

# GOVERNING

THE STATES AND LOCALITIES

September 2018

A black and white photograph of a pencil resting diagonally across a test sheet. The test sheet features multiple-choice bubbles with numbers 1, 2, 3, and 4. Some numbers are visible, such as 138, 139, 146, 147, 148, and 149. The pencil is sharpened and has a black eraser at the top.

## LEARNING TO CHEAT

*How education  
reform has taught  
teachers to tamper  
with results*

# PROTECTING THE PUBLIC SECTOR FROM RANSOMWARE

State and local government agencies are being held hostage by malicious adversaries and software designed to steal data.

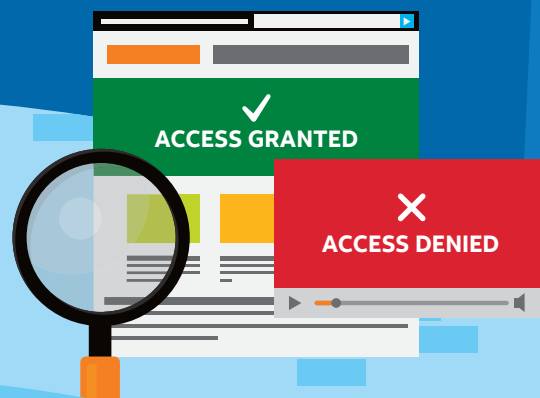
*How prepared is your organization to deal with a ransomware attack?*

Take 3 minutes to learn more:

[att.com/govsecurity](http://att.com/govsecurity)

## AT&T FIREWALLS

Fully managed security services to help prevent unauthorized access to your network



## AT&T THREAT MANAGER

At-a-glance, situational threat awareness for multiple sites and "state of the org" view



## AT&T CYBERSECURITY CONSULTING

Lifecycle approach to vulnerability, threat management and path to compliance



## AT&T SECURE EMAIL GATEWAY

Best in class e-mail filtering and threat detection



All AT&T Cybersecurity solutions are powered by AT&T Threat Intellect.

© 2017 AT&T Intellectual Property. All rights reserved. AT&T and the AT&T logo are trademarks of AT&T Intellectual Property.



# GOVERNING 09.2018



**Democrat Jared Polis is hoping to be Colorado's next governor.**

**24** **LEARNING TO CHEAT**  
Holding teachers accountable for student grades and graduation rates is a strong motivator. In many places, it's been a motivation to cheat.  
*By J. Brian Charles*

**32** **SHADES OF PURPLE**  
Colorado is one of the most closely divided states in the nation. In the race for governor, how far left is the state willing to go?  
*By Alan Greenblatt*

**40** **A ROAD LESS TRAVELED**  
It was America's first superhighway. Now much of it is abandoned.  
*By David Kidd*

**44** **NEW DAY IN THE FIRE HOUSE**  
The job of firefighter has changed almost beyond recognition. It's not easy to do—or to recruit those necessary to do it.  
*By Daniel C. Vock*

**50** **WHAT'S IN YOUR CAPITAL BUDGET?**  
Probably something that shouldn't be. The once-quiet place for horse-trading is increasingly being held hostage in partisan battles.  
*By Liz Farmer*

**56** **WHEN HOME IS A CAR**  
With rents on the rise, cities are grappling with a growing population of "vehicular homelessness"—a way of life considered illegal in many places.  
*By Mattie Quinn*



4 Publisher's Desk

6 Letters

## OBSERVER

9 **A Soda Shakedown**  
For purely tactical reasons, California has banned soda taxes.

11 **Rental Resurgence**  
Suburbs are seeing a boom in apartment construction.

12 **Confronting Jindal's Ghost**  
Louisiana is finally starting to fix its chronic budget problems.

## POLITICS + POLICY

14 **Assessments**  
Two Southern cities are making very different transit choices.

16 **Potomac Chronicle**  
When it comes to water, governments have learned to cooperate.

17 **Politics Watch**  
New rulings make access to public figures a constitutional right.

18 **Health**  
Rural Louisiana makes strides in reducing infant mortality.

20 **Green Government**  
Rhode Island is suing oil and gas companies over climate change.

22 **Economic Engines**  
An e-scooter "scourge"? Not so fast.

23 **Urban Notebook**  
In spurring growth, is big, flashy infrastructure the way to go?



SHUTTERSTOCK.COM

22

SHUTTERSTOCK.COM



14

## PROBLEM SOLVER

58 **Behind the Numbers**  
It's assumed the Supreme Court dealt unions a major political blow. But that may not be the case.

60 **Smart Management**  
Public procurement is dealing with a dearth of vendors.

61 **Better Government**  
Is pursuing integration as a policy the only way to achieve racial justice? Some think so.

62 **Public Money**  
Many cities have turned to criminal fines and fees as a revenue remedy.

64 **Last Look**  
There's only one state that has an "embassy" in the nation's capital.

APIMAGES.COM



60



# Question the ordinary *Imagine the extraordinary* Create the enduring

Expo Phase 2 was delivered on time and on budget.

For the first time in six decades, it's possible to travel from downtown LA to the beach by rail.



Expo Line, Phase 2  
Los Angeles, California

WSP's Role: Lead Designer

*Clients partner with WSP to mobilize communities from coast to coast, drawing on our expertise in the planning, design and management of transportation infrastructure.*

*Find out what we can do for you.*

# wsp

[wsp.com/usa](http://wsp.com/usa)

Formerly  
WSP | PARSONS BRINCKERHOFF

Join our team!



## Houses, Not Shelters

**M**attie Quinn's feature in this issue examines another variant in the increases in homelessness that cities are struggling with, in this case a surge in the number of people living in their cars. The situation is particularly troubling when you consider that the economy seems to be doing very well: We're in the second-longest economic expansion in modern history, with joblessness at historic lows.

If homelessness is a problem in good times, what will happen when the business cycle turns and the economy heads south? In the last recession, new housing starts dropped dramatically and have not recovered to anything near their pre-recession levels. Housing inventories are at historic lows. And too much of the housing we do have is vulnerable in a downturn. In July, the American Enterprise Institute (AEI) reported that its National Mortgage

Risk Index "shows that if we have another stress event, like the one from 2007, more than 27 percent of [Federal Housing Administration]-insured loans would be expected to default." That's about 2 million homes at risk.

City leaders are under enormous pressure to try to do something to "solve" the homelessness crisis, and not just out of compassion for those forced to live in shelters, on the streets or in their cars. Residents and businesses have escalated their complaints about the

negative impact of widespread homelessness on the quality of life. Some of the strategies governments have tried have worked to a certain extent, but as long as market forces remain as they are, the overall impact of these programs will be negligible.

Actions that would work *with* the market—changes in land use policies and zoning—have failed to gain much traction in the face of residents' objections to changing the character of a neighborhood or city. "We simply need to allow market actors, by right, to build economical housing in much greater quantities than we currently permit," says Lynn M. Fisher, co-director of the AEI Center on Housing Markets and Finance. "Even incremental density increases—upzoning from single family to duplexes or four-unit to eight-unit buildings—can make a big difference for the ability of a community to accommodate households at a wide range of prices and rents."

Public officials need to recognize that as the character of the country changes, with the proportion of people living in urban areas increasing dramatically, so must its cities. It's time to create the political will to redesign cities to house the people who need to live in them today.



**Mark Funkhouser, Publisher**

**Publisher** Mark Funkhouser

**Executive Editor** Zach Patton

**Managing Editor** Elizabeth Daigneau

**Senior Editors** Alan Ehrenhalt, John Martin

**Chief Copy Editor** Miriam Jones

**Copy Editors** Kate Albrecht, Lauren Harrison

**Staff Writers** J. Brian Charles, Liz Farmer, Alan Greenblatt, Mattie Quinn, Daniel C. Vock

**Correspondent** John Buntin

**Contributing Editor** Penelope Lemov

**Columnists** Katherine Barrett & Richard Greene, Scott Beyer, Mark Funkhouser, Nicole Gelinas, Peter A. Harkness, Donald F. Kettl, Anne Kim, Justin Marlowe, Alex Marshall

**Senior Editor, Governing.com** Caroline Cournoyer

**Data Editor, Governing.com** Mike Maciag

**Web Producer and Writer, Governing.com** Candice Norwood

**Chief Content Officer** Paul W. Taylor

**Director, Governing Institute** Julia Burrows

**Chief Design Officer** Kelly Martinelli

**Photo Editor** David Kidd

**Graphic Designer** Kale Mendonca

**Production Director** Stephan Widmaier

**Founder & Publisher Emeritus** Peter A. Harkness

**Advertising** 202-862-8802

**Associate Publishers** Shelley Ballard, Kim Frame, Stacy Ward-Probst

**Strategic Account Director** Paige Helling

**Chief Customer Success Officer** Arlene Boeger

**Office Manager** Alina Grant

**Marketing/Classified** [advertising@governing.com](mailto:advertising@governing.com)

**e.Republic Inc.**

**CEO** Dennis McKenna

**President** Cathilea Robinett

**Executive VP** Alan Cox

**CFO** Paul Harney

**CAO** Lisa Harney

**Reprint Information**

Reprints of all articles in this issue and past issues are available (500 minimum). Please direct inquiries for reprints and licensing to Wright's Media: 877-652-5295, [sales@wrightsmedia.com](mailto:sales@wrightsmedia.com)

**Subscription/Circulation Service**

Eenie Yang [eyang@governing.com](mailto:eyang@governing.com)

[www.governing.com/subscribe](http://www.governing.com/subscribe)

Governing (ISSN 0894-3842) is published monthly by e.Republic Inc., with offices at 1100 Connecticut Ave. NW, Suite 1300, Washington, DC. 20036 and at 100 Blue Ravine Road, Folsom, CA 95630. Telephone: 202-862-8802. Fax: 202-862-0032. Email: [mailbox@governing.com](mailto:mailbox@governing.com). Periodical postage paid in Washington, D.C., and at additional mailing offices. Copyright 2018 e.Republic Inc. All rights reserved. Reproduction in whole or in part without written permission of the publisher is prohibited. Governing, Governing.com and City & State are registered trademarks of e.Republic Inc.; unauthorized use is strictly prohibited. Postmaster: Send address changes to Governing, 100 Blue Ravine Road, Folsom, CA, 95630. Subscribers: Enclose mailing label from past issue. Allow six weeks. Member: BPA International. Made in the U.S.A.





# Know

integrated financial solutions can help  
to improve the communities you serve.

**PUBLIC FINANCE** | As you plan for the future of the communities you serve, know that PNC provides integrated banking and financial solutions to government institutions through a seamless business model. We offer the size and capabilities of the largest banks with the values and community focus of a Main Street bank. Whether you need insights on credit products, treasury management or capital markets, we can deliver comprehensive solutions with a collaborative, relationship-oriented approach. When you need end-to-end financial results, know that PNC is here to help.

*For more information, please visit [pnc.com/publicfinance](http://pnc.com/publicfinance) or contact Rob Dailey, Head of Public Finance, at 215-585-7357 or [robert.dailey@pnc.com](mailto:robert.dailey@pnc.com)*

**FINANCING | CAPITAL MARKETS | TREASURY MANAGEMENT | RISK MANAGEMENT | INVESTMENT MANAGEMENT**

PNC is a registered mark of The PNC Financial Services Group, Inc. ("PNC").

Bank deposit, treasury management and lending products and services, and investment and wealth management and fiduciary services, are provided by PNC Bank, National Association ("PNC Bank"), a wholly-owned subsidiary of The PNC Financial Services Group, Inc. ("PNC") and **Member FDIC**. Foreign exchange and derivative products (other than commodity derivatives) are obligations of PNC Bank. Equipment financing and leasing products are provided by PNC Equipment Finance, LLC, a wholly-owned subsidiary of PNC Bank. Merchant services are provided by PNC Merchant Services Company. Investment banking and capital markets activities are conducted by PNC through its subsidiaries including PNC and PNC Capital Markets LLC. Services such as public finance investment banking services, securities underwriting, and securities sales and trading are provided by PNC Capital Markets LLC. PNC Capital Markets LLC is a registered broker-dealer and member of FINRA and SIPC.

PNC Bank is not registered as a municipal advisor under the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Act"). Investment management and related products and services provided to a "municipal entity" or "obligated person" regarding "proceeds of municipal securities" (as such terms are defined in the Act) will be provided by PNC Capital Advisors, LLC, a wholly-owned subsidiary of PNC Bank.

**Investments: Not FDIC Insured. No Bank Guarantee. May Lose Value.**

©2018 The PNC Financial Services Group, Inc. All rights reserved.

CIB PF PDF 0318-061-743602





## Off Target

*In the July cover story “The Deadliest Drug,” J.B. Wogan looked at alcohol abuse and what states were doing to address it. Alcohol kills roughly 88,000 Americans each year, more than double the number of opioid deaths. And yet, Wogan wrote, America’s “alcohol policy is in a curious state of flux.” States and localities continue to tax alcoholic beverages in part to educate the public about the risks associated with drinking. But at the same time, they are passing laws that make alcohol easier to purchase.*

The suggestion that states have not made progress in reducing alcohol abuse is way off the mark: Rates of alcohol use disorder among women and men are at historic lows, according to the National Survey on Drug Use and Health. Underage drinking among high school students has dropped to a new historic low, according to the Centers for Disease Control and Prevention. And alcohol-impaired driving as a percent of overall traffic fatalities is at the lowest percentage since the National Highway Traffic Safety Administration began reporting the alcohol data in 1985.

Many lifestyle choices carry potential risks and benefits, and the consumption of alcohol is no exception. Studies have found that excessive drinking may cause

serious health problems. But studies have also shown that moderate alcohol consumption may be associated with a lower risk of all-cause mortality and cardiovascular disease compared to abstainers.

Additionally, it is the millions of moderate and responsible adult consumers who generate much-needed tax revenue and support hospitality jobs and businesses throughout every state and locality in the country.

The key is a focused approach aimed at the small minority of those who abuse beverage alcohol. One-size-fits-all policy prescriptions, including tax increases and Sunday sales bans, fail to address the problem of alcohol abuse and unfairly and negatively impact moderate and responsible consumers.

—David Wojnar, vice president of state government relations, Distilled Spirits Council

## Green Parking

*In the July feature “Green Gold Rush,” Liz Farmer examined the growth of green bonds, in particular some early concerns with the emerging finance category. One of those involved so-called greenwashing. “Some governments,” she wrote, “are now being accused of slapping on a label to entice investors while doing nothing else to ensure the sustainability of a project.” By way of an example, Farmer cited a 2015 incident where the CEO of the Climate Bonds Initiative called out the Massachusetts State College Building Authority (MSCBA) “for its ‘pathetic’ green bond sale that included funding a garage for 725 cars.”*

I think if you had chosen to speak with Sean Kidney, the unnamed source of the quote, today, he would have shared a different and less pejorative opinion about the sustainability effort of the MSCBA. A few facts: The parking structure in question, while it does indeed accommodate

725 vehicles, was built on a surface parking lot, thus removing 261 existing spaces for a net capacity of 464 spaces. Further, the parking plan for this campus includes the removal of two surface parking lots, as well as the relocation of student parkers from city streets. The result, therefore, is close to zero net new parking spaces.

Further, the overall plan was constructed to meet the standards of what was then the Green Parking Council, now a component of the United States Green Building Council (USGBC). Accordingly, unlike the surface parking that it replaced, the structure includes treatment of storm-water runoff; energy-efficient and occupant-controlled lighting; preferred parking for multiple-occupant vehicles; electric vehicle charging stations; and is located on the campus shuttle bus system.

While it may be true that “the investment community doesn’t agree on what’s green and what isn’t,” this broad brush does not apply to the MSCBA. We have clear guidelines on what we identify as a sustainable project eligible for funding with the proceeds of a green bond issue. We have a track record of success in registering our projects with the USGBC and in receiving their certification for 17 projects in the past decade (11 gold; 6 silver). We also regularly report to the public and to the investment community on the use of the proceeds of the green bonds we have issued.

—Edward Adelman, executive director, Massachusetts State College Building Authority

**Corrections:** In the August cover story “Sunshine Sweepstakes,” we mistakenly identified California Congressman Devin Nunes as Florida Congressman Ron DeSantis in a photo.

Thanks to an editing error, the August feature “Tender Justice” included a description that “in the solitary confinement tier, the prisoners and the residents play a friendly game of cornhole.” It should have said, “guards and the residents.”

And in the July feature “Musing City,” we identified Nashville Republican mayoral candidate Carol Swain as a Vanderbilt University professor. She is a former professor.

# GOVERNING LEADERSHIP FORUMS 2018

Building High-Performance  
**Government**

**California**

December 6

**Colorado**

July 10

**Massachusetts**

November 15

**Michigan**

May 8

**Ohio**

December 13

**Texas**

September 6

**Tennessee**

September 12

**Virginia**

October 17

JOIN US!

REGISTER/  
SPONSOR:

[governing.com/events](http://governing.com/events)





"It is not the critic who counts ... The credit belongs to the man (or woman) who is actually in the arena."

- PRESIDENT TEDDY ROOSEVELT, 1910



HOSTED BY **CATHILEA ROBINETT**  
PRESIDENT, GOVERNING

# IN THE ARENA

A new podcast from Governing featuring conversations about courage, compassion and creativity in public leadership with those who serve in the arena today.



**KRISTEN COX**  
EXECUTIVE DIRECTOR, OMB,  
STATE OF UTAH



**MAYOR GREG FISCHER**  
LOUISVILLE, KY



**MAYOR ERIC GARCETTI**  
LOS ANGELES, CA



**REP. THEMIS KLARIDES**  
HOUSE MINORITY LEADER  
CONNECTICUT



**MAYOR ACQUANETTA WARREN**  
FONTANA, CA



**CLAY JENKINSON**  
AUTHOR, EDUCATOR,  
ROOSEVELT SCHOLAR

Available on Apple Podcasts, Stitcher and [governing.com](https://governing.com)





## A Soda Shakedown

but they felt they had no choice. The beverage industry had spent \$7 million collecting signatures to put a measure on the November ballot that would have prevented localities from raising any kind of taxes at all without a supermajority public vote.

The measure would also have made it harder for the state itself to raise fees. The industry had created a problem for lawmakers that it agreed to make go away—if only they stopped the local soda taxes.

There's nothing new about interest groups using the threat of ballot measures as a negotiating ploy to sway legislators. In California, however, that threat has become much more serious. In 2014, the state enacted a law allowing sponsors of ballot measures to withdraw their initiatives even after they've qualified for the ballot. "It allows for the possibility of reasoned compromise and a better result," former state Sen. Darrell Steinberg, the law's sponsor, said at the time.

That was the theory. The reality has been something quite different. Two years ago, unions and their allies collected enough signatures for a ballot initiative to raise the minimum wage to \$15 per hour. The legislature and the governor appeased the

unions by passing a more gradual wage increase that offered more protection for small businesses.

