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# PM

PUBLIC MANAGEMENT

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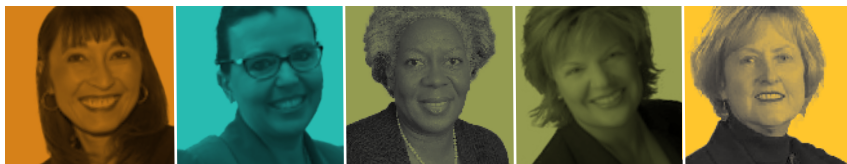
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BY MARTHA PEREGO, ICMA-CM

# MAKING DEMOCRACY WORK

What local government managers and staff bring to the effort



Over the past five years, ICMA and its members have been engaged in a deep dive review of the tenets of the ICMA Code of Ethics. It's the first major overhaul of the Code since the 1970s.

Thus far, we have debated and defined what integrity, honor, trust, political neutrality, equity, and inclusion mean to this profession. All of these are core values for professionals focused on building trust with the public they serve.

How did we select the tenets to address and in what order? Because we are nothing if not practical, we started with those that present the greatest challenges for our members.

We defined "challenges" as the tenets and guidelines that generated the most requests from ICMA members for ethics advice and the most complaints processed by the ICMA Committee on Professional Conduct. Judging by the high level of member engagement and feedback, it's been a pretty sound and effective approach.

That said, it's curious in a way that

we didn't take the advice from Alice in Wonderland to begin at the beginning. Tenet 1 of the Code addresses the principle that is arguably first among equals for the profession: our commitment to democracy. After all, to paraphrase the mantra of Bill Buchanan, a longtime manager and former ICMA president, isn't the work of local government to deliver democracy to our residents' doorsteps daily?

This year, we are going back to the beginning with a review of Tenets 1 and 2.

## Tenet 1: Delivering Democracy

When you are getting skewered on social media for some action you or your local government took, remember that "healthy publicity and criticism are an aid to the success of any democracy." That is the sage advice and only reference to democracy found in the first ICMA Code in 1924.

It wasn't until 1969 that a tenet was added to express the profession's commitment to democracy and the partnership



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with elected officials in that effort: “Be dedicated to the concepts of effective and democratic local government and believe that professional general management is essential to the achievement of this objective by responsible elected officials.”

In 1972, the phrasing was altered to its current statement: “Be dedicated to the concepts of effective and democratic local government by responsible elected

apply it literally. They willingly respond to requests for advice and input from a colleague’s elected officials. When the conversation is over, they let the colleague know.

Other members consider the underlying principle that one professional shouldn’t meddle in another’s business. While they may have expertise to assist another community, they prefer to share

## WHEN YOU ARE GETTING SKEWERED ON SOCIAL MEDIA FOR SOME ACTION YOU OR YOUR LOCAL GOVERNMENT TOOK, REMEMBER THAT “HEALTHY PUBLICITY AND CRITICISM ARE AN AID TO THE SUCCESS OF ANY DEMOCRACY.”

officials and believe that professional general management is essential to the achievement of this objective.”

In our dialogue about the relevancy of this tenet, no doubt the wording and placement of the phrase “responsible elected officials” will generate some debate!

### Tenet 2: Social Responsibility

To the extent that Tenet 1 describes what we believe in, Tenet 2 describes how it should be accomplished. First appearing in 1938, this tenet has undergone only minor revisions over time and now reads: “Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.”

In 1972, a guideline was added to provide advice to members regarding their interaction with elected and appointed officials of other local governments: “When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.”

This guideline, should it remain in the Code, needs clarity! Some members

that advice with their colleague. They believe that if the colleague’s elected officials need to get up to speed on an issue, they should look to their own staff for assistance.

### Things to Ponder

As we launch our review this spring (we’ll be announcing the review in ICMA’s e-newsletter *Leadership Matters* and on ICMA’s website), consider these questions:

- Given the profession’s role to deliver democracy, should Tenet 1 be revised to strengthen the profession’s commitment?
- What’s the role of local government professionals in a democracy? How do managers balance their role versus that of the elected officials?
- Are you inspired by Tenet 2 and the commitment to social responsibility?
- What is the manager’s obligation to be socially responsible? How do we define it and know that we are achieving our obligation? **PM**



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## WHAT'S YOUR FAVORITE HANGOUT IN YOUR COMMUNITY AND WHY?



