit specific groups of people. "In conducting community outreach," the report explains, "Miami-Dade County and the city of Brownsville, Texas, have included engagement strategies in Spanish to ensure the Latinx populations were included in the process and to help determine where investments for parks were being directed." Seattle took a similar approach in preparing a gap analysis report while drafting its comprehensive plan.

Park equity aims to promote equity in mental and physical health, but cities also

see this as an economic issue. "The creation and maintenance of strong park systems can encourage economic prosperity," the report finds, "particularly in low-income or disinvested communities, which might have higher vacancy rates and a less stable affordable housing stock. Infusing vibrancy back into public spaces transforms the perception of place and can become a strategy for wealth building for existing residents and businesses."

The report's authors caution against "green gentrification," wherein the creation of more and better parks contributes to pricing residents out of their neighborhoods. But planners can adopt the best practices of building parks on blighted or neglected lots, making sure construction and upgrades align with affordable housing goals, and, more than anything else, letting the needs of area residents guide the process.

In the meantime, the India Basin project moves forward. Construction won't start until 2021, but in June the Recreation and Parks Department, the Trust for Public Land and the San Francisco Parks Alliance invited public input on the park's design. **G**

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India Basin in San Francisco

# Building Better Businesses

*To help empower firms owned by women and people of color, these five cities worked to strengthen their local business ecosystems.*

At its economic apex in the mid-20th century, Rochester, N.Y., served as the headquarters for a number of industrial and technological giants matched by few other cities in the country. Xerox, Kodak, Western Union, and Bausch and Lomb all called Rochester home. Today, those companies have all either left or drastically scaled back their operations in the city, leaving Rochester's residents starved for work and economic opportunity. Nearly a third of its residents now live in poverty.

Rochester has long tried to boost the economic fortunes of its residents by proactively promoting local businesses, but that can be a challenge in a majority-minority city. This past year, Rochester joined four other cities across the country as part of the City Accelerator initiative, a collaboration between *Governing*, the Citi Foundation and the nonprofit Living Cities that aims to speed the adoption of innovative local government projects within and across cities that will have a significant impact on the lives of their residents, especially those with low incomes. In this most recent cohort of the program, the participating cities focused on building and sustaining their local business ecosystem, and learning and experimenting with strategies to support local firms, specifically businesses owned by women and entrepreneurs of color.

For Rochester, that meant implementing a two-pronged approach. The city created new training opportunities aimed at helping



El Paso created coworking spaces for small businesses in some of its libraries.

businesses owned by people of color gain the financial, managerial and marketing expertise necessary to grow and compete for local government contracts. The city also partnered with Kiva, the crowdsourced microloan firm that helps businesses secure the financing they need by soliciting bite-sized amounts of cash from local residents. In increments as small as \$25, people can lend money to a company to help it expand operations. Such alternative financing models can be critical lifelines for entrepreneurs

of color, who often don't have access to credit from traditional lending institutions and can seldom turn to friends and family for capital, says Amy Ventura, strategic initiatives manager for the city of Rochester. "Minority business owners don't have large enough networks to lean on."

In addition to Rochester, the cities of Atlanta; El Paso; Long Beach, Calif.; and Newark, N.J., worked in this year's City Accelerator program to find new ways to create employment opportunities and



improve local economic strength. “Cities have a role not only in attracting large multinational firms,” but also in supporting homegrown companies, says Rodrick Miller, president and CEO of Ascendant Global, an economic development firm that partners with the City Accelerator participants. “Cities can play a big role in growing businesses of color, but cities can’t do it alone.”

In a previous cohort of the initiative, other cities focused on the role that public procurement can play in helping to grow small businesses, by directing cities’ purchasing power to help support traditionally disadvantaged firms. But this year’s efforts targeted even smaller firms—those businesses that face challenges in growing large enough to even consider competing for government contracts. “As cities around the country continue to serve as engines of economic growth,” Miller says, “the struggle to make sure that growth is equitable continues.”

Like Rochester, Newark was once an industrial hub that has since seen companies and much of its population move away. It’s rich in resources—Newark has one of the busiest ports in the nation and an international airport only a few miles from Manhattan—yet more than one-quarter of its residents live in poverty. After decades of watching companies launch and thrive, only to then relocate out of the city, Newark officials are now focusing on a strategy of cultivating homegrown firms that will stick around even after they have successfully matured. “Local businesses hire locally,” says Bernel Hall, president and CEO of the Newark Economic Development Corporation. The city can help support them, Hall says, to ensure that “when they grow from a \$1 million business to a \$100 million business, they don’t leave.”

To do that, Newark has focused on better connecting existing disadvantaged businesses with city procurement opportunities. It created what it calls an “all-inclusive business portal” to help businesses owned by women and people of color with training and consultation on growing their brand, and to help those firms stay abreast of government contracting opportunities. The city is also partnering with Rutgers Business School to conduct a comprehensive

program to certify and license minority- and women-owned businesses to become eligible for state, county and city contracting opportunities. Building out that network of support, Hall says, will help sustain long-term opportunities for Newark entrepreneurs. “The people who have lived in Newark deserve to be able to build generational wealth,” he says.