This time around, the beverage industry did something much more brazen. It essentially held all local taxes hostage to get relief on the one specific tax it cared about. That ploy raises all kinds of possibilities. After all, what's to stop hospitals from sponsoring a measure that would abolish the gas tax unless the legislature votes to increase Medicaid payment rates? "It leads us to wonder if there will be another round of initiative reforms that might address some of these unintended consequences," says Mark Baldassare, president and CEO of the nonprofit Public Policy Institute of California, "or whether this will be the new normal for the initiative process in California."

Interest groups with millions of dollars to spend have long since learned to use the initiative process to get their way. Now they have a much more powerful tool. Taking their ideas all the way to the ballot box and then offering to withdraw them—for a price—gives them a chance to practice what amounts to political extortion.

Unless the initiative process is changed, California lawmakers may end up voting for quite a few bills they despise in election years to come. "If this is the system, then groups are going to use it," says Ethan Rarick, a political scientist at the University of California, Berkeley. "For one thing, it worked."

**PROGRESSIVES WHO SUPPORT** soda taxes like to tout their twin advantages. Taxing sugary beverages can cut down on their consumption, reducing obesity and diabetes. On top of that, a levy per ounce can add up quickly to a lot of revenue. This explains why cities from Philadelphia to San Francisco have imposed these taxes in recent years.

It also explains why the decision of the California Legislature in July to ban such taxes came as a painful blow to many of its liberal members. "I think this is a terrible decision we're making," Assemblyman Kevin McCarty lamented.

It was done for purely tactical reasons. The Democrats who rule the legislature said they were all in favor of soda taxes and hated to block local governments from using them,

# Mysterious Savings

**WHEN GOVERNMENTS DECIDE** to privatize functions, one of the things they often promise is that the move will save money. In Iowa, Gov. Kim Reynolds says privatizing management of the Medicaid system has saved the state tens of millions of dollars. But there's no real agreement about how much money has actually been saved—or where the savings are coming from.

In May, Mike Randol, Iowa's Medicaid director, told legislators that the state had saved \$141 million just this year through privatization. That was a lot less than the \$238 million that then-Gov. Terry Branstad promised when he ordered the change back in 2015. Still, it was a lot more than earlier estimates of actual savings. In fact, it was triple the amount Randol's agency

had estimated as recently as January. "You can see with the changing savings figures that the state has not been terribly transparent," says Anne Discher, executive director of the Child and Family Policy Center in Des Moines.

Randol initially offered no explanation as to why the savings estimate had jumped from \$47 million to \$141 million in just a few months. He later said that the picture changed when he looked at the system as a whole, rather than individual programs and services. The state Department of Human Services (DHS) subsequently released details about its methodology, but legislators expressed some puzzlement and asked the state auditor to look into the disparity.

State officials continue to insist that turning over management of the \$5 billion Medicaid system to the private sector has brought the taxpayers a windfall. "There is no dispute that managed care is bringing savings," says Matt Highland, a DHS spokesman.

But a number of health providers in the state have complained that the numbers are a little fishy. They say the savings have resulted in part from delayed

compensation to them, or complete nonpayment for legitimate treatments. They contend, among other things, that a change in the coding of procedures means valid services that aren't on the new list aren't being paid for. In short, providers say, they're getting stiffed. "The claims about savings were not a savings in services, but the fact that the Medicaid managed care companies simply weren't paying the bills," says Peter Fisher, research director of the Iowa Policy Project, summarizing the argument. "They counted that as saving money."

Health-care advocates say that while there may be nothing wrong with managed care, the privatization switch was too much, too soon, with 600,000 individuals moved over into the new system all at once. In August, Reynolds fired a Medicaid adviser who had questioned the numbers. "The state essentially handed over the program to three proprietary companies and has not managed the program," complains Kirk Norris, president and CEO of the Iowa Hospital Association.

Norris warns that the new system may actually cost the state money in the long run. Brenna Smith, communications director for the governor, insists that the opposite is true. "DHS' newly released analysis reflects that our Medicaid program is the only way to ensure a responsible and sustainable program, as health-care-related costs continue to rise," Smith says.

Time will tell who's right. That, and the auditor's report. And, if the complaints about nonpayment for services are seen as valid, potentially some lawsuits.

SHUTTERSTOCK.COM





## THE BREAKDOWN

2,500<sup>ft</sup>

The distance that will have to be maintained between oil or gas wells and private residences in Colorado if a ballot measure passes in November. It's estimated that the measure would eliminate more than 80 percent of the state's drilling on nonfederal land.

\$12.2<sup>m</sup>

The money that Louisiana Gov. John Bel Edwards says the state saved in the first 15 months of a criminal justice reform law that has reduced prison populations by 7.8 percent.

13



The age at which girls in New Hampshire can get married under existing law, one year younger than the marriage age for boys. A new law will establish a minimum age of 16 for both genders starting in 2019.

\$2.25<sup>b</sup>

The amount that Wisconsin cities still face in unfunded liabilities for retiree health care, despite concerted efforts to reduce the liability over the past four years.

SOURCES: DENVER POST; NEW ORLEANS TIMES-PICAYUNE; STATELINE; WPR.ORG; IMAGE: SHUTTERSTOCK.COM

# Rental Resurgence

**THIS SUMMER**, no fewer than 14 construction cranes dotted the skyline in Bellevue, Wash. That's a lot of high-tower construction, especially in a suburb. In fact, it's more cranes than were in place in most major cities. But it reflected a growing trend. Suburbs are seeing a boom in apartment construction in response to market demands and demographic change.

Not everyone wants to live in a single-family home. Households are getting smaller, with single-member households growing fastest of all. At the same time, not everyone can afford to live in a center city, where costs have risen sharply over the past decade. Add these factors together and the result is lots of new apartments going up in suburbs. "People don't have to choose the center city or the suburbs with the idea that they're homogenous or contrasting," says June Williamson, an architecture professor at The City College of New York. "There are parts of each all around."

In the Minnesota-St. Paul area, for instance, more than twice as many apartments were issued permits in the suburbs last year than in the Twin Cities themselves. Around half the apartments built in the region this year will be in the suburbs, with the suburban share rising to around three-quarters in 2019.

Not everyone is happy about this trend. In suburban Minneapolis—and in suburbs of Chicago, Salt Lake City, San Jose, Calif., and other cities—longtime residents have waged one form of protest or another against new developments. They complain that their towns don't have the capacity to handle so much growth at once, whether their worry is traffic or increased demand on schools. "A lot of these units are one or two bedrooms,

max," says Rolf Pendall, head of the department of urban and regional planning at the University of Illinois. "Even so, there's concern about kids entering the local elementary school or, even if they're above median income, concern that the new residents of a home of any kind are going to put more demand on the local budget."

So far, the doubters haven't had much success. Suburban towns around Boston, which have strong home rule, have for the most part been able to keep big developments out. But elsewhere, the NIMBY contingent has sometimes awakened much too late to block the projects. "In most cases, it seems that zoning has already moved ahead of local opinion on these things," says Armando Carbonell, who heads the urban planning program at the Lincoln Institute of Land Policy. "Projects are going ahead because in essence they've already been approved."

Zoning is important, as is common sense. Developers aren't putting many high-rise towers around the corner from rows of ranch houses. Most of the projects are happening near freeways and light rail lines, or represent conversion of disused office parks and mall space. "You don't need to put high-density, mixed-use housing everywhere," says Ed McMahon, a senior fellow at the Urban Land Institute. And not every new apartment has to be part of a high-rise. Developers and local officials are frequently looking at multiunit construction that falls somewhere between a row of townhouses and a five-story building with 200 apartments. But whatever their shape and size, it's clear that after a long drought, apartment construction is coming back to the suburbs in a big way.





Former Louisiana  
Gov. Bobby Jindal

# Confronting Jindal's Ghost

**IN RECENT YEARS**, Louisiana has bounced from one budget crisis to another, with a decade's worth of short-term fixes barely keeping the lights on. As the current fiscal year approached, the state faced yet another fiscal showdown, with revenue sources expiring and a shortfall threatening deep cuts to hospitals, nursing homes, and colleges and universities, as well as the possible elimination of the food stamp program entirely.

But a week before the fiscal year began in July, legislators agreed on a repair package that shifted \$46 million in oil spill recovery money into the operating budget and, more important, preserved a sales tax increase that was set to expire. Or part of it, anyway. Rather than extending the full 1-cent surtax, lawmakers agreed to keep nearly half of it in place for the next seven years. That's practically a lifetime in Louisiana budgeting. "By working together, for the first time in a long time, Louisiana's budget will have the kind of stability and predictability we need

to bring new business opportunities to our state and grow our economy," said Gov. John Bel Edwards, who was applauding a sudden upgrade from Moody's, the credit rating agency.

Robert Johnson, who chairs the Democratic caucus in the state House, put it differently. "The ghost of Bobby Jindal has finally left the building," he told the Associated Press, referring to the state's most recent ex-governor, who left the state in terrible shape financially.

There's no question that the legislature managed to avert a set of painful spending cuts. But it may be a little premature to pop the champagne corks. While the budget deal enhanced revenues, it did little to address the state's chronic spending problems. Overall spending by the state—including a federal infusion of cash thanks to Louisiana's belated expansion of Medicaid—has grown by 24 percent over the past couple of years, many multiples above personal income growth. Daryl Pupera, the state leg-

islative auditor, has warned that the Medicaid program is "pretty broken right now" and lacks proper oversight.

"I'm definitely raining on the parade," says State Treasurer John Schroder, who argues the state needs to cut spending. "I'm glad we all came together and they passed a budget, but they didn't fix anything." Schroder fears that extending the sales tax for seven years may have removed the incentive to tackle difficult structural issues. He warns that lawmakers will be tempted to wait "six years and 364 days" before they take a serious swing at the spending side again. Looking ahead to next year, Republican legislators will be reluctant to cut deals with Edwards, a Democrat who'll be up for reelection.

"Legislators don't want to give the governor a victory to talk about in 2019," says Pearson Cross, a political scientist at the University of Louisiana at Lafayette. "It's good they stopped the bleeding," he says. But he doesn't think they've stopped it for good.

SHUTTERSTOCK.COM

# Government banking for the future. From a bank with vision.



Your public entity's financial picture is unique. That's why your banking solutions should be, too.

MUFG provides innovative solutions tailored to the needs of government organizations from major cities to large federal agencies. From budget planning to procurement efficiencies, you'll work with a partner who understands the complexities of government banking at the most comprehensive level. Additionally, MUFG can offer a wide range of services including municipal bond underwriting, tax-exempt lending, and transaction banking that can accelerate collections and streamline accounting.

With over 135 years' experience supporting government agencies through all economic cycles, our proven track record of strength and stability means you can count on us in the long run to deliver the financial solutions you need. It's what makes us more than just a bank—we're your partner for helping you build a better future for your community.

[mufgamericas.com/government](http://mufgamericas.com/government)

**Garrett G. Bell**

Managing Director  
gbell@us.mufg.jp  
213-236-4078

**Kathryne Daniels**

Director  
kdaniels@us.mufg.jp  
925-947-2430

**Michael Brody**

Vice President  
michael.brody@unionbank.com  
213-236-4159

**MUFG Union Bank, N.A.**

A member of MUFG, a global financial group





# On Different Tracks

Demographics explain why two Southern cities are making different transit choices.

Nearly two decades ago, the Georgia General Assembly gambled on a radical redistribution of political authority in metropolitan Atlanta. It created a superagency—the Georgia Regional Transportation Authority, or GRTA for short—and granted it the right to dictate transportation and land use decisions in the 13 counties surrounding the city.

GRTA's formal powers were awesome. It could stop the state highway department from building a new road. It could block construction of a regional shopping center. It could build a brand-new transit system and force the suburban counties to pay for it. It made the governor of Georgia, Democrat Roy Barnes at the time, a virtual czar of transportation. It wasn't entirely in jest that GRTA's critics said the initials actually stood for "Give Roy Total Authority."

That was in 1999. Now, all these years later, it's possible to render a verdict on what GRTA actually accomplished. The answer is virtually nothing.

Barnes was defeated for reelection in 2002, and his successor, Republican Sonny Perdue, wasn't interested in using the unilateral powers that the legislature had bequeathed him. Perdue preferred the old-fashioned practice of making horse trades with the state Transportation Department. Perdue's Republican successor, Nathan Deal, wasn't a GRTA fan either. Last year, he and the legislature finally put the once-powerful superagency out of its misery, folding it into the State Road and Tollway Authority.

All of this would just be a morsel of odd urban history were it not for the fact that Georgia decided this year to try something that might be called GRTA Redux. The legislature has established a new superagency: the Atlanta-region Transit Link Authority (ATL). It will collect millions of dollars for transit projects from a new

50-cent fee on taxi and ride-sharing trips and a 1 percent fee on airport concessions. ATL will be charged with knitting together plans made by the 13 metro counties into a genuine regional transportation strategy.

ATL backers are talking about it in the same dramatic language that was used to inaugurate GRTA in the first place. "I really believe this will be transformational," Republican Brandon Beach, the plan's Senate sponsor, told the *Atlanta Journal-Constitution*, which in turn called the agency the "most sweeping expansion of transit" enacted in the past 40 years.

Why would an idea that failed dismally just a few years ago have a chance to work now? There is at least one plausible reason. ATL will speak a good bit more softly than GRTA did. The new law gives each of the 13 counties permission to impose a 1 percent sales tax for transit projects, but first the increase must be put to a public vote.

Because the law requires counties to opt in if they want to participate, it could end up stumbling as GRTA did. Several county leaders have already said there's no consensus for an extra penny of sales tax among their constituents. In some counties, there may never be such a consensus.

But there's also a pervasive sense among the political leadership that much of metro Atlanta is simply in a different frame of mind than it was two decades ago.

It's a frame of mind that doesn't exist these days in Nashville. A few weeks after Deal signed the ATL bill into law in Georgia, Nashvillians humiliated the city's business community and much of its political elite by decisively voting against a proposal that would have provided \$5.2 billion for 26 miles of light rail, four bus rapid transit lines and four new crosstown bus routes, among other things. As in Georgia, the funding mechanism for this massive expansion was to be a 1-cent sales tax increase, but 30 of Nashville's 35 metro council districts wanted no part of it.

Some aspects of Atlanta's situation also prevail in Nashville. Traffic is bad there, not as bad as in Atlanta, but getting worse: The average Nashville driver has been estimated to spend 33 hours stuck in traffic every year. If there were a national register of gridlocked places, the Tennessee city would be a candidate for it. The chamber of commerce in Nashville felt strongly, as did the one in Atlanta, that failure to create a 21st-century transportation system would impose a heavy penalty when it came to



Both Atlanta, left, and Nashville, right, have terrible traffic and inadequate transit



business recruitment. None of that seemed to matter very much to the voters.

What happened in Nashville can be explained in part by short-term political events that have been widely reported. Earlier this year, Mayor Megan Barry, the leading advocate for the transit sales tax, was forced out of office in a sex scandal. And Americans for Prosperity, the conservative advocacy group run by the billionaire Koch brothers, spent generous amounts of cash on a sophisticated political effort to convince voters to reject the proposal.

All of that might account for why Nashville's transit plan fell short, but not for the sheer magnitude of the rejection. More than 78,000 voted against it, and fewer than 44,000 voted for it. Those numbers are better explained by a brief excursion into geography and demographics.

Nashville has a unified city-county government; it's 526 square miles, whereas Atlanta is 134. So neighborhoods that would be outside the boundaries of many cities are within the Nashville city limits. These outer neighborhoods, such as Bellevue, Forest Hills, Hermitage and Old Hickory, opposed the transit plan in numbers much greater than the 64-36 citywide margin. In some of these places, the no vote approached 90 percent, largely because these communities didn't feel a kinship with the central city and saw no reason to pay for a light rail system that would mainly benefit downtown Nashville and a few surrounding districts. Some of

the light rail lines would have ended several miles from the outlying neighborhoods.

Looking at the Nashville result offers some useful lessons in how not to campaign for a transit program. Looking at Nashville and Atlanta together suggests that the two cities are passing through different stages in their history.

For more than 50 years, the booming suburbs north of Atlanta have based much of their land use policy around one central idea: Stay away from anything Atlanta wants to do, especially when it comes to transportation. Cobb and Gwinnett counties, which together hold more than a million people, repeatedly refused to participate in MARTA, the metro Atlanta transit system. As a result, MARTA only covers the city itself and a few close-in suburban communities. Cobb and Gwinnett, meanwhile, had virtually no reliable public transportation well into the 21st century.

There's a reason why that happened, although it's not a particularly inspiring reason. Cobb and Gwinnett were middle-class refuges for white Atlantans who weren't keen on living in integrated neighborhoods or sending their children to schools with diverse populations. In 1990, Cobb County was 86 percent white; Gwinnett was 89 percent white.

They haven't stayed that way. By the time the 2010 Census was taken, the white population in Cobb was below 60 percent. Gwinnett didn't even have a white majority. In fact, Gwinnett's racial demographics were moving closer to the

diversity that existed in Atlanta itself. This wasn't due to a mass migration of African-Americans out of the central city; it had more to do with growing numbers of Hispanic and Asian newcomers.

But the bottom line is that white flight doesn't exist in Atlanta the way it once did—not unless a homebuyer is willing to settle 40 or 50 miles outside the city limits. Atlanta and its biggest suburbs are not only starting to look alike; they are starting to think alike. Increasingly, the things that matter in Atlanta have started to matter in Cobb and Gwinnett as well.

The political leadership in these suburbs readily admits it. "We have a lot more people in the county now, and they bring in a different perspective," Cobb County Commissioner Mike Boyce told me recently. State Rep. Kevin Tanner, a Republican who sponsored the 2018 transit bill in the Georgia House, told me the same thing. "The suburban mindset is changing," he said. "This would have been out of the question 10 years ago."

Numbers back this up. In a 2017 poll, a majority of respondents in Cobb County said they viewed transit as the best long-term transportation solution. In another survey, 56 percent in Gwinnett and Fulton counties said they'd pay more in taxes for a better transportation system.

Those answers may be misleading. It's possible that when Atlanta's suburban voters actually have to vote on paying for transit, as they will in the next couple of years, they will be thinking differently. But the current climate of opinion in places like Cobb and Gwinnett suggests that metropolitan Atlanta is finally beginning to perceive itself as one region.

That's something Nashville isn't ready to do. Residents of the affluent outlying communities there are voting more like the Atlanta suburbanites of 1990 than those of 2018. But Atlanta's metropolitan diversity reflects changes that are taking place in much of urbanized America. Most likely, Nashville will eventually see them too. Just not for a while. **G**

Email [ahrenhalt@governing.com](mailto:ahrenhalt@governing.com)



systems. But the two cities' appetite for change is different.

By Peter A. Harkness



# Dissolving Discord

When it comes to dirty lakes and rivers, governments have learned how to cooperate.