**BART FISCHER, ICMA-CM**

City Administrator  
Oakdale, Minnesota  
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When contemplating my favorite hangout in Oakdale, I immediately thought of the Oakdale Nature Preserve.

When entering the nature preserve, your attention is first drawn to the Discovery Center, an aesthetically pleasing building that houses our city's parks and recreation department and hosts many weddings and other special events.

Just outside the center, there is a nearby area to watch birds, wildlife, and an array of wildflowers. The center is surrounded by the nature preserve, which encompasses 220 acres of forest including trails, fitness stations, a forest garden, and a lake with a floating boardwalk.

Walking through the preserve, you forget that you are in a suburb minutes away from the Twin Cities. It truly is a treasure, hiding in plain sight.



**SANDRA ZADELL**

Borough Manager  
Chalfont, Pennsylvania  
[szadell@chalfontborough.com](mailto:szadell@chalfontborough.com)

My favorite hangout in Chalfont is on any of our many biking and hiking trails that run through our park system.

As municipal leaders, we spend a lot of time working at the local level to protect and provide access to our natural resources. Connections are made on the trails and in parks, and I love the chance to chat with our residents, whether it be a senior ladies walking group, a mom with her kids, or an active group of teens out for a bike ride.

These conversations likely wouldn't happen in the office, but out in the parks, people tell me what they love about our town, or they might mention some additional services that would be helpful. I value those connections and a few minutes in the sunshine.



**RENE MENDEZ**

City Manager  
Gonzales, California  
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While a lot of great locations come to mind, our little league and softball park rises to the top. I have found over the years that nothing surpasses the energy, fellowship, and bond that is created when the community comes together in one place for our youth.

While youth sports are certainly extremely rewarding, much like our management profession, they are not without their struggles and challenges. Nothing beats the sense of pride, joy, and accomplishment when players hit or catch the ball for the first time.

Over time, you watch and help them grow and learn to win and lose with dignity and civility and understand the essence of teamwork.

Similar to the sense of pride one feels in our profession when a difficult project comes to fruition; a challenging issue or problem is resolved; a community bands together and sets aside differences; staff members grow, shine, and reach greater heights; and a manager truly makes a positive difference in someone's life. **PM**



# IT ISN'T EASY, BUT WE DO IT AN

**T**he conversation on women in the local government management profession has been building momentum. As the discussion continues, it seems more important than ever to promote the triumphs and contributions of women chief administrative officers (CAOs) who are progressively earning the respect of their peers and breaking down many of the barriers they contend with in today's local government profession.

This article is an opportunity to celebrate women in the profession who have not only earned the respect and recognition of their peers by achieving the role of CAO but also have been selected as their community's first female manager. These groundbreakers can help local government professionals recognize and understand the backgrounds, accomplishments, and obstacles that women face on their way to achieving their professional goals.

Each of them was asked what motivated their achievements and if a mentor was important to reaching a CAO position. They also could describe a story of perseverance despite any barriers they might have experienced.

As you read these brief stories of five women leaders in local government, join the conversation on social media. Look for the hashtag #She-LeadsGov and use it to share stories about the groundbreaking women in local government whom you know. ICMA might feature them in a Local Gov Life podcast.



**JULIE UNDERWOOD**  
ICMA West Coast Region Member  
City Manager  
Mercer Island, Washington

Making a meaningful difference is my greatest motivator. Every day I'm reminded of the important work we're involved in and how we're shaping our communities. In addition, working with a team of individuals who care as deeply as I do in delivering effective services is

energizing, rewarding, and a privilege.

The barrier that I, and I suspect those like me, face daily is implicit bias. Despite this, I have persevered. I have been appointed as the first female city manager in two communities. I do not believe I would have overcome this barrier if I had resentment or blame in my heart. I choose to believe people are inherently good, and they want the best for their community no matter where they live.

I have been fortunate that early in my career I worked with two strong and intelligent women leaders, Julia Novak and Catherine Tuck Parrish, in the city of Rockville, Maryland. They are outstanding role models.