Atlanta, meanwhile, faced a different problem. It has a long history as a model city for black-owned businesses. But in recent years, Atlanta has undergone a real estate boom that’s priced many small firms out. So the city is now focusing its efforts on helping small businesses secure commercial property. A centerpiece of its plan: shipping containers, which Atlanta hopes to convert into prefab small-business hubs. It’s helping firms purchase those containers, to get up and running quickly. The city has made progress, but not enough, says Southside Development Manager Erika Smith. “It’s still a cheaper option than a traditional brick-and-mortar building, but the idea that within a week we can plug-and-play is still aspirational.” One challenge has been financing. Banks and other lending institutions are reluctant to finance shipping containers, so Invest Atlanta, the city’s economic development authority, has created special loans to help businesses acquire the shipping containers. It’s also accepting money from angel investors and third parties to further assist in the financing.

In El Paso, the challenge isn’t expanding the number of businesses owned by people of color. It’s bridging the communications gap with those firms. Three-quarters of the businesses in the city, which sits on the U.S.-Mexico border, are owned by people

of color, including immigrants. But the city hasn’t done a good job of reaching out to them, says El Paso Marketing and Customer Relations Coordinator Jack Galindo. To help close the gap, El Paso pursued a high-tech strategy as well as a low-tech one. It launched a web portal called “Ask Laura” to help local businesses navigate city contracting opportunities. And it transformed public libraries into coworking spaces, creating an incubator-like atmosphere for emerging businesses that helps them network and grow.

Libraries also played a key role in the approach in Long Beach, the fifth city in this past year’s City Accelerator cohort. Like El Paso, Long Beach has leveraged its libraries, including the new Michelle Obama Neighborhood Library on the city’s north side, to conduct outreach to disadvantaged firms. It’s also focused squarely on helping build businesses’ financial skills, providing courses in planning, fiscal literacy and marketing. Like Rochester, Long Beach has also partnered with Kiva to help small businesses obtain short-term financing.

The five cities completed their partnership with the City Accelerator this summer, but their work in strengthening entrepreneurship among women and people of color has only begun. As these and other jurisdictions continue working to close the gender and race gaps on wealth and income, they must focus on integrating those efforts throughout city policy, rather than as an afterthought, says Rebecca Kauma, the project lead for economic and digital inclusion in Long Beach. “Equity should be baked into the process,” she says. “You can’t sprinkle equity on at the end.” —J. Brian Charles

Want a plan for implementing these strategies in your city? Go to **[governing.com/cityaccelerator](http://governing.com/cityaccelerator)**

The City Accelerator, an initiative of the Citi Foundation and Living Cities, works within and across cities to advance and promote the spread of promising innovations that will have a significant impact in the lives of residents.



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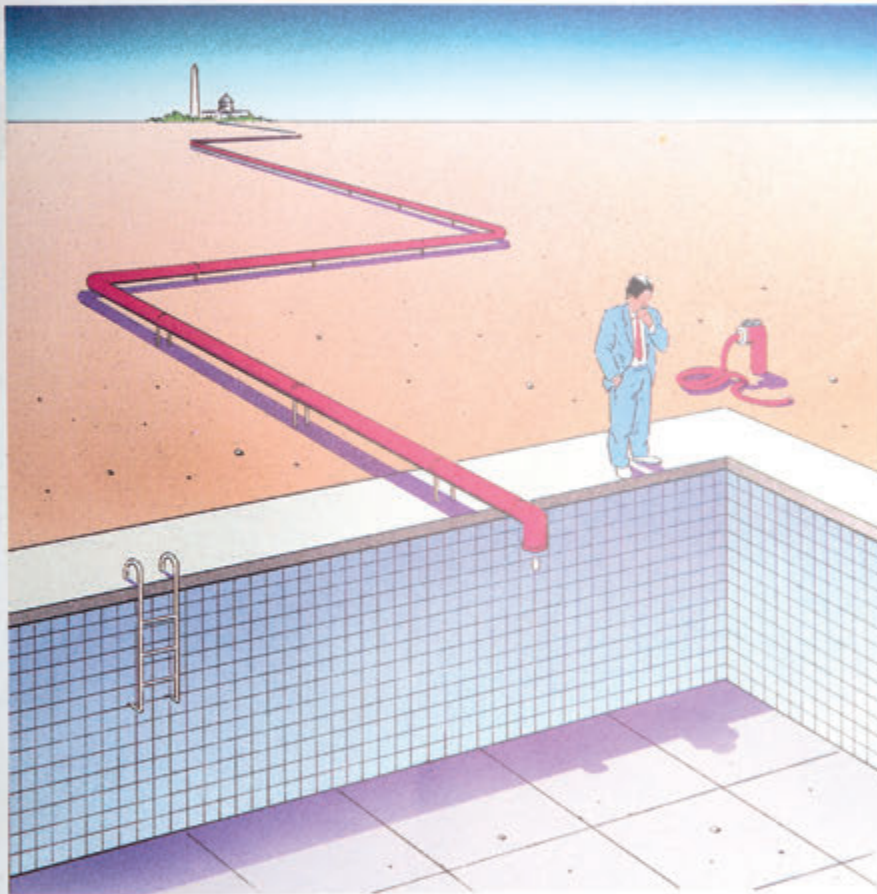
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