Algae blooms are a frequent problem in Lake Erie.

AP IMAGES.COM

**T**he greatest lubricant for inter-governmental harmony may well be water. I know that sounds odd, but the nation's largest bays and lakes offer compelling examples of how multiple states can work with each other—and also with towns and cities, federal agencies, universities, nonprofits, and foreign governments—to combat water pollution.

There is a lot of work to do. Ambitious surveys of more than 2,000 locations carried out in five-year cycles by the states and the Environmental Protection Agency show that a little more than half of the nation's rivers and streams are significantly polluted. That dirty water, in turn, flows downstream into the nation's bays, lakes and coastal areas. The chief contaminants are nitrogen and phosphorus, which contribute to the formation of algae blooms

that lower oxygen levels needed to support aquatic life. A lot of the phosphorus comes from fertilizer, so the problem is particularly acute near farmland, though urban areas contribute as well. Once the chemical is introduced, it poses a permanent problem for the water, much like the carbon dioxide being released into the atmosphere.

A good example of this phenomenon is Lake Champlain in New England—one of the most beautiful inland lakes in the country, but also one of those most threatened by what is known as “legacy phosphorus.” A recent study by the University of Vermont estimated that almost 240,000 tons of pollution had accumulated in the watershed in the past 90 years.

The Lake Champlain Basin Program was created 23 years ago and has the support of Vermont, New York and the

Canadian province of Quebec, plus a wide array of local governments and private organizations. The regional administrator of the EPA has been a consistent player, as has the Quebec premier. The most recent report of the program concluded that the deterioration in the lake's water quality had subsided somewhat, but that the long-term problem of phosphorus buildups in parts of the lake continues.

The Lake Champlain Basin Program was marked for elimination this year by the Trump administration's proposed budget, but Democratic Sen. Patrick Leahy of Vermont, the vice chair of the Senate Appropriations Committee, had a blunt response: “That's not going to happen.” He instead succeeded in getting the program a \$4 million increase in funds this year. But the EPA did make it clear that the governments in the program must develop a new funding source of their own so the work can continue “regardless of fluctuations in federal spending.”

Compared to Lake Champlain, the Chesapeake Bay is vast, with a watershed covering more than 64,000 square miles, including parts of Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia, as well as Washington, D.C. But there are similarities: The campaign to save the bay is well coordinated, largely by the EPA's Chesapeake Bay Program, created in 1983 and headquartered in Annapolis, Md. Here, too, the Trump administration attempted to zero out the \$73 million in federal money allotted to the program, but Congress refused to go along.

Four years ago, when he was running for governor of Maryland, Republican Larry Hogan vehemently criticized a stormwater remediation fee, enacted in 2012 and designed to reduce the amount of runoff pollution headed into sewer systems and eventually the Chesapeake Bay. Hogan derisively called it a “rain



tax.” But as studies began to show storm-water remediation promoting underwater grasses that help clean up the bay, Hogan changed his tune and came to support the program. The “rain tax,” coupled with other measures designed to eliminate runoff, has had a positive effect both environmentally and politically.

Finally, there are the five Great Lakes. Taken together, they form the largest surface freshwater system on the planet, hosting more than a fifth of the earth’s freshwater supply. Their combined watershed includes significant areas of Canada and eight U.S. states, plus more than half a dozen major metropolitan areas and about 40 tribal nations.

The watershed is vitally important in both the U.S. and Canada as a center for manufacturing and agriculture, as well as shipping. The structure for cooperation to protect it was established early on, in 1972, when President Richard Nixon and Canadian Prime Minister Pierre Trudeau signed a Great Lakes Water Quality Agreement defining specific areas that were threatened by pollution. In the ensuing years the agreement has been amended many times, most recently six years ago to address the frightening algae blooms in Lake Erie.

If you have ever flown over the southwestern tip of Lake Erie in summer, you will understand the concern: The entire lake surface is a mass of green algae. The most serious infestation came in 2011. Not long after that, the 1972 agreement was amended to deal with the algae problem.

The water pollution challenge to governments at all levels is daunting because it mixes intricate science with complicated politics. But the intergovernmental outcome generally has been positive. There is occasional friction, as when Michigan complains that Illinois isn’t doing enough to keep the invasive and dangerous Asian carp from entering its waters via the Chicago River. But the EPA regional offices have continued to be a positive force. That is vital. In the age of Trump, it also is highly uncertain. **G**

Email [pharkness@governing.com](mailto:pharkness@governing.com)

## You Can’t Block Critics on Twitter

Access to public figures may be a constitutional right.

Anyone in public life expects criticism. But sometimes it gets personal. The temptation in those situations is strong to shut up the naysayers, but doing so might be against the law.

In May, a judge ruled that President Trump could not block people from following him on Twitter. It was the most prominent in a series of rulings finding that access to public figures on social media is a constitutional right. “The suppression of critical commentary regarding elected officials is the quintessential form of viewpoint discrimination against which the First Amendment guards,” Judge James Cacheris wrote in a case involving a supervisor in Fairfax County, Va.

Politicians often claim that their social media accounts are personal, not public property. But public officials also use these same accounts to conduct official business or make announcements. Some politicians argue that they’re simply clamping down on trolls who use offensive language. “Their level of discourse sunk to a level that even as an elected official I felt I shouldn’t have to tolerate,” David Lim, a former mayor of San Mateo, Calif., told the *San Francisco Chronicle*. “If you walk into my office and start yelling at me, I can walk out of the office.”

But public officials can’t block people preemptively from their offices. In effect, by blocking them on social media, that’s what they’re doing. “The internet, particularly social media, is where so much of our public discourse is happening these days,” says Thomas Kadri, a resident fellow at the Yale Information Society Project.

Some officials silence not only hostile malcontents but also reporters who’ve written less-than-flattering articles about them. Alondra Cano, a member of the Minneapolis City Council, blocked two *Star Tribune* reporters after they wrote about her less-than-perfect attendance record. Washington state Sen. Michael Baumgartner blocked a *Seattle Times* reporter for asking the senator about his policy on blocking people. “I don’t think they

should block anybody unless they’re being threatening or particularly nasty,” says Matt Szafranski, editor of the political blog *Western Mass Politics & Insight*, who’s been blocked from official Springfield accounts. “I’m not for being a critic of the administration in the city, but I don’t think of myself as being particularly unfair.”

The ACLU has sent letters to lawmakers around the country warning them about the need to keep their accounts open to the public. They must accept that First Amendment rights are protected on social media—not just free speech, but the right to petition to redress grievances. “Obviously, you can’t go and harass or threaten your local agency, but you do have free rein otherwise to make your point,” says Angela Greben, who monitors government accounts that block people.

Technology allows insulted public officials the ability to mute or unfollow harassers, protecting them from seeing hostile messages but letting those individuals see the statements they put out. But most officials recognize that taking some knocks comes with the job. “If you don’t want to be described as scum,” Greben writes on her blog, “then maybe you shouldn’t run for political office.” **G**



SHUTTERSTOCK.COM

Email [agreenblatt@governing.com](mailto:agreenblatt@governing.com)

# Keeping Babies Alive

An effort to reduce infant mortality in rural Louisiana has shown impressive results.

**W**hen it comes to health outcomes for babies, the United States has some catching up to do: For every 1,000 live births, around six infants die before their first birthday, putting the U.S. behind poorer countries such as Cuba and Poland.

Central Louisiana had some particularly troubling statistics. In 2013, the region's infant mortality rate was hovering around nine per 1,000 live births. Infant mortality usually correlates with poverty—the rural region has an average per-capita income of just \$25,000—and such associated contributing factors as low birth

pregnant women with a nurse who will assist them through pregnancy and the baby's first year of life.

As part of the effort's more holistic approach, the region started promoting long-acting reversible contraception (LARC), such as IUDs and arm implants. The idea is to help prevent teenage pregnancies or help women space their pregnancies out. While many doctors' offices require a separate appointment to insert LARCs, Region 6 made same-day insertion available. "We know that 30 percent of women who say they want one, but have to come back to get it, won't come back," Holcombe says.

There is a delicate balance between encouraging long-acting reversible contraception in low-income populations and the impression of coercion, which harkens back to a history of involuntary sterilization in the early and mid-20th century. But the Region 6 effort is not about forcing women to get an IUD or implant. "It's not that we want everyone to have them, but that we want to make sure everyone who wants one can have one," says Amy Zapata, director of Louisiana's Bureau of Family Health.

The demand is certainly there. One of the Region 6 health clinics is the state's busiest by patient volume. "If we had satisfied the need, we should have seen a decrease in the number of patients wanting LARCs, but we haven't," says Holcombe. "We've seen mothers bring in their 13-year-olds to make sure they don't get pregnant."

These efforts have paid off—and quickly. In just two years, the infant mortality rate in Region 6 was halved, down to 4.7 deaths per 1,000 live births in 2015, the lowest of the state's nine public health regions. The number bumped up slightly in 2016, but a minor uptick isn't unusual when looking at small data sets. "We're looking to see if that rate is generally going up or down," says Zapata.

Health officials know that focusing on the needs of women and babies is just part of the picture. "We can put in a lot of LARCs and provide a lot of contraception," says Holcombe, "but ultimately what drives your health is three things: education, income and social status." **G**



FLICKR/CATLIN CHILDS

weight, premature birth and exposure to secondhand smoke. "Unfortunately, Louisiana is full of them," says David Holcombe, medical director for Region 6 of the Louisiana Office of Public Health, which encompasses the central portion of the state.

That's why the Region 6 team decided to focus on infant mortality. Their solution was straightforward: Offer more care.

In a time when rural clinics and hospitals are scaling back women's health services or closing altogether—86 rural hospitals have shuttered across the country since 2010—central Louisiana was able to take advantage of a federal grant to staff up. Now every parish in the region has a public health nurse who can counsel women on contraceptive options, STD testing and other reproductive health needs. The Region 6 team also ramped up the Nurse Family Partnership program, which assigns Medicaid-eligible

Email [mquinn@governing.com](mailto:mquinn@governing.com)



# GET THE OFFICE YOU WANT WITH BUDGET YOU ALREADY HAVE



Make the most of your year-end funds and turn your office into an active workspace with VARIDESK®. We've made it easy and affordable to have a more productive work day. Our contract-quality, budget-friendly standing-desk solutions work with the furniture you already have and include free shipping with our 30-day guarantee.

**(866) 308-7574 | [VARIDESK.COM/GOVERNING](https://www.varidesk.com/governing)**

Availability subject to change. Patent and trademark information: [VARIDESK.com/patents](https://www.varidesk.com/patents). | ©2018 VARIDESK®. All rights reserved.

**VARIDESK®**  
ACTIVE WORKSPACE™

**GSA®** Contract Holder  
Contract GS-27F-007-GA

# Fossil Fuels Go on Trial

Rhode Island is suing oil and gas companies over climate change.

**A**s hurricanes, wildfires and floods have picked up in number and intensity, courtrooms have become an increasingly popular battleground for governments hoping to hold fossil fuel companies accountable for knowingly contributing to climate change and its catastrophic impacts.

The number of U.S. lawsuits involving climate change increased from one filed in 2001 to nearly 100 in 2016, according to a database compiled by Columbia University's Sabin Center for Climate Change Law and Arnold & Porter Kaye Scholer LLP. So far, climate change lawsuits brought by cities have had limited success. But some environmental legal experts say that Rhode Island's new lawsuit, filed in July, could turn the tide.

Rhode Island is the first state to sue fossil fuel companies for infrastructure costs due to damage from global warming. Its unique claims "open the door to some interesting possibilities," says Vicki Arroyo, executive director of the Georgetown Climate Center. "There are some novel, new theories [in Rhode Island's lawsuit]. And there's a lot more information about what these companies knew and what they did ... since some of the earlier cases."

The lawsuit names 21 defendants, including some of the world's largest fossil fuel companies—ExxonMobil, Chevron, BP and Shell. The 142-page document cites existing damage and future threats to Rhode Island residents and infrastructure, including roads and bridges. The lawsuit contends that fossil fuel companies "have known for nearly a half century that unrestricted production and use of their fossil fuel products create greenhouse gas pollution that warms the planet and changes our climate. They have known for decades that those impacts could be catastrophic and that only a narrow window existed to take action before the consequences would be irreversible."

In eight counts, the lawsuit accuses the companies of violating state law surrounding public nuisance and failure to warn the public about potential threats, among other things. One of the more interesting counts is the claim for "impairing public trust resources," says Richard Ahrens, an environmental lawyer with the Midwest regional law firm Lewis Rice. A state is particularly well-situated to make that claim, he says, because it can invoke the public trust doctrine, which holds government responsible for managing natural resources, such as air, land and water, for the benefit of the people.

The success of these claims could be determined by which court hears the case. Shortly after Rhode Island filed its lawsuit, Shell requested it be moved from state to federal court. If the case is kept in federal court, Rhode Island could run into some challenges. Judges have ruled in past cases that federal laws and regulations supersede state law claims, says Michael Gerrard, director of the Sabin Center. One example is the 2011 U.S. Supreme Court ruling in *American Electric Power Company v. Connecticut*, which stated that the Environmental Protection Agency, not federal courts, is responsible for regulating greenhouse gas emissions.

Nearly a dozen cities and counties have filed lawsuits similar to Rhode Island's. San Francisco and Oakland, Calif., for example, last year sued fossil fuel companies for environmental damages. Those cases were removed to a federal court where they were dismissed by a judge in June.

The global nature of climate change is one reason these cases often get bumped up to the federal system, says Maxine Lipeles, director of the Interdisciplinary Environmental Clinic at the School of Law at Washington University in St. Louis.

But regardless of the reasons, a federal court could determine that the EPA is better suited to address Rhode Island's concerns. "The people who make [climate change] decisions are politically accountable. Congress is accountable. The White House is accountable," says Lipeles. "The courts are insulated from that so they tend to shy away from what they think of as policy decisions that should really be made by politically accountable people." **G**

Email [cnorwood@governing.com](mailto:cnorwood@governing.com)





[Ready.gov/business](http://Ready.gov/business)



Up to 40% of businesses never recover after experiencing a major disaster. Do you have a plan to keep your business running if disaster strikes? For a free online tool that helps you develop an emergency plan, visit [Ready.gov/business](http://Ready.gov/business).







# An E-Scooter ‘Scourge’? Not So Fast.

Urban transportation planners need to remember who the streets are for.

**T**esla’s Elon Musk and others are trying to change the future with driverless electric cars. But for now, another transportation innovation is roiling American cities: electric scooters, or e-scooters. Competing startups have launched e-scooter sharing programs in dozens of cities nationwide. You wouldn’t think these two-wheelers would cause much panic or consternation, but you’d be wrong. From Washington, D.C., to San Francisco, residents, journalists and politicians have weighed in on what, if anything, to do about them.

The much bigger issue, though, isn’t how to regulate e-scooters, e-bikes, dockless bikes or any and all of the other new

transportation contraptions that have popped up on urban streets. Rather, the issue is how cities treat their streets in general. That is, are streets mostly for cars and trucks, with anything else viewed as an eccentric interloper, or are they public spaces whose government stewards should favor the most efficient means of transportation available?

For people who have yet to see a commuter zipping around on one, let’s be clear that we’re not talking about a gas-powered moped or other form of mini-motorcycle that you sit on. Like a skateboard—except with handlebars—an e-scooter is something you stand on and push manually with your foot, or if it’s

electric, it mostly propels itself. The average e-scooter weighs about 40 pounds and travels, at most, 15 miles an hour.

Under sharing programs that have been rolled out with seemingly breathtaking speed by companies such as Lime and Bird, customers use a phone app to find and digitally “unlock” a scooter parked on a nearby curb. When they’re done with it, they park it on a curb again and digitally “lock” it. Company managers can keep track of where their scooters are via GPS.

Compared to taxis, parking, some public transit and other sharing programs, e-scooters are cheap, starting at \$1 a ride plus 15 cents a minute. Just like bike sharing before it, scooter sharing is primarily for commuting, not recreation. It’s particularly designed for short trips: A user might take one, for example, from the office to a subway station or a meeting that’s 10 minutes away.

The sudden sightings of e-scooters in cities large and small from coast to coast highlights a perennial reality for urban innovators: Residents—or at least a vocal minority of them—treat any changes to their streets, and who uses them, with skepticism. Some concerns are valid. Pedestrians rightly want vehicles that move much faster than they do prohibited from sidewalks. City officials are also worried about piles of scooters blocking walkways when they aren’t in demand.

But the language that critics use is telling. Aaron Peskin, a member of San Francisco’s Board of Supervisors, called scooters “a Wild West situation.” That attitude was seconded by the city’s transportation agency director, Edward Reiskin. “We will not tolerate any business model that represents ... a safety hazard,” he wrote in a letter to e-scooter companies. Others complain that sidewalks are cluttered and clogged; that scooters are endangering people; and that scooter companies



SHUTTERSTOCK.COM





want to monetize public resources—make money off of infrastructure that they haven't directly and fully paid for.

The critics don't seem to have noticed—or perhaps are reluctant to acknowledge—that all of these issues apply to cars and trucks as well, but to a much greater degree. As a matter of physics, someone driving a multi-ton car travelling 30 miles an hour can cause far greater injury than can a techie on an electric scooter. Last year, San Francisco had 20 traffic deaths; Washington, D.C., reported 30. None was caused by a scooter. Scooter riders, in that they are similar to bicyclists, are in more danger themselves relative to the danger they pose to others.

What's more, cars have been monopolizing city streets for more than a century. People continue to drive them into and around cities without places to park, creating far greater clutter along streets than scooters do.

Much of the conflict between scooter users and pedestrians or people concerned about clutter is artificial, created by transportation planners who pit walkers, cyclists and now scooterists against each other by continuing to devote far more street space to the car. No, scooters do not belong on the sidewalk, but neither do they fit safely on avenues and streets with fast-moving car and truck traffic.

As more people embrace nimbler forms of transportation, smart urban planners will give them more space both to move in and to park. By necessity, they'll have to take that space away from people who wish to drive, park or hail a comparatively large vehicle in a dense urban area. And where scooters, bicycles, cars and trucks share the road, speed limits should be lowered so that drivers do not pose as great a danger to far more efficient road users.

There's nothing wrong with relying on a car in a city; there is something wrong with believing city streets belong solely to cars. As *The Washington Post* reported recently of its own city's landscape, "D.C.'s scooter scourge is here to stay." If so, it only joins the preexisting "scourge" of car traffic. **G**

Email [nicolegeli@hotmail.com](mailto:nicolegeli@hotmail.com)

## A Cheaper Path

To spur growth, big, flashy infrastructure isn't necessarily better.

As cities look to create vibrant, walkable downtowns, they frequently turn to linear infrastructure that is often fixed and bulky—think light rail—to spur development. It's presumed that big and flashy projects will attract private investment. But Atlanta's Beltline shows that simpler infrastructure can achieve the same results.