Also in my corner as mentors were Steve Burkett and Bob Olander in the city of Shoreline, Washington. They prepared me specifically for the city manager role. When I struggled with self-confidence, they, and many others along the way, always believed in me.



**ELIZABETH DRAGON**  
Northeast Region Member  
City Manager  
Keene, New Hampshire

When I was a child, women made up a small part of the workforce. I had no notion of this number or what it meant until I was barely a teenager and my father passed away. It was then that my mother—unprepared as she was—needed to enter the workforce full-time for the first time to support us.

BY SAMANTHA WAGNER

## WOMEN WHO ARE HELPING CHANGE THE FACE OF LOCAL GOVERNMENT

She worked multiple low-wage paying positions to support me, my brother, and sister. It was then that I set my mind on doing all that I could to grow up to be a self-reliant person. A woman with a career!

As I was moving through life, this concept was growing in popularity. The percentage of women entering the workforce was doubling and tripling. I had no idea how I would get there or that I would find such a personally rewarding career in government service.

My life experiences created a fire in my soul to persevere through adversity, which has brought me to where I am today. While my motivation came from within, I was fortunate to have many mentors along the way. These types of relationships were informal and just naturally evolved.

I have been employed with many driven and selfless individuals in the field of government service who work diligently to do their small part to make a difference. To be part of such an effort is an extremely rewarding experience, and to help lead this type of effort is both gratifying and humbling beyond words.

I think if there is any wisdom that I can share, it would be to always push forward. We all face challenges in our careers and our home life. Regardless of gender and socioeconomic status, you can be sure that life will, at times, be difficult. The difference will be in how you respond.



**MARGIE ROSE**  
ICMA Mountain Plains Region  
Member, City Manager  
Corpus Christi, Texas

My achievements in the profession have been motivated by my ability to persevere. It has not always been easy, but I've been able to expand diversity and promote the profession at its highest level in local government.

When I was trying to become a city manager for the first time early in my

career, the outlook did not look promising. I had many barriers to overcome, including gender and race, but I always stayed focused on my goal to become a manager. In fact, I was passed over twice for the position where I currently serve, but I knew that if I continued to persevere and work hard I would eventually overcome any barriers.

I did not have any one person who was a major influence to get the CAO spot. There were a number of individuals who came into my life, at the right time, to help me through the various phases of my career. As an example, early on in my career my supervisors encouraged me by allowing me to work in different departments to gain local government experience.

This experience became the framework for understanding local government. Other individuals who influenced my career took the time to meet with me to answer questions or helped me resolve critical issues.

**MY LIFE EXPERIENCES  
CREATED A FIRE IN MY SOUL  
TO PERSEVERE THROUGH  
ADVERSITY, WHICH HAS  
BROUGHT ME TO WHERE  
I AM TODAY.—Elizabeth Dragon**



**CHRISTINA VOLKERS**  
ICMA Midwest Region Member  
City Manager  
Moorhead, Minnesota

Most would say I am a Type A personality, and they would be correct! Every personality test I have taken confirms this. Besides this character “flaw” (oops, I mean “attribute”), I am extremely self-motivated. I want the best, I want to do my best, and I want my community to be the best.

This does not mean I am the best. There are so many talented and successful women in public management;

however, I strive to make a difference, as cliché as that may be.

I believe all successful women have had to overcome some personal and professional obstacles. I have learned to be extremely compartmentalized between my home and work lives. Early in my career I was consumed with all things work, and I had a hard time balancing my work and family.

As I gained experience and conquered various hurdles, I learned to work hard when at work or a work event but to let go when I am home. My perseverance to attain this skill has paid dividends in terms of my health and happiness, in addition to my family’s well-being.

I try to share my story with young leaders who are still in the early stages of their careers, emphasizing how fortunate I have been to have had great mentors and how I have learned from them, including having to make course corrections and working on areas of development to be better and to grow as a leader.

In terms of who specifically helped

me, a few strong and successful women have influenced my career over the years. My first was a direct boss: Deputy District Administrator Chelle Uecker, who was always willing to be frank with me, even if I didn’t want to hear it. Her advice never fell on deaf ears.

There were also many judges in leadership positions in both the Minnesota and California courts who influenced my career: Susan Miles, Mary Hannon, Laurie Earl, and Marsha Slough.