Atlanta's Beltline concept began in 1999, after a Georgia Tech student named Ryan Gravel wrote a paper proposing a 22-mile walking trail around the city that follows a former freight track. Under the formal plan, the trail will eventually run through 45 neighborhoods and calls for brownfield cleanups, park refurbishment, streetscape improvements and adding affordable housing. About half of the \$4.8 billion budgeted will go to transit, namely a streetcar. In this sense, says Gravel, who now works as an advocate for the project, "the Beltline concept is much more than just a trail."

That is, if the project is ever finished. To date, Atlanta is behind schedule on streetscape improvements, building affordable housing and starting construction of the streetcar. According to the 2016 fiscal report, only 57 percent of the trail has been built, and only 9 percent of the anticipated budget spent.

But here's the thing: The Beltline, even in its scaled-down version, has been wildly successful. It has connected previously fragmented parks and mixed-use developments. On a recent night, I walked the one-mile portion that stretches through the bustling Old Fourth Ward. This part of the trail was flanked by mid-rise construction and packed with pedestrians. It's arguably the most urban part of metro Atlanta. The Beltline has had similar impacts elsewhere, increasing home values in every area through which it passes.

In its uncompleted status, the Beltline costs about \$15 million per trail mile and yet has done as much as more expensive linear infrastructure projects have. The waterfront extensions in San Antonio and New Orleans, for example, which spurred similar development, cost \$26 million and \$67 million per mile, respectively. For comparison, light rail generally costs more than \$100 million per mile.

Walking trails may not accomplish all the things that linear infrastructure does. But if walkable and vibrant development is the main goal, they at least encourage that—and for much cheaper. The Katy Trail in Dallas cost \$5.7 million per mile, and the Indianapolis Cultural Trail cost \$7.9 million, both generating growth in key areas. The Lynx light rail in Charlotte has attracted development, namely in an area where there also happens to be an adjacent concrete walking trail. It's unclear which piece of infrastructure has better propelled growth, but Charlotte's trail draws more than 2,000 users daily, while the portions of the rail line without this trail are less developed.

Atlanta will nonetheless continue toward its more comprehensive vision for the Beltline project, which should be completed by 2030. But its early success as a pedestrian trail shows that further measures might be unnecessary. Because sometimes, attracting growth through linear infrastructure just means finding a right-of-way and pouring some concrete. **G**

Email [scott@marketurbanismreport.com](mailto:scott@marketurbanismreport.com)



**The Beltline costs about \$15 million per mile—far less than light rail.**

Flickr/CANTABURC



PERIMETER

Shape	Formula
Rectangle	$P = 2l + 2w$
Triangle	$P = a + b + c$
Square	$P = 4s$

WHY DO WE HAVE TO STUDY MATH?

We can problem solve better with it.

It helps us measure things up.

It shapes our world.

It makes...

PROPERTIES

Associative Property:  $(a + b) + c = a + (b + c)$

Commutative Property:  $a + b = b + a$

Distributive Property:  $a(b + c) = ab + ac$

ALGEBRA basics

ORDER OF OPERATIONS

1. Parentheses

2. Exponents

3. Multiplication and Division

4. Addition and Subtraction

VOCABULARY

$3x + 12 = 6$

GRAPHING

Graphing is a way to show the relationship between two variables.

It helps us see the pattern of the data.

It makes it easier to understand the data.

HOW TO SOLVE AN EQUATION

1. Identify the variable.

2. Move all terms with the variable to one side.

3. Move all other terms to the other side.

4. Simplify.

FORMULAS

Area of a Rectangle:  $A = l \times w$

Volume of a Rectangular Prism:  $V = l \times w \times h$

Surface Area of a Rectangular Prism:  $SA = 2lw + 2lh + 2wh$





# LEARNING TO CHEAT

Holding teachers accountable for student grades and graduation rates is a strong motivator. In many places, it's been a motivation to cheat.

**By J. Brian Charles**

**T**hirty years ago, the public schools in Prince George's County, Md., were hailed as symbols of success. Their students ranked in the 70th percentile nationally in reading and math. Prince George's seemed to be powerful evidence against the idea that a mostly black school district with a high concentration of children from low- to moderate-income families could not thrive. In the ensuing years, achieving success came to be more of a challenge. The schools began to see ever-larger concentrations of poor children, with nearly two-thirds of the students qualifying for free or reduced lunch.

Even so, the numbers continued to look good for a few years. There was a simple reason for that, says Daniel Koretz, an education professor at Harvard University who has studied the county's school system. In Koretz' blunt words, the numbers were "juiced." Test preparation was prioritized over genuine instruction. Children spent much of their time being trained to navigate the ever-more frequent exams and were tipped off on the actual test questions. The school district started test preparation in kindergarten for exams that students wouldn't take until third grade.

The first danger signal came when Maryland changed its state exams in the 1990s. The district's scores plummeted. Only Baltimore city, heavily impacted by poverty, scored lower than Prince George's on student performance in math and reading and in graduation rates. The poor performance in Prince George's was underscored by the amount of money the district was spending. Just seven of Maryland's 24 counties spent more per pupil than Prince George's did.

By the early 2000s, enrollment was flagging as parents pulled their children from the struggling system. Prince George's schools lost an average of 1,000 students per year from 2003 to 2013. The children who left the district were largely from middle-class and affluent families. While enrollment dropped, the percentage of children qualifying for free and reduced lunch rose 20 percent. Those children lagged behind their wealthier counterparts in academic achievement.

In 2010, Rushern Baker was elected Prince George's county executive. As enrollment continued to drop, and with it the funding to run one of the 25 largest school districts in the nation, Baker devised a reform plan. Copying aspects of school turnaround efforts in Boston, Chicago, New York and Washington, D.C., Baker leveraged his connections in the state Capitol to convince lawmakers



DAVID KIDD



to hand him control of the district. It would be Baker, and not the school board, who picked the school chief. Baker tapped Kevin Maxwell, a former principal, to run the district in 2013, and in 2017 he renewed Maxwell's contract. The plan seemed to be working. After losing 13,000 students in fewer than 10 years, county schools saw an increase that brought them near their peak enrollment of 137,000 students in the early 2000s. With the increased enrollment, the district had the funds to offer more courses. Perhaps most important, graduation rates began to rise as well, increasing from 73 percent to 81 in four years.

With a seemingly successful turnaround under his belt, Baker launched a run for governor. But the turnaround, and specifically the higher graduation rate, were illusions. An audit conducted in 2017 by the management consulting firm of Alvarez & Marsal revealed that nearly 30 percent of the students who graduated from Prince George's public high schools in 2016 and 2017 were granted diplomas after questionable grade changes. The audit revealed that 5,496 students received late grade alterations submitted after the grading deadline. When the auditors examined transcripts of 1,200 of those students, they could not verify that 297 of them had completed their graduation requirements.

The auditors went on to allege that the cheating was extensive

and involved not only teachers, but guidance counselors and school administrators as well. Students, according to the audit, were passed through a credit recovery program that teachers said watered down graduation requirements. Administrators graded makeup assignments. A handful of teachers said they could be punished for not passing enough students. A significant number of 2016 and 2017 graduates had more than 10 unauthorized absences, indicating that grading policies related to attendance were not being followed by some schools.

At the center of the controversy was DuVal High School, which recorded a 92 percent graduation rate even though fewer than 1 in 4 students scored proficiently in reading and writing. The investigation led to the firing of three DuVal counselors, the resignation of an assistant principal and the principal's retirement. Gov. Larry Hogan said he was not only "outraged at the report findings," but also that the county wasn't taking the problem seriously. He called for Maxwell's dismissal. The graduation scandal, coupled with the revelation that administrators were receiving double-digit annual raises, including a 36 percent pay increase for one top official, forced Maxwell out in July of this year.

The teachers union sees the resignation as a sign that county schools could start yet another turnaround. But they aren't entirely confident that it will happen. "There are deep structural problems," Theresa Mitchell Dudley of the Prince George's Educators' Association said in a statement, "and an unacceptable lack of accountability that must be addressed. If the next CEO is only accountable to one person—the county executive—that's not good enough."

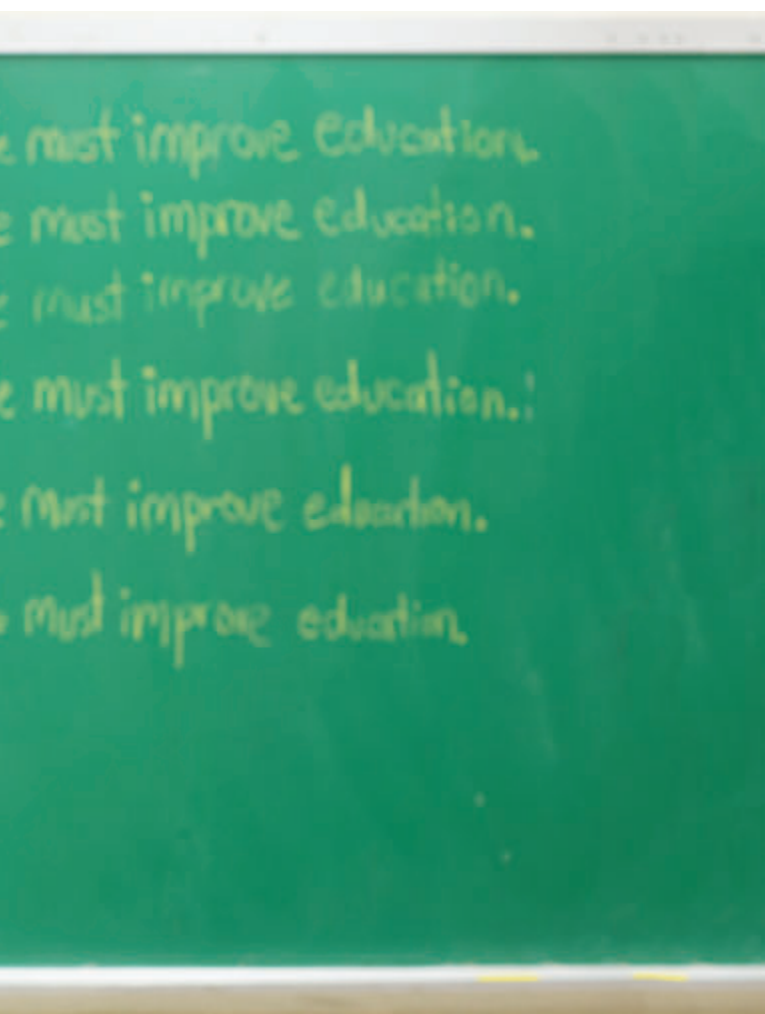
Baker's attachment to the school scandal proved fatal to his campaign for governor. The Democrat who defeated him in the June primary, former NAACP official Ben Jealous, declared that "parents, students and teachers deserve better than what they have gotten from Maxwell and Baker."

Prince George's County is far from the only school district where graduation rates have been pumped up, attendance records fudged or test scores inflated. Atlanta, Chicago, El Paso and Washington, D.C., have all been the subject of probes that revealed educators were gaming the system to boost either test numbers or graduation rates. The cheating by educators, says Koretz, was the result of "applied anxiety." Teachers, administrators and faculty knew they needed to reach certain goals to satisfy the demands of parents, politicians and state policymakers. So, as in Maryland, they pushed through students who hadn't met the requirements.

Indeed, the real culprit is the high-stakes numbers game that has dominated American public education in the past two decades. Test scores, graduation rates and attendance records all have been

used to evaluate the performance of teachers, principals and administrators. The result, in many cases, has been a consistent invitation to bend the rules. "The higher the assessment stakes, the more likely the assessment is to be corrupted," says Steve Tozer, coordinator of the Center for Urban Education Leadership at the University of Illinois at Chicago. "If you give someone an assessment with low

**Prince George's County Executive Rushern Baker made reforming the school district one of his top priorities when he took office in 2010.**



stakes, their job is not on the line, there is little chance they will be tempted to cheat. When you raise those stakes, and their lives and jobs are on the line, there is more temptation.”

**I**n the summer of 2000, Texas Gov. George W. Bush stepped to the podium in Philadelphia to accept the Republican nomination for president. Twenty-one minutes into his speech, Bush promised to rewrite the script on American education. He accused public schools of discrimination. For years, according to Bush, they had operated on a false premise that poor urban children were, with few exceptions, lost causes. Schools couldn't move the needle on these children and had for decades allowed them to advance with their class even as many lacked basic literacy and numeracy skills. He called it “the soft bigotry of low expectations.”

Bush's plan came from his home state, and educators sometimes called it the “Texas Miracle.” It was a carrot-and-stick approach to improving student performance. Teachers would be expected to guide their students to annual progress through performance goals, or risk losing their jobs. Principals who failed to improve their schools were transferred, demoted or forced out. That was the stick. The carrot was that principals and administrators who met student performance targets could earn bonuses that ranged from \$5,000 to \$20,000. Under Bush's federal plan, the No Child Left Behind (NCLB) Act, schools were similarly expected to improve or risk a withdrawal of funding from the U.S.

Department of Education. At the same time, states were passing laws allowing them to take over failing schools and, in some cases, replace them with experimental and loosely regulated charter schools. All these efforts were backed by reams of data collected from standardized tests taken at regular intervals starting as early as the third grade.

NCLB, the first major federal overhaul of education in more than three decades, was based on the principle that what schools needed was competition. And in cities and states across the country, it transformed education. After its passage in 2001, annual test results were released, scores were made public and schools that continued to fail were shuttered. While national figures for the number of schools closed for failure to meet NCLB standards are not available, the law paved the way for closures and consolidation across the country. Since 2000, Chicago has closed or consolidated 160 schools. After Hurricane Katrina struck New Orleans in 2005, the state backed a takeover effort, based on the expansion of charter schools, that left the Orleans Parish School Board in control of five of 126 public schools in the city.

The mounting pressure led educators across the country to turn from more holistic approaches to teaching to what soon became known as “drill and kill.” Students were taught to take tests, and educators across the country cut corners to reach numbers that signaled progress to parents and politicians. Teaching to the test isn't cheating, but once the culture of replacing

**President Bush's No Child Left Behind law in 2001 was the first major federal overhaul of education in 30 years.**





standard classroom principles with tactics to meet a metric are in place, Harvard's Koretz says, "it doesn't take much to get people to cheat."

NCLB also tied school and teacher evaluation to graduation rates. And when Bush was succeeded as president by Barack Obama in 2009, the stakes for educators remained in place. In 2015, Obama signed the Every Student Succeeds Act (ESSA), under which schools with poor graduation rates were required to enact further comprehensive efforts. Each state was required to set its own standard for what was needed to earn a high school diploma. National graduation rates increased, reaching a record high of 84 percent in 2016. But setting those graduation goals came with little input from classroom teachers. "The people who came up with the targets didn't reach out to teachers and see what can realistically be reached," Koretz says. "The numbers are just made up. People don't know what the target should be—they just want better rates."

**O**ften the combination of graduation rates, student attendance and test scores is boiled down to a single number, as it is in the Chicago Public Schools. That number, which also factors in survey responses from teachers, is published on each school's website.

The idea behind the rankings has always been to give parents and students an idea of the school's quality. Reducing a school's performance to a single number has come with consequences. The school score, which ranges in Chicago from one to three, helps to determine a principal's evaluation by the district and by the neighborhood-based school council, which can decide whether to renew the principal's contract. Principals, according to Tozer of the Center for Urban Education Leadership, have resorted to "coaching teachers on their survey responses" and manipulating attendance records to improve their scores.

When Bush brought the Texas Miracle to Washington, its architect Rod Paige came along. Paige became U.S. secretary of education after being lauded for his turnaround of the Houston Independent School District. When Paige ran that school system, the dropout rate was reported to have plummeted to 1.5 percent and the achievement gap between minority students and their white Anglo counterparts across the state was closing. However, subsequent media investigations and an analysis by researchers at Boston College showed that Houston officials were cooking the books. Schools were scrubbing hundreds of poor performers and dropouts from the rolls. The real dropout rate, according to one analysis, was closer to 25 percent, and the achievement gap was not closing nearly as impressively as the school system claimed.

Black and Latino students were improving, but not by the margins Houston officials had reported.

Across the state in El Paso, high stakes coupled with handsome rewards motivated a superintendent not only to cook the books, but to lock low-performing students out of an education. Lorenzo Garcia was a rising star in education. He was a two-time nominee for Texas superintendent of the year. Like many educators, however, Garcia feared a state takeover of his schools. He also had a contract laden with student performance incentives, and during his tenure, he collected \$56,000 in bonuses for improving test scores. One way Garcia achieved his results was by keeping low-performing students from taking standardized exams. Grades were changed, and the worst-performing students were coerced to drop out of school.

Questions about the performance measures in El Paso surfaced almost a decade ago, when state Sen. Eliot Shapleigh began noticing the absence of students during standardized testing periods. The Texas Education Agency claimed Shapleigh was misinterpreting student data, and closed a brief probe into the district in 2010 without finding evidence of cheating. Shapleigh called on the local newspaper to look more closely at the district. The *El Paso Times* spent more than a year filing public records requests and the appeals necessary to force the district to dis-

close more of its testing practices. In 2012, Texas education officials and the U.S. Department of Education reopened their investigation, and by year's end Garcia was indicted for fraud and the school board was disbanded for providing insufficient oversight of the superintendent. Garcia was eventually sentenced to three years in prison.

Like Houston, Atlanta saw a dramatic turnaround in student performance in the early 2000s. In 2008, when the district reported significant improvement on state exams, schools hung banners over their entrances in celebration of the achievement. But when *The Atlanta Journal-Constitution* published a series of articles questioning the results, the governor called for an investigation. Two years later, 180 employees, including more than three dozen principals, were implicated in cheating, which occurred in at least 44 schools. Some educators wore white plastic gloves when changing answer sheets on state exams, lest they leave fingerprints. An investigation by Georgia officials led to 35 indictments on charges ranging from racketeering to conspiracy. Ultimately, 21 defendants took plea deals and another 11 were convicted and sentenced to prison.

Very few school districts have in place personnel, departments or even mechanisms to sniff out cheating. "Unless the system designs roles and designs structures to catch cheating," Tozer says, "the system won't catch it. The system is designed under the assumption most people don't cheat."

Very few  
school districts  
have in place  
personnel,  
departments  
or even  
mechanisms  
to sniff out  
cheating.



AP IMAGES.COM

**More than 180 teachers and 36 principals were implicated in Atlanta's cheating scandal. Eleven officials were convicted.**

Often an honor system exists that presumes educators won't cheat. That was the case in Prince George's County, according to the Alvarez & Marsal audit. The district administration left it up to the schools themselves to "monitor adherence to grading policies and procedures," the audit reported, and the district was "silent on the implications of noncompliance." Fran Rabinowitz, who directs the Connecticut

Association of Public School Superintendents, says it is relatively easy to spot cheating if educators are looking at the right data set. "If you are looking at all the data," she says, "and you've got places where growth and outcomes are out of line, those are the districts you should be monitoring." In other words, officials in Prince George's County should have seen that DuVal High School couldn't have an honest 92 percent graduation rate and instead chose to ignore what was in front of them.

States and districts across the country are making efforts to eliminate cheating. Prince George's County has released a plan to shift toward electronic grading to avoid future grade tampering. The Maryland State Board of Education has called for a second, longer audit of the county's school system. Chicago has gone further—its public schools now have an inspector general, specifically tasked with looking for unethical behavior. New York state, which has long used a battery of tests called the Regents exams as a sort of exit test for high school, has changed its grading policy.

To avoid tampering, teachers in New York are no longer allowed to grade their own students' exams.

With so many cases of malfeasance, there are calls to pivot away from the current testing regime. But education scholars tend to discourage that approach. Used properly, they say, the standards codified under NCLB and expanded under ESSA allow educators to see the strengths and weaknesses of students, and the shortcomings of individual schools. Formative assessment, in which teachers and students are evaluated in a less rigid way at various times in the school year, would give both teachers and administrators enough data to work on performance. But those kinds of assessments don't come with a single number, which much of the public has grown accustomed to seeing in school ratings.

Is the answer decoupling student performance from teacher evaluations? Perhaps not. True, it's been well documented that tying these evaluations to student performance has raised the stakes so high as to incentivize cheating. But those same assessments have given teachers and principals a better chance to identify which students are and are not learning and marshal resources to those falling behind. And despite all the problems, the idea that professional reputation and employment rest at least partially on student performance can be a strong motivation for improvement. The crucial question, still largely unanswered, is whether schools can find a way to navigate the tortuous path between accountability and temptation. **G**

Email [jbcharles@governing.com](mailto:jbcharles@governing.com)



# Leading the future

for students, for educators, and in technology.



SINCE 2012, AT&T  
EMPLOYEES HAVE SPENT

2M

HOURS MENTORING MORE  
THAN 260,000 STUDENTS.



With a decade of financial commitment to the tune of **\$400 million**, our AT&T Aspire initiative **drives student success** in school and beyond.



Working with **leading education associations**—SETDA and CoSN—AT&T has contributed to the **standards and best practices** for next gen education networks.

With our **Access from AT&T** program,

307k  
households

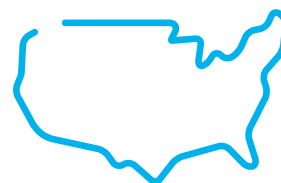
have connected to **low-cost internet** service to address the homework gap.



The **AT&T Aspire Accelerator** provides financial support and resources to ed-tech startups with missions to **help every student** achieve a bright, successful future.



From **mobilized learning** to **IP networking** and **security solutions**, hundreds of **AT&T professionals** are serving schools and universities across the country.



Over the last 5 years (2012–2016), **AT&T invested more** in the United States **than any other public company**.

To learn more visit  
[att.com/publicsector](http://att.com/publicsector)

© 2018 AT&T Intellectual Property. All rights reserved. AT&T and the AT&T logo are trademarks of AT&T Intellectual Property.



Colorado is one of the most closely divided states in the nation. In the race for governor, how far left is it willing to go? **By Alan Greenblatt**

# Shades *of* Purple





**Jared Polis,**  
the Democratic  
candidate for  
governor, is running  
on a platform of  
progressive ideas.

## Jared Polis wants everyone to have health care.

The Democratic candidate for governor in Colorado is promising to work together with other Western states to create a single-payer—or make that multipayer—consortium that will provide health coverage for every individual. “Health care is a human right,” Polis likes to say. “I believed that 10 years ago when I first ran for Congress on a platform of ‘Medicare for All,’ and I believe it today.”

There’s nothing particularly unusual about this stance in the current political climate. Lots of Democrats have made promises to push for some version of a universal health-care system, including a number of Democratic nominees for governor. But it still seems like a hard sell for Polis to make in Colorado. Just two years ago, voters decisively shot down a single-payer proposal known as Amendment 69. Nearly four out of five voters, or 79 percent, opposed the measure. Granted, it was a different proposal from what Polis is offering today, and it was drafted in such a way that cost it support among some liberal groups. But the intent and surely the goals were the same as the plan Polis has made the centerpiece of his campaign.

Universal health care is just one of the progressive promises that Polis is running on. He also intends to fund free kindergarten and pre-K classes throughout the state. He wants to prod businesses to give employees ownership stakes in their operations. And he wants the state to convert all its energy usage to renewable sources by 2040, a policy Republicans warn will cripple the state’s \$30 billion oil and gas industry. Polis, who is 43, has served in Congress for the past decade. (He made history as the first openly gay man to win a seat as a nonincumbent; if he wins in November, he will be America’s first openly gay man elected governor.) This spring, he introduced legislation to roll back last year’s tax cut package, prompting a derisive tweet from President Trump that Polis proudly wears as a blue badge of honor. “Jared Polis is really the most liberal candidate the Democrats have ever fielded,” says Dick Wadhams, a GOP consultant and former state party chair. “The Democratic Party has moved to a place it’s never been before.”

If Polis represents a break from the more centrist line of Democrats who’ve been elected in recent decades to the job, including term-limited Gov. John Hickenlooper, his opponent has also endorsed policies that place him on the right end of the spectrum. State Treasurer Walker Stapleton has talked incessantly about the dangers of sanctuary city policies, to the extent that he almost comes across as a single-issue candidate. During the Republican primary campaign, the 44-year-old Stapleton gave Trump a starring role in all his ads. “They both tried to appeal to the more, let’s say, politically oriented voters in their base,” Hickenlooper says, “which for the Republicans are much more to the right and the Democrats much more to the left.”

Around the country, candidates in both parties are doing their best to fire up their bases. In campaigns for governor, candidates are talking a lot about national issues that excite partisan constituencies—not least Trump himself, whether they’re Republicans pledging fealty to the president or Democrats who are repulsed by him. They’re not devoting nearly as much time or focus to the state-level issues they’ll actually grapple with as governor. “It probably won’t hinge on who has the best road proposal or who has the

best plan for K-12,” says Bill Owens, the last Republican governor of Colorado. “It’s winnable for either party, but it’s about who is able to define the other as too extreme. It’s who can make the most ad hominem attacks.”

Although this may be a familiar scenario in many states this year, it’s still a little bit surprising that things are playing out this way in Colorado, which is among the most closely divided states in the country. Registered independents there outnumber both Democrats and Republicans. Democrats narrowly control the state House, but Republicans have a one-seat advantage in the state Senate. Hickenlooper just barely managed to hold on for reelection during the 2014 GOP wave, taking 49 percent against a weak opponent. Colorado Republicans won all the other statewide contests during that last midterm, including a U.S. Senate seat held by a Democrat. Hillary Clinton carried the state by five points in 2016 and now Trump’s approval ratings are deep underwater. “With the right candidate, this state trends slightly red,” Democratic consultant Ted Trimpa says. “Anyone who thinks it’s going to be a blowout either way is high.”

In a state split between its Democratic cities and conservative rural areas, most elections are decided by the swing voters in suburban Jefferson and Arapahoe counties. But neither Polis nor Stapleton seems to feel that his best hope lies in appealing to the

**To win the governorship, Republicans say State Treasurer Walker Stapleton needs to expand his platform and offer an “optimistic vision” for the state.**





mythical middle voter. Instead, both camps are working to excite their core supporters, in large part by tearing down the other guy as being beyond the pale. “Moving toward the middle is probably an outdated paradigm,” says Joe Webb, who chairs the Jefferson County Republican Party.

Webb was one of the breakfast speakers at a recent Monday morning meeting of the Jefferson County Republican Men’s Club (where “women are ever and always welcome”). Over their eggs and pancakes, about 30 attendees were warned repeatedly about the stakes in the governor’s race. Fred Holland, the club’s organizer, said that “Nov. 6 is probably the most important election in your lifetime,” while Kim Monson, a Denver radio personality, warned “we are facing an ideological Normandy.” For his part, Webb sought to persuade these stalwart Republican voters to get active and volunteer strictly on the basis that Polis was unacceptably liberal. “Regardless of how you voted in the primary,” he said, “there’s only one person between Jared Polis and the governor’s mansion.”

Webb isn’t the only Republican worried about Polis winning. The Democrat led in polling conducted in the aftermath of the June 26 primary by comfortable single-digit margins. Polis is one of the richest members of Congress, having sold two internet companies, Blue Mountain and ProFlowers, for a combined \$1.25 billion. He has always spent freely on his own races—well over \$10 million

during this year’s primary alone—and he’s built up a network of field operations around the state that Stapleton has yet to come close to matching. Republicans also recognize that Colorado presents the kind of demographic profile that suits Democrats at the moment, with large numbers of minorities—the state is 21 percent Hispanic—and highly educated urban professionals. Democratic turnout nearly tripled in the primary from 2014 levels, rising 197 percent. Republican turnout, by comparison, was up by about 30 percent. Independents, known in Colorado as unaffiliated voters, could vote in a partisan primary for the first time this year, and 62 percent of them chose to vote on the Democratic side. “I don’t think you can look at that and not see that the intensity is on the Democratic side,” says Wadhams, the GOP consultant. “We would sure be crowing about it if more Republicans were voting in primaries.”

Colorado’s population has grown by 10 percent since 2010, with much of that growth centered in the Denver-Boulder metro area, which attracted 400,000 additional residents. Denver proper gave just 19 percent of its vote to Trump in 2016; his share in Boulder County was 22 percent. It’s possible that Polis will get essentially no support in places like southern Colorado or along the Western Slope, but the yoga mat-toting residents of Denver may well be able to outvote them at this point. In order to win, Stapleton will



AP IMAGES.COM

have to keep Polis' vote share under 70 percent in Denver, says Democratic state Rep. Dan Pabon. That won't be an easy task if he continues to frequently and openly embrace Trump. "Denver and the metro area have a blue heart, and that blue heart gets bigger every year," Pabon says. "This year, that blue heart is beating pretty fast, given the dynamics in Washington."

If the blue heart of Colorado has truly grown in size, it may not matter how liberal or expensive the promises Polis has been making might be, at least not during an election year dominated by partisan passions. "Jared Polis is not the type of Democratic candidate who has thrived around here over the last four decades," says Colorado political commentator Eric Sondermann. "If Jared Polis becomes governor, either there's a huge blue wave that washes over the country and this state, or Colorado has fundamentally changed and is now California East, as opposed to Nebraska West."

Colorado has been a state where the pendulum of political control has swung repeatedly in recent years. When Owens ran for governor in 1998, Republicans had been blocked from the office for 24 years. He led them out of the desert by running on a simple, straightforward platform. He said he would cut taxes, strengthen schools and school accountability, and widen Interstate 25, the major north-south route that runs through Colorado Springs, Denver and Ft. Collins. After winning by less than 10,000 votes the first time around, Owens was reelected easily in 2002 with 63 percent of the vote.

But despite his political success, his party lacked much of an agenda for his second term. GOP legislators soon took an ideological turn. They devoted the bulk of their time to social issues,

addressing "God, gays and guns" rather than nuts-and-bolts concerns such as roads and schools. (Actually, they didn't ignore schools entirely. At one point, legislators debated a ban on foreign flags from schools.) The lack of focus on the practical business of government led much of Colorado's business community to abandon the GOP, or at least sit on the sidelines. The result in 2004 was the first Democratic takeover of the legislature in 30 years.

Owens worked pretty well with the new Democratic majority on issues such as taxes and light rail construction. Once he left office, Democrats won the governorship three straight times. As the years went by, their legislative majority grew more liberal, passing environmental laws and gun restrictions that didn't play well outside of Denver and Boulder. In 2013, 11 counties held symbolic popular votes to secede. That same year, the gun control effort led to the recalls of two Democratic state senators and the resignation of a third. In 2014, Republicans enjoyed a near sweep of statewide offices and took back the state Senate.

Polis played a role both times the parties seemed to overreach. He was part of the "Gang of Four" wealthy investors who largely bankrolled the Democratic comeback 14 years ago. They built up a party infrastructure—think tanks, voter identification and outreach and data collection—that has continued to boost the prospects of Colorado Democrats. But Polis took some hits within the party for his sponsorship of initiatives for the 2014 ballot that would have curtailed fracking. He withdrew them in a compromise brokered by Hickenlooper to have a task force examine the issue, but some Democrats believe Polis' proposal roused the oil and gas industry, which invested heavily in politics that year, helping to oust a sitting Democratic U.S. senator.

The energy sector already pays for much of the GOP party's field operations in Colorado. Republicans are counting on oil and



**The candidates aren't devoting much time to the state-level issues they'll grapple with as governor, such as the state's crowded roads.**



gas interests to match Polis' millions. His push for 100 percent renewable energy sources "would have multibillion-dollar negative impacts on the state of Colorado," says state GOP chair Jeff Hays.

To beat Polis, Republicans will have to hit him high and hit him low, Hays adds. With the party itself, super PACs and other affiliated groups "lashing" the Democrat, he says, Stapleton will be freed up to offer a more "optimistic vision."

The question is whether he has one. In the weeks after the primary, Republicans openly expressed concern about Stapleton's ability to come up with a positive agenda to sell around the state. In recent years, Republicans have lost a series of contests by nominating candidates who had a message that could win primaries but weren't acceptable to the larger general election electorate. Stapleton is seen as potentially more broadly appealing, but since winning the nomination, he's spent most of his time trying to raise money to catch up, rather than touting a new vision.

Stapleton is practically the personification of an establishment candidate. His great-grandfather was a five-term mayor of Denver and he's a cousin of George W. Bush. Some Republicans say Stapleton, highly conscious of the now-unfashionable Bush family connection, went too far in the primary in trying to appear Trumpian. Stapleton not only showcased Trump's image constantly, but asked Tom Tancredo—a former congressman and failed candidate for governor and president who has long been notorious for divisive rhetoric on immigration—to nominate him at the state party convention. Stapleton ended up winning the primary by 19 points in a four-way field. He would have been better off pivoting to the center early, which might have cut his primary margin in half but put him in a better position for the fall, says Jon Caldara, president of the Independence Institute, a free-market think tank in Denver. "You can make a mathematical argument that Walker played too much to the base," he says.

Most Republicans do credit Stapleton for having the acumen to navigate a tough primary field successfully. They believe he can win but recognize that there are several big ifs involved. In addition to raising money and expanding his platform of ideas, some frankly worry whether he has the charisma to win over voters. "In Colorado, the likability factor is huge," Caldara says. "The question is, can Stapleton turn into a likeable guy?"

If he can't, for now, the centerpiece of Stapleton's campaign is his base strategy: seeking to gin up fears about Polis and his "radical, left-wing agenda." "My gosh," says Colorado Springs

Mayor John Suthers, "if Polis can't energize Republicans in Colorado, I'm not sure who can."

Even before Polis was nominated, the Democratic Party had already moved too far left to suit Cheri Jahn. First elected to the legislature in 2000 as a Democrat, the senator declared herself an independent at the end of last year. She was sick of the partisan posturing, she says. Although lawmakers in the divided legislature were occasionally able to find common ground, she complains more time was spent voting on "message amendments" than coming up with real solutions. Jahn sees that extending into this year's campaign. "It's really sad to see Polis run as far left as he can and Stapleton running as



**"It's really sad to see Polis run as far left as he can and Stapleton running as far right as he can," says state Sen. Cheri Jahn.**

DAVID KIDD

far right as he can," she says. "It's really tough for the independent voters to make a decision between the two."

But if either candidate moves seriously to the center, the other will waste no time vigorously reminding voters of all the "extreme" stances he'd taken just weeks or months ago. Traditionally, the best route for a candidate has been to articulate problems that affect everyday lives and how he'd go about solving them. Given the state's rapid growth, both liberals and conservatives alike spend a good amount of time stuck in traffic. "If either ran on modernizing highways and fixing I-70, people would cross party lines to vote that message," says Rob Witwer, a former Republican legislator who coauthored a book about the Democratic takeover in 2004. "It would signal to the people of Colorado that this is a candidate who is not just posturing to get into power but understands the job he's running for and has an agenda to accomplish something."



DAVID KIDD

**On Nov. 6, Republicans “are facing an ideological Normandy,” warned Kim Monson, a Denver radio personality, at the Jefferson County Republican Men’s Club in July.**

Perhaps such a belief is out of step with these hyperpartisan times. Candidates choose to speak to what they believe voters are interested in. Whether because of social media or because hardly any Colorado news outlets are covering the governor’s race full time or because of this president, it seems that even people who follow politics closely are most interested in national issues right now. Even when the candidates address the state’s challenges, they’re not talking about the nitty-gritty of policy choices or management. Instead, it’s promises for universal health care or attacking illegal immigration. One of the lessons of this era, and the success of figures such as Trump and Bernie Sanders, is that Americans want their politicians to present “big, bold ideas,” says Trimpa, the Democratic consultant. “I come from the school where, in campaigns, you do whatever that’s legal you need to win,” he says. “Then, you move on to governing.”

There’s still a school of thought that agrees with the notion of campaigning in poetry and governing in prose. But does that still happen in practice? If you campaign by demonizing your opponents, you’ll come into office leading a divided state. Those resentments often carry forward into governing. They certainly don’t set the stage for collaboration. Whoever gets elected governor in Colorado this year will preside over a legislature that will still be closely divided, even if his party controls both chambers. Getting anything done—let alone realizing bold visions like universal health care—will be a struggle. And Colorado voters have already shown the door to parties that go too far once in office.

From the breakfast meetings at the Jefferson Men’s Club to the state party headquarters itself, the biggest fear Republicans express

is not only that Polis will win, but that once in office he will be both symptom and cause of the state becoming more like California. Despite California’s economic success, Colorado Republicans worry that adopting its politics means embracing higher taxes and greater regulation. “When it comes to Californians, I think we all welcome intelligent, creative people,” says Hays, the state Republican chair, “but we don’t want them to re-create their political environment.”

But Colorado is bound to be different from California in one significant way. Colorado is set for continuing growth, projected to gain 50 percent more people, to 8.5 million, by 2050. It’s already nearly doubled its population since 1980. Its road capacity certainly has not doubled over that same period. “Our infrastructure was built decades ago, for decades ago,” says Kenton Kaplan, a high school student in Boulder interning with the Polis campaign.

When California had its great postwar growth spurt, building up its highways, water infrastructure and universities, its government was functional. Colorado’s ability to cope with growth is already constricted by its strict tax limitation laws. Like the country as a whole, it may find its ability to address the most serious problems has also been hampered by the fact that it’s narrowly but deeply divided when it comes to choosing government leaders. “Colorado is growing at a time when people are incapable of working together,” says Witwer, the former Republican legislator. “People are so divided and dysfunctional, so intent about social issues or being offended by tweets, it’s possible to imagine things literally falling apart before they get addressed.” **G**

*Email [agreenblatt@governing.com](mailto:agreenblatt@governing.com)*



Stay up to date on the latest trends and gain insights to some of your most pressing challenges.