By watching the career and successes of County Administrator Molly O’Rourke, I decided to go back to my beginnings...local government, and I am thrilled I did.

Finally, my current council is majority female for the first time in history—proud women helping lead a growing city. These strong, spirited, and intelligent women influenced my career the most of all. Yet I would guess that not one of them realizes the impact they had on me! Kudos to women in leadership everywhere, and thank you for your influence on the leaders of tomorrow.



**GINA HOLT**  
ICMA Southeast Region Member  
City Manager  
Springfield, Tennessee

My parents taught me at a young age to always do the best job possible regardless of what I was doing. I have tried to live by that in all phases of my life, including working in the public and private sectors.

I have also been fortunate to work

with two professional city managers while serving as assistant city manager. Both individuals had confidence in my abilities and gave me the freedom to get things done as needed.

I confess that when I first started working in local government many years ago, I didn’t understand how much the decisions we make at city hall really impact residents. I liked my job, but I wasn’t convinced a career in local government was what I wanted.

As time went on, however, I realized that I could make a difference and give people a voice. I was motivated by helping people with problems, by listening to suggestions for improvement, and by the satisfaction of knowing that what we do locally makes a difference. The residents of Springfield have been incredibly supportive.

Members of the Tennessee City Management Association were undoubtedly

influential with my career path. I’ve been a member of TCMA for more than 25 years, and in the early 1990s there were few women managers. Today, TCMA’s records show that women make up 25 percent of the association’s membership.

In my early years, “the guys” were so supportive and helpful. I came from the business sector and had federal government experience, so there was a lot to learn about local government. I would not be here today without the TCMA membership.

The networking, training, and educational conferences, including the ICMA conferences and resources, all played a large part in my desire to continue a career in local government. **PM**



**SAMANTHA WAGNER** is senior manager, Marketing and Content, ICMA, Washington, D.C. (sferrigno@icma.org).



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# DESTINATION O'FALLON

## How an Illinois city became a hot spot for recreational tourism

By **Walter Denton and Grant Litteken**

**P**romoting tourism is easy for some communities. Oceans, mountains, and historic landmarks have their own natural appeal. How do local governments attract visitors without these types of attractions?

The city of O'Fallon, Illinois (a St. Louis suburb with 30,400 population), used its central location and high-quality-of-life ethic to create an economic development engine built around recreational tourism. Each year, thousands of soccer, baseball, softball, and lacrosse teams travel to O'Fallon to compete in regional and national tournaments.

The players on those teams, along with their parents and sometimes extended families, stay in O'Fallon hotels, eat in O'Fallon restaurants, and shop in O'Fallon stores. Economic impact studies estimate that families staying overnight in O'Fallon spend an average of \$136 per day, which translates into \$5.1 million in economic impact each year.

O'Fallon plans to double that total impact with the completion of "Destination O'Fallon." The city launched this in 2016, its most ambitious project to date. It is an economic development initiative that is an investment in the community

and intended to spur economic growth, to support youth and families in a truly positive way, and to help the city realize its vision for a successful and prosperous community.

Destination O'Fallon included a number of projects and community-wide investments intended to make it a national destination. Two of the largest projects include a state-of-the-art, multi-sports complex in O'Fallon's existing Family Sports Park and a new multi-purpose community plaza in the heart of downtown.

### Finding Funding

Proposing a progressive idea without a way to pay for it is a death sentence for any project. So, first and foremost, the city had to find a funding source for its vision.

Any effort to raise funds through property tax would surely be followed by city leaders being chased out of town. This is especially true in Illinois, which has the second highest property taxes in the country—nearly double the national average.

An increase in sales tax could cause a decrease in retail growth and would be a counterproductive economic development strategy. O'Fallon leaders knew the importance of reinvesting in the growth of the community and quickly concluded that most traditional funding sources would be prohibitive, besides one: the hotel occupancy tax.

The idea was not revolutionary, but it was bold. The city asked hotels to

support a 4 percent increase in the hotel operators' occupation tax, which is a tax on overnight hotel bookings. The logic for this tax was based on the premise that the money collected would be used to promote economic development.

Economic development, in turn, would result in additional business for the hotel and lodging industry. Economic development that increases hotel use and lodging plus attracts visitors to a community is tourism.