Visit our website for some of our most recent work!  
[www.governing.com/papers](http://www.governing.com/papers)

GOVERNING





# A ROAD LESS TRAVELER

*It was America's first superhighway. Now much of it*





D

*sits abandoned.*

Text and Photographs by David Kidd



KNOWN AT THE TIME as “America’s Super Highway,” the Pennsylvania Turnpike opened in 1940 as the first limited-access highway in the country. Considered state of the art, it served as a model for the Interstate Highway System and other freeways. But the road’s popularity resulted in miles-long backups at its tunnels. (The turnpike was also known as the “tunnel highway” because it traversed seven tunnels.) To alleviate congestion, two additional tunnels were bored. Eventually, a 13-mile stretch of the turnpike was abandoned in favor of a more modern bypass that opened in 1968. But the old highway has not been completely forgotten. It’s been used as a roadway test site and a movie location. Not officially open to the public, it is popular with bikers, hikers and explorers.







**Left: A bicyclist pauses after passing through the Rays Hill Tunnel.**

**Below left: The road surface is slowly being reclaimed by vegetation.**

**Below: This farm, which is adjacent to the abandoned stretch of the turnpike, is no longer subjected to the roar of traffic.**



**Opposite page, top:**  
Traffic used to back up for miles outside the Sideling Hill Tunnel, which narrows to one lane in each direction.

**Opposite page, bottom:**  
Large ventilation fans once kept carbon monoxide levels safe for motorists in the tunnels.





# New Day in the Fire

**By Daniel C. Vock**





*The job of firefighter has changed almost beyond recognition. It's not easy to do—or to recruit those necessary to do it.*

# rehouse



The job of a firefighter isn't what it used to be. Take Charlottesville, Va., for example, where in just the past 18 months the fire departments in the city and surrounding Albemarle County have searched the wreckage of a plane crash in a hard-to-reach wooded area, performed water rescues after spring floods, responded to the derailment of a passenger train carrying Republican members of Congress and, most memorably, provided medical assistance during white supremacist rallies in Charlottesville, including one incident that left three people dead last summer. This was all in addition to dealing with downed power lines, an ammonia leak, frozen pipes and yes, even a few fires.

The workload of fire departments has grown substantially, even as their core mission—putting out fires—has dwindled. “Communities tend to lean on the fire service in times of crisis,” says Charlottesville Fire Chief Andrew Baxter. “People are looking to the fire service for leadership and partnership for all aspects of emergency response.”

But that ever-evolving mission has brought new strains. It requires training and planning for new dangers such as civil disturbances or active shooters. With increased call volumes, it requires more personnel at a time when a growing number of agencies are finding it difficult to recruit both career and volunteer firefighters, and to diversify their workforces to include more women and minorities. And it comes as some cash-strapped cities are questioning whether the old system of responding to larger call volumes by deploying more firefighters with bigger equipment at more fire stations is sustainable anymore.

As an affluent city of 47,000 that is home to the University of Virginia, Charlottesville is no backwater. But it's struggling with how to meet today's new demands like everyone else. It alone couldn't handle the events of Saturday, Aug. 12, 2017, when white supremacists gathered for a “Unite the Right” rally and thousands of counterprotesters came out to oppose them. The city and county reached out to departments throughout the state to be ready with fire suppression, hazardous material controls and emergency medical teams to respond to events. The Charlottesville Fire Department ultimately helped coordinate a massive emergency response, one of the largest public safety deployments in Virginia history.

Tensions were high. Local firefighters spent 72 hours in what fire officials describe as a combat environment. Baxter was worried enough about their condition to bring in mental health counselors from around the country who specialized in treating firefighters. That Monday, every Charlottesville firefighter took the day off. Five engine companies, a ladder truck, a battalion chief and four medic units from departments elsewhere in Virginia kept watch over the city. “We turned over fire and rescue duties for Charlottesville for 24 hours,” Baxter recalls. “Nobody said no. It was a special moment.”

And it's a moment that's emblematic of firefighters' changing roles. In 2016, the last year for which data is available, fire departments in the United States responded to 35.3 million calls. That's more than three times as many as in 1981, even though the U.S. population increased by only 42 percent. The striking thing is that, during that time, the number of fires that these departments



responded to actually fell to less than half of the number in 1981. By 2016, fires made up less than 4 percent of all the calls that fire departments responded to. Medical emergencies accounted for 68 percent.

The growing share of medical emergencies handled by fire departments is a long-developing trend, but departments still struggle to adjust to their changing mission. On the one hand, their new role as “all-risk, all-hazard” response teams makes them indispensable in disaster planning and mitigation. On the other hand, the more their core duties stray from fire suppression and rescues, the more difficult it is to train, recruit and retain the workers they need. “Our recruiting pamphlets for fire departments show people fighting fires in their bunker gear or pulling people out of vehicles,” says Thomas Jenkins, the fire chief in Rogers, Ark. “But the first thousand calls in a firefighter's career may not involve any of those things. We save exponentially more people in emergency medical care. But we don't do a good job educating people about what it is.”

There are several other reasons why recruiting and retention have grown more difficult. One is that the financial payoffs don't look as attractive for salaried firefighters as they once did. Pensions for veteran firefighters have generally remained intact, but retirement benefits for new recruits are less generous than they were before the Great Recession. Salaries have been essentially flat, with national median pay hovering around \$49,000 for the past several years. Now that the nation's unemployment is down to around 4 percent, firefighters are looking at other opportunities earlier in their careers than they once did. Their training in emergency medicine can make them attractive candidates for jobs in

AP IMAGES.COM





**Charlottesville firefighters help a protestor injured in a skirmish during last year's "Unite the Right" rally.**

health-care professions, something that was not the case a couple of decades ago.

While there's been a slight uptick in the number of career firefighters from 2010 to 2015, departments are still having a hard time meeting staffing demands.

This is especially true in smaller jurisdictions. Industry standards require a minimum of four firefighters assigned to every engine or pumper. More than a third of cities with at least half a million people reported in 2015 that they did not meet that staffing threshold, compared with a fifth in 2010. But among cities with populations between 50,000 and 100,000, 80 percent did not meet the four-fighters-per-engine standard. The unavoidable truth, says Jenkins, "is that we have a very legitimate recruitment and retention problem for full-time fire departments. Almost every department is seeing a decrease in people testing and applying to be firefighters." The situation only promises to get worse as a wave of baby boom firefighters retires over the next several years.

Part of the problem is convincing candidates to sign up for the intense lifestyle of fire service. For career firefighters, for example, that usually means working a 24-hour shift and then getting two days off. "It's hard to maintain a work-life balance with families and side jobs," says Jenkins. "If you've had two or three calls after midnight, it's tough to be a good dad, a good husband or to go to a second job."

Smaller departments that rely heavily or exclusively on volunteer firefighters have been grappling with this problem for a long time. Dave Finger of the National Volunteer Fire Council says the number of volunteers has remained about the same, but call volumes have increased significantly. Small-town residents who

might be interested in volunteer fire work are traveling ever-longer distances to get to their regular jobs, leaving less time for pursuits like volunteering.

Then there's the simple matter of figuring out whose job it is to recruit new members when the whole department is made up of volunteers. "How much bandwidth does a volunteer fire chief have to engage in a professional recruitment campaign," Finger asks, "when he or she also has to make sure everybody is trained, has to make sure that the department's equipment is maintained, and has to get out there and respond to calls?"

Many rural fire departments have switched from all volunteers to a mix of volunteers and career firefighters, specifically so they can have a full-time fire chief to take care of all the administrative tasks and paperwork.

Meanwhile, fire departments are struggling to become more diverse; they are still overwhelmingly white and male. Among career firefighters, only about 5 percent are women. Blacks and Hispanics are also underrepresented. The gap is significantly wider in many major cities. But women and minorities are better represented among paramedics and emergency medical technicians working for fire departments—31 percent of paramedics and EMTs are women, 10 percent are black and 9 percent are Latino. Paramedics and EMTs are generally paid less than firefighters.

In the #MeToo era, sexual harassment, misconduct and discrimination lawsuits against fire departments create serious image problems and recruitment obstacles. In Fairfax County, Va., the fire chief recently stepped down after years of criticism over how the department—which is widely respected for its urban search-and-rescue team—handled charges of bullying, favoritism and harassment. The scrutiny came when a 31-year-old firefighter killed herself, following online harassment from her colleagues (it was unclear whether those comments played a role in her suicide). Fire Chief Richard Bowers ultimately retired after the widower of the firefighter called for his resignation.

In Chicago, five women paramedics sued the Chicago Fire Department, charging that they were groped and harassed by their superiors. One veteran field chief, the suit claims, used a special key to unlock the sleeping quarters of a paramedic as she slept. Salt Lake City is fighting allegations of sexual harassment, discrimination and retaliation after its fire department demoted and then fired its first female battalion chief. In San Diego, a captain filed a lawsuit in May alleging that her coworkers groped her, unzipped her shirt, shared sexually explicit images, sent suggestive and unwanted text messages, denied her promotions routinely given to her male colleagues, and then made her harassment complaints public, which led to more harassment.

**F**ire departments are wrestling with these damaging personnel issues as they confront rising demands on their resources and infrastructure.

State and local governments spend roughly \$2 billion a year on construction for fire departments, an amount that's been slowly inching up in inflation-adjusted terms since the end of

the Great Recession. But Jenkins, the Arkansas fire chief and a former president of the International Association of Fire Chiefs, says getting local officials and voters to support new spending on firehouses has become tougher. “Fire departments had a tendency when they needed resources to make a generic argument: ‘We save lives. If we don’t get what we need, there are dangerous consequences,’” he says. That argument is not working as well in an era when local governments face tighter budgets and a skeptical public that scrutinizes local spending. “People want to make sure local government is accountable,” Jenkins says. “That’s driven fire departments to articulate their need.”

One way to do that is to stress the challenge to abide by industry standards, particularly one specifying that fire services should arrive at the scene of a call within four minutes of leaving their station. (That’s become an especially important benchmark as open residential floor plans and more combustible household items make fires burn hotter and faster.) Accrediting agencies consider how well fire departments meet that standard of promptness, so it makes sense for cities to plan their infrastructure around achieving those goals. “For a long time, there was just one answer: build a new fire station,” Jenkins explains. “That’s still going to be a solution sometimes.” His own department in Arkansas asked voters in August to fund a new station. “But sometimes improving road infrastructure or moving a fire station to a major arterial can have a small but important impact as well.”

That’s one reason, in fact, that Jenkins was involved in planning not only the fire department projects, but also the road plans in his city’s recent bond question. “Road connectivity will greatly reduce the need to build more fire stations as our city continues to grow,” he says.

It’s another sign that fire agencies are becoming more deeply enmeshed in aspects of local government many of them used to ignore. In the Charlottesville area, fire departments are playing a critical role in the design of new housing developments, especially the creation of walkable areas with narrow, tree-lined streets and houses clustered closely together. Those designs can make it difficult for fire trucks to get through on neighborhood streets, an issue that has generated plenty of conflict in other places.

But those conflicts can be avoided, says Dan Eggleston, the chief of the Albemarle County Department and president of the International Association of Fire Chiefs. “The fire department likes those [walkable] designs if we get in on the early stages of the planning process. We are not opposed to these designs. We have wonderful designs that blend our need for access with the desire for walkable communities.”

Installing flat curbs at intersections can help fire engines make sharp turns, and parking restrictions help not only fire trucks, but school buses and trash trucks as well, Eggleston says. Recently, he was involved in the planning of a development that had a grass courtyard instead of a street. That might have prevented fire trucks

from getting to the residences in case of a fire. So they reached a compromise: The developer installed porous pavers that could hold a 100,000-pound ladder truck but still allow grass to grow through them.

Not all departments have been so accommodating. Firefighters in Baltimore, for example, have fought vehemently against proposed bike lanes that, they argue, will not leave enough room for large equipment, such as tiller trucks with outriggers that anchor the trucks when ladders are in use. To make their point, firefighters filmed a video outside the house of a leading bike activist to show the difficulties of using fire equipment on narrow streets. Adding to tensions, cycling advocates complained to the city council that firefighters threatened them at a hearing on the issue. The cyclists ultimately won a court battle that prevented

Baltimore from tearing out a recently installed bike lane.

San Francisco has taken almost an opposite approach to the growing demand for walkable streetscapes: buying smaller fire engines that are better adapted to operate in tighter spaces. These new trucks are narrower, with fewer protruding parts than the fire engines they replaced. They have a smaller turning radius, and they’re outfitted with cameras that help avoid crashes with vehicles, cyclists or pedestrians.

In Portland, Ore., Fire Chief Mike Myers makes the case that the fire department ought to be leading the movement toward more walkable neighborhoods. Those environments help improve the health and safety of residents, he says, and they haven’t led to any reduction in the fire department’s response times.

“Our opinion from the fire service is that vibrant cities don’t burn,” Myers says. “If we change the vibrancy of an area, then that area won’t have a high likelihood of a shooting. That area will not have a high likelihood of a pedestrian accident and will not likely have a fire. That is our goal. And that’s where we’re putting our money and our attention.”

Myers argues that fire departments need to get involved in those problems earlier, because the city can’t afford to keep hiring more firefighters and buying more equipment to cover the escalating needs of its growing population.

The Portland Fire Department is currently working with researchers at Harvard University to develop predictive analytics that can tell them where fires are most likely to occur. Meanwhile, each of the city’s 31 firehouses is developing plans to address the problems they most commonly face, whether those are wildfires or health problems among homeless people. The idea is to get the fire department to work with other government agencies and nonprofit groups to alleviate those issues. “If we can [do better] at cooperating with multiple bureaus,” Myers says, “I’m doing my job as a fire chief by ultimately making sure the call doesn’t happen in the first place.” **G**

Email [dvock@governing.com](mailto:dvock@governing.com)

*State and local governments spend roughly \$2 billion a year on construction for fire departments.*





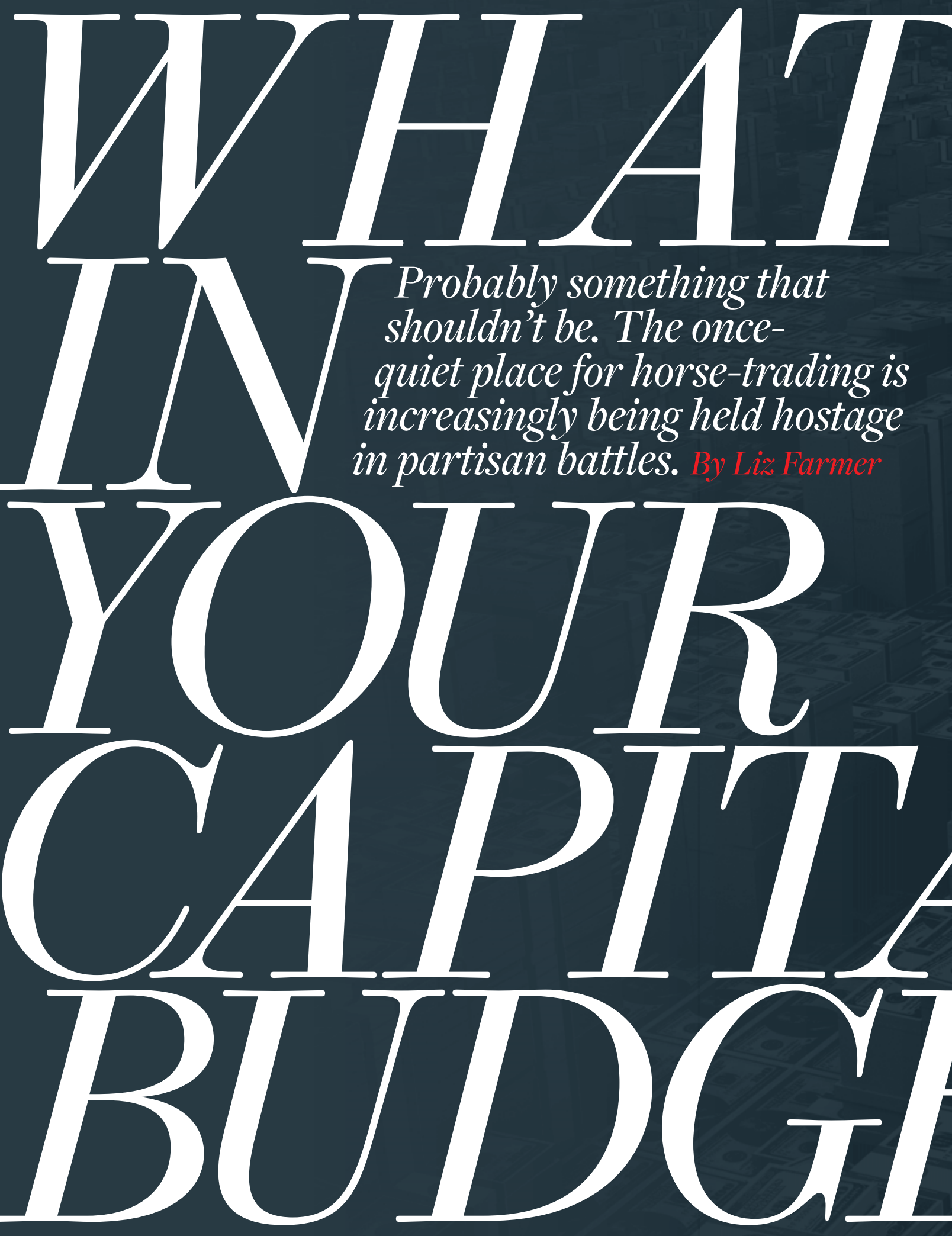
# BRING IT IN FOR A #SMOKEYBEARHUG

SHOW SOME LOVE TO THOSE WHO HELP PREVENT WILDFIRES.

Only **YOU** Can Prevent Wildfires.  
**SMOKEYBEAR.COM**







# WHAT IN YOUR CAPITA BUDGE

*Probably something that shouldn't be. The once-quiet place for horse-trading is increasingly being held hostage in partisan battles. **By Liz Farmer***





SS

AT?

The picture spoke a thousand words: New Jersey Gov. Chris Christie and his family were frolicking and sunning themselves on an otherwise empty beach at Island Beach State Park. The sandy shore was closed to the public because a budget impasse in 2017 had shut down the government. The stalemate threatened thousands of state residents' July 4th plans that year.

Meanwhile, on the other side of the country, legislators in Washington state were embroiled in a charged political budget battle over rural water rights. The lawmakers couldn't agree on how to fix the problem of who had the right to dig new wells. The impasse lasted a nasty six months, but few people outside the state even heard about the freeze on spending it caused.

That's because while New Jersey's budget standoff was immediately felt by all state residents, Washington's battle merely held up the state's capital budget. While capital budgets are incredibly important for job growth and a state's economy, in most places holding one hostage doesn't cause a government shutdown. Hitting the pause button on spending to build roadways and school buildings doesn't have the same impact as closing a public beach on a hot summer day.

While operating budgets take care of daily expenses like personnel and office supplies, capital budgets pay for more permanent items. In essence, they are construction budgets with funding for anything from major projects like roads and bridges, on down to

local parks and arts facilities. No two states have the same rules for their capital budgets. For instance, 19 states have a separate capital plan for transportation projects, according to a survey by the National Association of State Budget Officers (NASBO). Only 29 states include information technology, which has a much shorter shelf life than buildings and roads, in their capital plans. And roughly half of states mandate that assets their capital budget invests in must be of a physical nature.

For years, legislating and ironing out capital budgets was reserved for technical experts—like, say, those who know how to calculate the net present value of a project. But increasingly, they are being held captive in political battles. Growing fixed costs in the operating budget, such as retiree pensions, have made state annual spending plans less flexible. It's hardly surprising, then, that the traditionally lower-profile capital budget is becoming a tempting place to achieve new policy goals. "It's a way to shift the political battlefield to something that still matters a lot to people," says Justin Marlowe, a public finance professor at the University of Washington and a *Governing* columnist, "but not in a way that results in as many angry calls from constituents."

This is a notable swing away from the bipartisan origins of capital budgets. Because they are essentially a long list of projects, capital budgets have traditionally been a place where political horse-trading gets done. Both sides of the aisle benefit from



**New Jersey Gov. Chris Christie and his family had a state beach to themselves during a government shutdown in 2017.**

APIIMAGES.COM



the projects and the spending. In short, there has always been something for everyone.

While the fight in Washington state is an unusual example, it is not the only one that suggests capital budgets are becoming increasingly policy oriented. Health-care and education initiatives that may have once been funded through the operating budget are now popping up in capital budgets. In Delaware this year, lawmakers inked a deal in the capital budget to allocate \$15 million to help improve education outcomes in five struggling schools in Wilmington. In Ohio, lawmakers over the past two years have allotted more than \$300 million through the capital budget to fund critical health and human services for developmental disabilities, mental health, addiction treatment and women's health initiatives. The effort is part of an attempt to stem the state's overwhelming number of opioid overdose deaths.

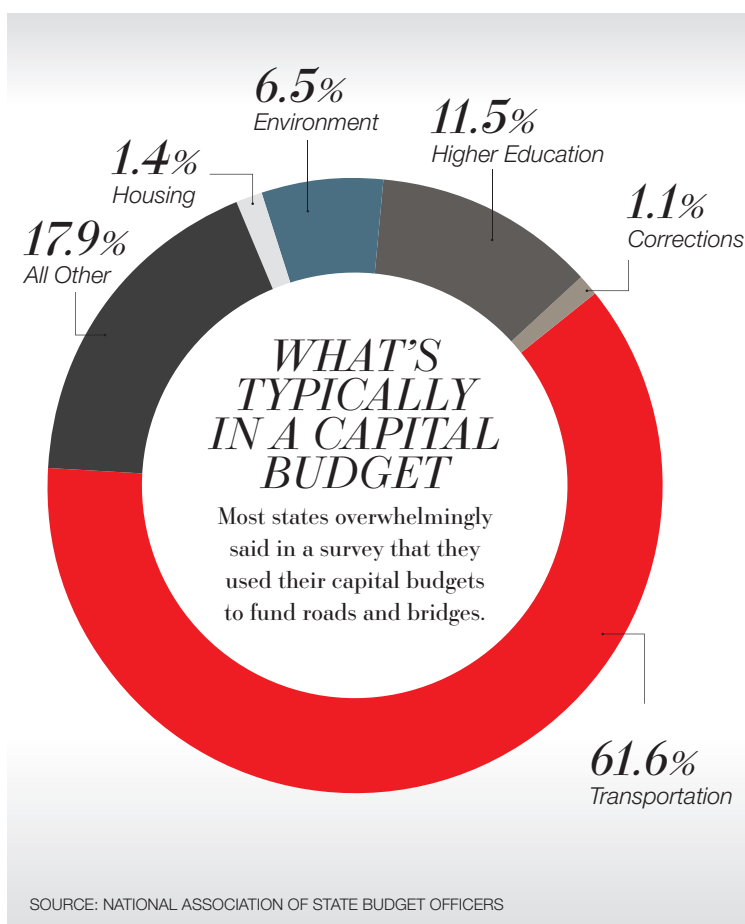
For what it's worth, Ohio's definition of a capital expenditure is anything with a useful life of longer than five years and at a cost of more than \$500. Arguably, the opioid crisis fits that meaning. But it's a gray area—and one legislatures are crossing into more and more.

Turning the capital budget into yet another political football, however, is a dangerous game. Take infrastructure investment, which absent any federal action is increasingly falling upon states and localities. Inserting partisan politics into what has historically been a nonpartisan, massive economic engine for states could have uncomfortable consequences.

The origins of Washington state's capital budget battle lay in a 2016 state Supreme Court decision that halted the drilling of private water wells for homes in rural areas. In that decision, the court ruled that counties could no longer rely on the state Department of Ecology to determine if there was enough water for new wells. Instead, localities would have to figure out if a new private well could be drilled without affecting water available to those with existing water rights, including cities and other homeowners. Counties also had to protect local streams' fish runs and the treaty rights of the state's tribes. This was an overwhelming alteration to the way things had been done. It resulted in a stop work order for property owners looking to drill wells for their homes.

Private wells are much more common in less-populated areas, and the decision dealt a blow to rural Washingtonians. It was an emotional time, recalls Carl Schroeder, government relations advocate for the Association of Washington Cities. He remembers one particular moment at a legislative hearing. A resident came in to testify and got down on his knees to beg legislators to come up with a fix. The man told legislators he had sold his home to his mother, bought a piece of land and was in the process of building a new home. But the decision prevented him from digging a well to finish construction. "So he was living in a trailer on his former property with his five kids and wife," Schroeder says, "and making loan payments on a property he wasn't able to do anything with."

In 2017, after months of haggling over the issue, Republicans decided to take a stand in the state Senate where they held a one-vote majority. Seizing on the 60 percent majority requirement to approve bond issuances, they vowed to tie up approving any new



capital spending until the water issue was decided. So, the state started fiscal 2018 without its two-year, \$4.2 billion capital budget.

To many, it was a surprising turn of events. "[The capital budget has] so many investments ... that have typically been supported by both parties," says Schroeder. "Seeing it become a political football was different and sort of shocking to people."

Democratic leaders at the time decried the move, saying the state's capital budget is an economic priority and shouldn't be delayed by political maneuvering. But Republicans countered that delaying a fix had dire economic consequences, including plummeting land values and lost jobs. Pointing to a study that found the state Supreme Court's decision could result in as much as \$6.9 billion in lost economic impact—predominantly in rural counties—then-Senate Majority Leader Mark Schoesler chastised Democrats for ignoring the state's rural economy. "They like to pretend a fix doesn't matter as much as the capital budget," Schoesler said last fall, "but this study shows clearly that the annual negative economic impact far exceeds the cost of a temporary delay in state building projects."

During the six-month delay—which put the kibosh on an entire state construction season—city newspapers published a slew of editorials calling for lawmakers to reach an agreement. Nationally, however, the issue fell under the radar.

When there are holdups on a state's operating budget—Illinois went more than two years without one—there is analysis and



APIMAGES.COM

**Bud Breakey and his family's plan to build a house and dig a well on property they own in rural Washington was put on hold by a state supreme court ruling and a subsequent budget impasse.**

dissection of the state and its problems by policy shops, rating agencies and the national media. State government shutdowns have their own Wikipedia pages and Twitter hashtags. But Washington state's capital budget standoff generated little, if any, commentary from the peanut gallery. Why doesn't a freeze of a capital budget cause the same furor? John Hicks, NASBO's executive director, has an answer. "Whether it's right or wrong," he says, "there's a perception of, 'that can wait.'"

Washington state finally agreed on a solution—and a freeing up of its capital spending plan—in January when the legislature reconvened. Democrats gained control of the state Senate, and ultimately the water well solution and the construction budget were passed on a bipartisan basis. Some chalk up the impasse to an unusual situation where rural interests were able to unite on an emotional issue and hold their ground. "There are very few leverage points, and this was one of them," says state Sen. David Frockt, vice chair of the committee that pushed the capital budget through. Still, he's concerned about setting a precedent. "This is something we just have to navigate," he says. "The operating budget, you can generally pass on a party-line basis if you can hold your members

together. But with that 60 percent threshold [in the capital budget], we have to work with the other side."

While nobody's expecting more places to have showdowns like Washington state's, the increased politicization of capital budgets threatens a key area of spending. State and local governments already foot three-quarters of the cost for public infrastructure. Inserting political fights into something that some consider the last bastion of bipartisan legislating could add pressure and delay much-needed infrastructure investment, as has already happened in Washington state.

The fact that a capital budget has usually been an oasis in a partisan desert is why Washington University's Marlowe predicts that, rather than a politically risky government shutdown over operating budget expenditures, capital spending will increasingly become the political battleground of choice. "It's still high impact," he says. "The failure to pass one means infrastructure projects are not going to be done. If you're looking to make a legislative statement that affects real people, the capital budget does that." **G**

*Email [lfarmer@governing.com](mailto:lfarmer@governing.com)*





# Congratulations

*to the 2018 Special Districts Technology Innovation Award Winners!*

## WEST REGION



### LEADERSHIP CATEGORY

#### **Dante Ramirez**

Principal Accountant  
for the Los Angeles County Metropolitan  
Transportation Authority

### OPERATIONS CATEGORY

#### **Regional Streetlight Program**

Western Riverside Council of Government

### CITIZENS CATEGORY

#### **Flood Early Warning System**

San Francisquito Creek Joint Powers Authority

## SOUTHWEST REGION



### LEADERSHIP CATEGORY

#### **Michael Parks**

Deputy Executive Director  
for the Brazos Valley Council  
of Governments, Texas

### OPERATIONS CATEGORY

#### **Fort Bend County Levee Improvement**

District No. 2, Texas

### CITIZENS CATEGORY

#### **GPS.MyGovernmentOnline**

South Central Planning and Development  
Commission, Louisiana

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

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

AN AT&T  
PROGRAM



government  
technology



# When Home Is a Car

By Mattie Quinn

**W**hen a homeless count was conducted in Seattle this year, the city realized that more people are living in their cars than ever before and 46 percent more than the year prior. It's a similar story in surrounding King County, where around 25 percent of the homeless population is living in their vehicles.

But the phenomenon is far from unique to the Seattle area. There's been an explosion in many major West Coast cities—from Los Angeles to San Francisco to Portland—of “vehicular homelessness.” The issue is particularly bad there because rents have skyrocketed. The median rent in San Francisco, for example, now outpaces New York City, long considered to be America's most expensive city. The number of homeless people who don't live in shelters went up 20,000 from 2015 to 2017. “It's the new form of affordable housing,” says Sara Rankin, a professor who specializes in homeless rights advocacy at Seattle University's School of Law.

The rise of people sleeping in their cars presents unique challenges for cities and homeless advocates. “What do we do with people whose basic physiological needs are not being met?” asks Rankin. “When we think about people who are living in their vehicles, are they able to sleep, eat, poop and breathe safely? We have to start asking what needs to be done.”

Some cities have launched so-called safe parking programs—in which certain lots are designated for people living out of their cars—to address the growing problem. Others are taking a different route and criminalizing using one's car as a shelter on city streets. In Washington state, officials in Aberdeen, Longview and Tacoma recently made it illegal.

In Tacoma's case, the crackdown on living in cars is part of an emergency declaration on homelessness made last year. The city also closed several encampments in an effort to funnel people instead to a city-sanctioned “stability site,” which offers meals, running water and resources for long-term housing. The program has been criticized in the local media for not connecting many people to stable housing—just five people out of 84 in its first three months—but city officials say it's a work in progress and that they will continue to restrict vehicular homelessness. “This is really a public health issue,” says Allyson Griffiths, manager of Tacoma's neighborhood enhancement team. “It's not safe for you. You don't have access to potable water and a bathroom if you're living in your car.”

In many places, such as Los Angeles, vehicular homelessness is already illegal. The city did ease the ordinance last year, but only for 10 percent of the city's streets. And of that 10 percent, some streets





*With rents on the rise, cities are grappling with a growing population of “vehicular homelessness”—a way of life considered illegal in many places.*

were already inaccessible—one block, for instance, is a canal that can only fit an amphibious vehicle, reports the *Los Angeles Times*.

While Seattle doesn't directly outlaw vehicle residency, Rankin found that the city does have 20 vehicle ordinances—the most in Washington state—that make it hard for residents who live in their cars to know whether they're breaking the law or not. Some of those ordinances, though, are being tested in court. A man who was living in his truck sued Seattle in 2017 after it was impounded; he was told that if he didn't make payments to the city, the car would be sold. The judge in the case sided with the man, ruling that because the truck was used as his home, impounding it violated a frontier-era law that forbids personal property from being sold by the government.

While not a long-term solution, many homeless advocates are urging cities to start thinking more seriously about safe parking programs as vehicular homelessness continues to climb.

Seattle actually had just such a program but dismantled it after the city deemed it to be an “expensive failure.” The *Seattle Times* reported that the program cost the city \$16,800 per parking lot spot, which was largely due to the mismanagement of peripheral costs like portable bathrooms and garbage collection. It ended six months after its launch in June 2016, mostly because people

weren't being re-housed. “[City officials] told me there were no evaluative measures,” says Rankin. “They didn't sit down with any experts in homelessness. They had no plan, and then just called it an expensive failure. The crying shame of it is now policymakers in the city are less supportive of the whole idea because there was one ill-conceived program.”

Rankin points to two California cities that have smartly executed more cost-effective safe parking programs: San Diego and Santa Barbara.

San Diego's safe parking program kicked off in 2010 amid the Great Recession. “We were seeing a new wave of [homeless] people we hadn't seen before,” says Teresa Smith, chief executive officer of Dreams for Change, a local nonprofit that helps the homeless. “It wasn't generational poverty. These were people who would come to us and say, ‘We aren't that kind of homeless.’ Seventy percent of our clients have some form of income. So

how do we capitalize on that and prevent them from becoming chronically homeless?”

The nonprofit opened a lot for people to safely park their cars and also linked them with a case manager to help them secure long-term housing. The program has expanded to three lots, serving between 30 and 60 cars each. The intention is to make the lots feel more like community centers with spots to cook simple meals, charge electronics and have access to a shower. Smith says that residents often hang out and kids play together.

The nonprofit was mostly autonomous from the city until San Diego experienced a hepatitis A outbreak among homeless people in 2017. City officials then came to Smith and offered a space and funding for a third lot, which opened last year.

Meanwhile, Santa Barbara's safe parking program has been operational for more than a decade and started because a growing number of people living in RVs kept getting ticketed. Like San Diego, Santa Barbara relies heavily on case management when a vehicle comes into a lot. But unlike those in San Diego, the lots in Santa Barbara are much smaller—only serving a handful of vehicles at a time. “It's more private for people this way, it prevents gawking,” says Cassie Roach, program coordinator of New Beginnings Counseling Center, the nonprofit that runs the safe parking program.

While homeless advocates say safe parking programs are a necessity in cities with large numbers of people living in their cars, they stress that they are just a temporary solution for a larger problem: lack of affordable housing. “The cost of housing is continually rising, but social services programs aren't having any increase in funding—if anything, they are getting cut,” says Roach. “People are making a living, but it's just not enough.” **G**

Email [mquinn@governing.com](mailto:mquinn@governing.com)

## Unions Ponder the Future

It's assumed the Supreme Court dealt public-sector unions a major political blow. But the recent ruling's effects could play out differently.

**F**or years, public-sector unions have been keenly aware of the possibility that their influence could take a hit if a court decision reversed the rules that govern their funding. That day came this summer, when the Supreme Court declared in *Janus v. AFSCME* that unions could no longer require non-members they represent to pay "agency fees" covering collective bargaining expenses. The decision, which overturned longstanding legal precedent, is widely expected to cut into union budgets and suppress membership.

But just how the ruling will play out remains uncertain, as does its effect on unions' political power.

To assess public-sector unions' current political spending, *Governing* reviewed data on state election contributions reported by the National Institute on Money in State Politics. Nationally, union spending pales in comparison to that of large corporations and major industries. In 2016 and in the limited number of state contests of 2017, public-sector unions contributed \$82 million to state-level candidates and party committees, an amount that's just over 3 percent of total contributions to these campaigns.

In select states, however, unions are more significant spenders. Between 2014 and last year, Minnesota's public-sector unions contributed \$73 million to state candidates and committees, accounting for nearly 8 percent of total contributions within the state—the highest share nationally. As one might expect, unions in blue states tend to spend the most. But there are exceptions. In Alabama, a red state

with a right-to-work law, they represented almost 7 percent of total contributions over the four-year period.

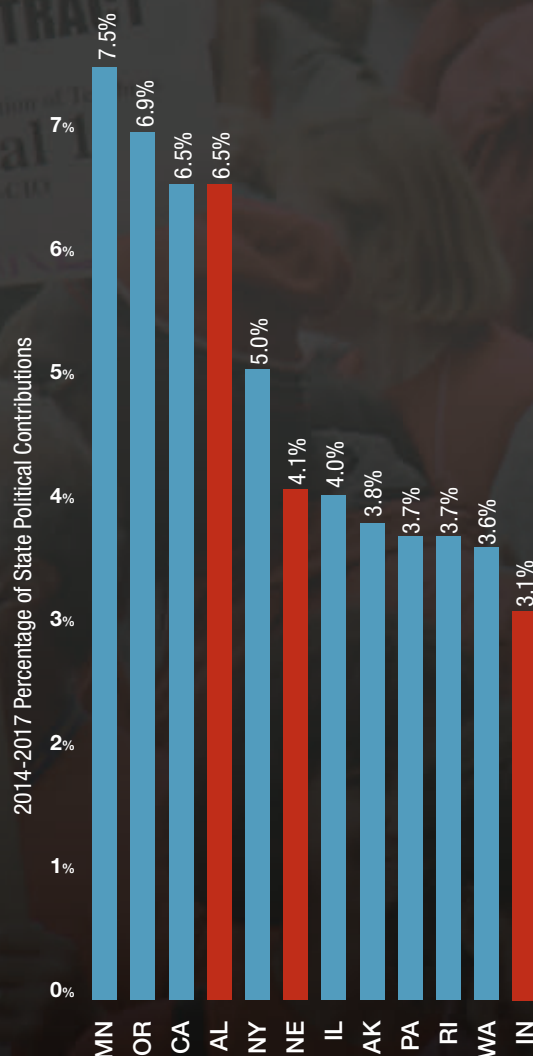
It's tempting to look to the effects of existing right-to-work laws for clues as to how the *Janus* decision might unfold. One often-cited study published by the National Bureau of Economic Research (NBER) compared counties in states enacting such laws with neighboring counties in adjacent states that don't have those laws. Researchers found a 2 to 3 percentage-point drop in voter turnout and poorer performance for Democrats following the passage of right-to-work laws.

It's unknown, however, whether the *Janus* ruling will produce comparable results in states that are generally union strongholds. Alexander Hertel-Fernandez, who co-authored the NBER study, says it would be a mistake to assume the effects of *Janus* will be of a similar magnitude. "In the short run, unions are going to take a hit in their organizational clout and their political clout," he says. "But in the longer term, it's really up to the unions themselves as to whether or not they're able to re-engage their members and restructure themselves in ways that make membership appealing to more workers."

Much of the political strength of public-sector labor will depend on how well they're able to retain members. One study by the liberal-leaning Illinois Economic Policy Institute and a University of Illinois professor predicted that the *Janus* decision would reduce union membership among state and local government employees by 8.2 percentage points, or 726,000 workers. Just over half the total loss would come

from California, Illinois and New York.

Unions frequently respond to unfavorable court rulings by allocating more money for recruitment activities and member services, leaving less for campaigns. The NBER study found unions' political spending was negatively





By Mike Maciag

correlated with spending on member services. Teachers unions in Michigan and Wisconsin reported steep declines in political spending following enactment of right-to-work laws.

But unions don't always need deep pockets to wield significant influence. Take the wave of recent teachers' strikes in several conservative states that yielded pay raises for educators. Instead of buying costly TV airtime, unions might invest more on grassroots activities, such as in-person canvassing and phone banks. "Where unions have had the greatest political impact," says Ken Jacobs of the Center for Labor Research and Education at the University of California, Berkeley, "has been in their ability to move their membership to vote and engage in public policy."

The response of state legislatures to the Janus decision will further determine, at least in part, the amount of influence unions retain. California lawmakers recently passed one measure ensuring that unions could meet with new hires to discuss the benefits of membership, and an additional measure restricting how public

employers communicate to employees the advantages and disadvantages of unions. Several other states controlled by Democrats have approved or are considering various measures designed to mitigate the effects of the Supreme Court decision.

At the same time, conservative groups backed by the billionaire Koch brothers and other corporate interests are ramping up outreach efforts in California and other states encouraging workers to drop their union membership. "We're going to see quite a bit of trench warfare in the coming years," Jacobs says.

If there's one key difference between the Janus decision and right-to-work laws, it's that public-sector unions have had years to prepare for the court ruling. Education Minnesota, with about 90,000 teachers and administrators, has conducted conversations with members about what they want from the union. "We anticipated Janus and knew that now, more than ever, we were going to need to amplify the voices of educators," says Denise Specht, the union's president.

Union leaders learned, for example,

that many teachers were struggling to pay off student loan debt, so they started a training initiative on loan forgiveness programs and budgeting expenses. Since January 2016, the union has organized 23 new locals. "We are finding more and more people signing up to be political advocates at the workplace or in their neighborhoods because they know what the 2018 election means," Specht says.

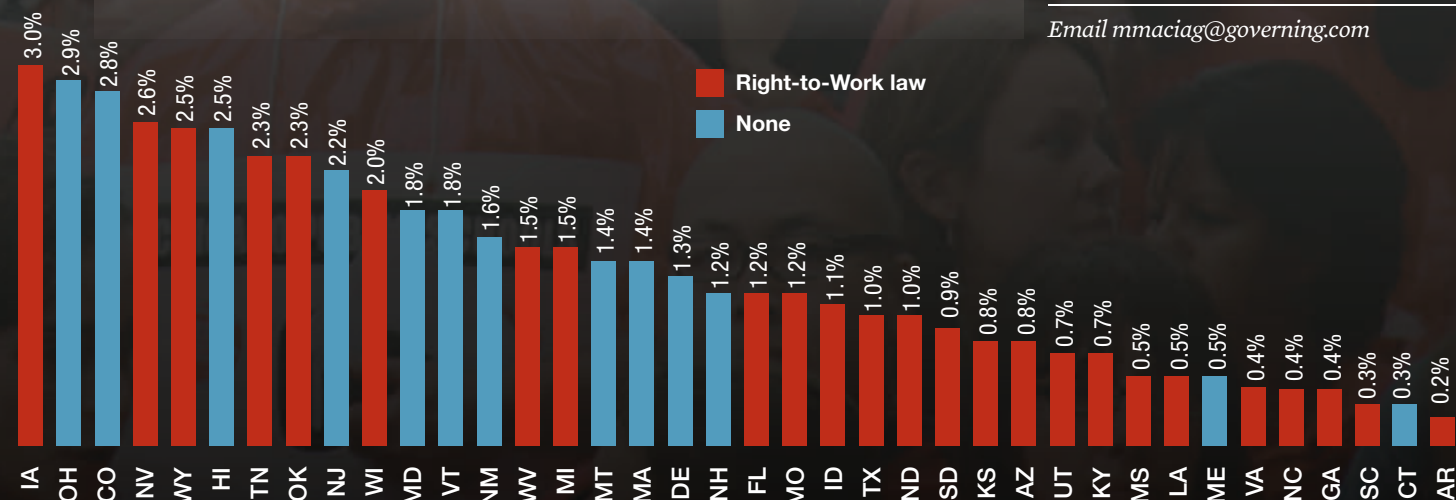
In a 2014 precursor to the Janus case, *Harris v. Quinn*, the Supreme Court ruled that unions couldn't collect agency fees from quasi-public employees who weren't members. Unions representing home care workers responded by strengthening ties with their membership. The United Domestic Workers of America, which represents mostly low-income caregivers, reports its dues-paying membership initially dropped from 68,000 to 48,000 following the ruling, but has since rebounded to about 75,000.

In solidly blue California, Jacobs doesn't expect a big short-term impact on the participation of public-sector unions in politics, but labor's role in the long run remains an open question. "We could see a lot more where public policy influence comes through both engagement of members and engagement of the community," he says, "because that's what unions will have to do to maintain their membership. They could come out stronger in the end." **G**

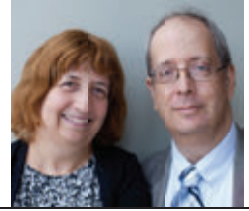
Email [mmaciag@governing.com](mailto:mmaciag@governing.com)

## Money Talks

While public-sector unions spend less than major industry groups, their influence is far greater in some states than others. States where contributions from public-sector labor unions to state-level candidates and party committees accounted for the largest shares of total contributions between 2014 and 2017 tend not to have right-to-work laws.



SOURCE: GOVERNING CALCULATIONS OF DATA REPORTED BY NATIONAL INSTITUTE ON MONEY IN STATE POLITICS; NOTE: FIGURES REFLECT AGGREGATE CONTRIBUTIONS TO STATE-LEVEL CANDIDATES AND PARTY COMMITTEES ONLY; THEY DO NOT INCLUDE SPENDING ON BALLOT MEASURES.



# Purchasing's Weak Link

Public procurement is dealing with a dearth of vendors.

**W**e are not seeing large numbers or even sufficient numbers of qualified firms responding to our solicitations," says Debbie Dennis, Oregon's chief procurement officer. She's bemoaning a startling fact of life: For many cities and states, there's a lack of qualified vendors for all sorts of products.

The problem is more pernicious in some jurisdictions than in others, but almost everywhere state and local purchasers long for a more robust group of companies bidding to be their suppliers. The reason is a simple one. "We want as much competition as possible," says Michael Jones, state purchasing director for Alabama and the president of the National Association of State Procurement Officials. Competition, he says, is one of the best ways to keep prices down since companies are more likely to bid low to win the contract. What's more, the possibility of another vendor stepping into a slot the following year offers the current vendor a potent incentive to deliver high-quality work.

What can public purchasers do about the problem? Jones points to a solution Alabama found for an issue it faced for well over a decade: The state needed a vendor for its Meals on Wheels program, "and for some reason, we've always had the same vendor," he says. With just one applicant, there wasn't much ability to use competition to lower prices or enhance quality. So Alabama decided to actively seek out other potential vendors. Purchasing officers attended a number

of conferences for suppliers every year, holding face-to-face meetings with companies. Finally, after years of effort, Alabama succeeded in finding a new bidder for its Meals on Wheels solicitation. A few months ago, a new company won the contract.

Minnesota has turned outreach into an art form. State procurement officers there seek out all the opportunities they can to meet with possible vendors. Prior to 2016, the state attended five supplier events a year. In 2016, it went to 59; last year the state hit 86 events, and it's on track to far exceed that number this year.

The vendor shortage is particularly common in smaller states. South Dakota's Steve Berg, director of the state office of procurement, tells us that there have been times in the last few years when he

hasn't received any bids for some requests for proposal. He believes it's a small-size factor. "We can't get the same attention from the national vendors the way other states do," he says.

As a result, less-populated states like South Dakota tend to rely on local vendors, but they may not be qualified suppliers. Similarly, for some states, relying on local vendors may be a problem when it comes to finding enough suppliers who fit preferred categories, such as businesses owned by disabled people and by women and minority groups—all of which are supposed to be preferred by law in many cities and states.

Some of the biggest problems crop up for more complex products or systems. Very few states or localities have any difficulty finding vendors for commodity items



**Alabama actively courted vendors for its Meals on Wheels program.**

APIIMAGES.COM





like pencils, chairs or laptops. But when it comes to multifaceted and sophisticated computer systems, entities “should not expect 10 or 15 vendors,” says Rick Grimm, chief executive of NIGP: The Institute for Public Procurement.

Another hindrance to a broad vendor base: The procurement process can be a herculean task for smaller firms. Procurement laws are often antiquated and can require scores of pages of forms, many of which cannot be submitted electronically—even to this day. This puts states and localities at a disadvantage when compared to private-sector establishments that may be seeking the same bidders. “The private markets are less complicated,” says Dugan Petty, Oregon’s former CIO and chief procurement officer and a senior fellow with the Governing Institute.

“I am aware of suppliers who won’t apply,” adds Carol Wilson, director of procurement for the Connecticut Department of Administrative Services. “We make it too hard for them to do business with us.”

One issue that Wilson raises is the requirement in Connecticut, as well as in many states, for all subcontractors to comply with the same criteria that apply to the prime contractors. Companies that do business with a number of subcontractors have to make sure that all of them are complying with insurance requirements, non-discrimination mandates, restrictions on the gifts that can be given in the course of business, and the like.

There’s a reasonable comparison to be made between procurement restrictions and civil service laws. Both have rules that have, for the most part, been put in place to protect fairness and create a level playing field among competitors. That’s clearly a good thing. But when these restrictions and laws keep people out of the game, there can be fewer competitors left to protect.

We’re not saying the rules have to go. We are saying that, in the interest of broadening and protecting a competitive base of vendors, some of them need rethinking and possible pruning. **G**

Email [greenebarrett@gmail.com](mailto:greenebarrett@gmail.com)

## The Integration Imperative

Pursuing it as a policy is the only way to achieve racial justice.

In recent months we’ve seen a rash of incidents, often captured on video, of police being called on black people going about normal everyday activities, such as two men sitting in a Philadelphia Starbucks waiting for a business associate or a Yale student falling asleep in the lounge of her dorm. These incidents have come to be characterized as examples of the hazards and frustrations of “living while black” and endemic racism.

Other than a lot of hand-wringing, I haven’t seen much of a public policy response to this issue. But there is one that clearly works: pursuing racial integration as a policy goal. As Elizabeth Anderson, author of the 2010 book *The Imperative of Integration*, told me, a lot of research suggests that racial prejudice is triggered when blacks are “tokens”—that is, when whites see blacks in places where they don’t usually see them. It’s pretty much impossible, Anderson says, to exaggerate the extent to which racist behavior is motivated by fear. On the other hand, steady racial contact has positive effects in diminishing the stereotypes that prompt these fears.

Anderson’s argument—that it’s an illusion that racial justice can be achieved without integration—makes sense to me, and I am surprised by the absence of any discussion of it when we talk about how to achieve racial equity. Perhaps that is because people see integration as impractical or unworkable.

The residents of Oak Park, Ill., know otherwise. Rob Breymaier, the chief operations officer of the Chicago-area nonprofit Heartland Housing, has worked in Oak Park for years; Anderson refers to him as “the world expert” on how to pull off successful neighborhood integration. Oak Park adopted a strategy of promoting integration in the 1970s. Initially met with acrimonious debate and opposition, it has changed the culture of the community.

Embracing integration, Breymaier says, is not only about building acceptance of diversity and calming racial fears, but also about driving prosperity by supporting a strong housing market, among other economic benefits. That’s particularly important in an era of major demographic change, with people of color making up an increasing percentage of the population. For central cities and inner-ring suburbs like Oak Park, embracing integration is a competitive advantage because African-Americans know they will be well treated and accepted.

There are clear strategies that communities can adopt to promote integration, including educating landlords and training real estate agents to look at the larger community. In marketing itself, Oak Park stresses not only its traditional amenities, such as the quality of its schools and its business climate, but also its standing as one of the most inclusive communities.

In a speech in 1962, Dr. Martin Luther King Jr. declared that desegregation was only a means and that “integration is the ultimate goal of our national community.” If we want to do something more than bemoan “living while black” incidents, we need civic leaders to reclaim racial integration as a policy goal. **G**

Email [mfunkhouser@governing.com](mailto:mfunkhouser@governing.com)



Philadelphians protest a racial incident at a local Starbucks.

AP IMAGES.COM



# A Fine Mistake

Are increases in fines for minor infractions a revenue remedy? Don't bet on it.

**R**aising taxes is painful. That may be why, since 2010, 47 states and a number of cities have instead raised both civil and criminal fines and fees. These increases are often viewed as a conflict-free way to plug budget holes.

In the last decade, for example, New York City grew its revenues from fines by 35 percent, raking in \$993 million in fiscal 2016 alone. The monies came largely from parking and red light camera violations, as well as stricter enforcement of “quality of life” offenses such as littering and noise. In California, routine traffic tickets now carry a multiplicity of revenue-boosting “surcharges.” As a result, the true price of a \$100 traffic ticket is more like \$490—and up to \$815 with late fees, according to the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area.

This increasing reliance on fines and fees comes despite what we learned following the shooting in 2014 of Michael Brown by a police officer in Ferguson, Mo. A federal investigation of the city’s police department subsequently revealed that as much as a quarter of the city’s budget was derived from fines and fees. Police officers, under pressure to “produce” revenue,

extracted millions of dollars in penalties from lower-income and African-American residents. In 2017, the U.S. Commission on Civil Rights issued a follow-up report finding that the “targeting” of low-income and minority communities for fines and fees is far from unique to Ferguson.

This potential for injustice is one reason why states and cities should be weaning themselves from fines and fees. Another is that these revenue boosters carry economic costs that far outweigh the short-term revenue gains.

Because the burden of these penalties falls disproportionately on people who can’t afford to pay, jurisdictions collect far less than expected and waste resources chasing down payments that won’t materialize. In California, increased fines and fees have resulted not in a treasury flush with cash but in \$12.3 billion in uncollected court debt as of 2016. A 2014 study of Alabama court costs also found abysmal collection rates—under 10 percent on average—despite countless hours spent by staff pursuing payment.

States can further see net losses if driver’s licenses are suspended or residents are incarcerated for nonpayment. The report by the Commission on Civil Rights found

that in some jurisdictions as many as one-fourth of local inmates were in jail for nonpayment of fines and fees. The fiscal impacts of this policy are obvious. In addition to its direct expenses, incarceration—even short stints in jail—can lead to costly outcomes, including unemployment, dependence on public benefits and greater risk of crime.

Nearly as damaging—and far more common—are driver’s license suspensions. *The Washington Post* reported that more than 7 million people nationwide may have had their licenses suspended because of traffic debts. These suspensions have economic consequences. “People can’t drive and go to work, which means they can’t pay the fines and fees or support their families,” says Joanna Weiss, co-director of the Fines and Fees Justice Center.

A few jurisdictions are rethinking these revenue generators. In the lead is San Francisco, which established the Financial Justice Project dedicated to fines and fees reform. Promising efforts are also afoot in cities and states, including California, Illinois, New York City, Philadelphia and Washington state. Some jurisdictions are working to end license suspensions—a trend that could accelerate after a federal judge recently ruled the practice unconstitutional in Tennessee. Other places are considering non-monetary penalties, such as community service or instituting so-called day fines or payment plans based on the ability to pay. In San Francisco, for instance, a newly instituted payment plan for low-income residents has already quadrupled the parking fines being paid.

The bottom line: Despite the short-term boosts civil and criminal fines and fees appear to bring, the long-term cost to cities, states and their residents is likely to be far greater. **G**

Email [akim@ppionline.org](mailto:akim@ppionline.org)



Protesters rally against court fees outside the Pine Lawn Police Department in Missouri.





# nationalgrid

**Put resources toward high  
performing buildings.  
Lead by example.**

---

Get solutions at [ngrid.com/business](https://ngrid.com/business)  
That's business on the grid.



# Last Look



There are few things as nice as a tall, cold glass of orange juice after a long day of sightseeing around the nation's capital, especially during the hot and humid summer months. Floridians and others can get that, along with a dose of state culture, at the Florida House, the only state “embassy” in Washington, D.C. While visitors sip their cold drink, they can learn more about the state and browse a collection of art, antiques and other treasures donated by Floridians. The second-story windows offer a prime selfie spot for a shot with the Capitol Dome, which is just a block away. The century-old house was purchased with private funds in 1972 and was opened to the public a year later; it is a nonprofit organization, so no state money is used for renovations, upkeep or the salaries for the three-person staff. About 15,000 people ring the doorbell at Florida House each year. —**David Kidd**



IF YOUR CITY USES THESE



YOU'RE REQUIRED TO KEEP RECORDS  
FOR UP TO 10 YEARS.

BUT DON'T WORRY. WE GOT YOUR BACK.

# YOU SERVE THE PEOPLE.

## IS YOUR NETWORK SERVING YOU?

When local governments are seeking digital transformation, Comcast Business responds.

We can deliver fast, reliable performance to your municipality, from city hall to remote facilities, all on our Gig-speed network.

So you can live-stream city council meetings. Make data-intensive records available to the public. Enable offices to seamlessly share massive reports and blueprints. And support first responders, whose dispatchers count on a constant, fast connection.

Delivering the connectivity to empower your community.

That's how you outmaneuver.

**[comcastbusiness.com/enterprise](https://comcastbusiness.com/enterprise)**

COMCAST  
BUSINESS  
OUTMANEUVER

Restrictions apply. May not be available in your area.  
Actual speeds vary. ©2018 Comcast. All rights reserved.