When the foundation of this tourism rests upon parks, recreation, and sports, it is "recreational tourism." O'Fallon's local hotels recognized the potential and supported the project.

### Increasing the Hotel/Motel Tax

In November 2016, councilmembers voted to increase O'Fallon's hotel occupancy tax rate from 5 percent to 9 percent to cover payment of multiple construction projects for the comprehensive plan's outline, which has the goal of attracting more visitors and businesses.

The plan was full-circle economic development, using hotel tax revenue from out-of-town visitors to fund economic development infrastructure, which results in higher use of hotels. Prior to Destination O'Fallon, hotel use in O'Fallon was approximately 163,000 room stays per year, resulting in approximately \$16.3 million revenue for hotels. The 5 percent hotel/motel tax meant \$815,000 in tax revenue for the city.

These figures are based on the average for a night's stay at \$100, before taxes



**PROPOSING A PROGRESSIVE IDEA WITHOUT A WAY TO PAY FOR IT IS A DEATH SENTENCE FOR ANY PROJECT. SO, FIRST AND FOREMOST, THE CITY HAD TO FIND A FUNDING SOURCE FOR ITS VISION.**







Downtown O'Fallon Plaza Concept Art.



Soccer fields at the O'Fallon Family Sports Park. Photos provided by O'Fallon, Illinois.

and fees, an amount typical for O'Fallon hotels. By increasing the tax, the city stood to gain an additional \$652,000 in tax revenue annually. The city used this additional revenue to fund the \$9.5 million bond needed to pay for the project.

The city also budgeted and structured the finances conservatively, basing the increased revenue on only the increase of the tax rate and not on an increase in hotel room usage. Any growth in hotel usage would result in further increased revenue that would not be earmarked for retiring debt. In other words, more heads in beds means more revenue for city use.

### A New Family Sports Park

The most impactful project would be in the O'Fallon Family Sports Park. The city proposed to convert its existing natural grass soccer fields into eight all-weather, state-of-the-art, multisport fields that could host soccer tournaments as well as many other sports, showcases, and events.

With an anticipated 2,000 games to be played on each of these fields every year, the city needed a playing surface that could withstand both wear and water. A natural grass field could not stand up to this level of play.

The durability of fields was also important for attracting tournaments to the area. A resilient playing surface is essential as no one wants to travel three to five hours to a tournament that might get rained out or cancelled due to weather conditions.

As with anything, higher quality costs more money. The city knew it would have to make a significant investment to ensure its place as a competitive market for large tournaments.

Early estimates for improvements to the sports park presented a budget of \$13 million and a build schedule of

16 months—a budget and timeline that nearly stopped the project dead in its tracks. City staff went back to the drawing table, and this time invited a local construction firm to reprogram the project scope, approach, and delivery system so that the project could be completed and usable in less than nine months and within the \$9.5 million budget.

An accelerated construction schedule and reduced construction costs were accomplished with unique techniques implemented by the construction firm and O'Fallon's parks and recreation staff. Reduction of the budget and schedule were accomplished by implementing a field design that minimized drainage, grading, and soil stabilization

structure. This was done to complete the scope of the field construction in 89 days and construction of the entire complex in less than six months, which included nearly two miles of walking paths and more than 650 new parking spaces.

Most importantly, the project was completed within budget, at \$9.3 million.

On September 15, 2017, the city reopened the sports park, featuring eight synthetic, all-weather turf fields with LED lighting. Residents kicked a soccer goal instead of the traditional ribbon cutting.

The city anticipates 10 tournaments in the first year, with more than 150 teams participating in each tournament. The city is preparing to conduct an economic

of the existence of downtown O'Fallon.

It would take something special to get them to travel off the beaten path, and visit the heart of the community.

City leaders looked at successful downtowns like Lexington, Kentucky, and Kirkwood, Missouri, and each had one distinguishable asset: a central gathering space that could host events, farmers markets, performances, and much more.

Along with the sports complex improvements, O'Fallon set out to build a downtown plaza as a central gathering spot. When complete, it will attract residents and visitors to its location, and therefore grow this part of O'Fallon into another destination.

The intent is that the plaza will provide a destination that works in unison with the sports tournaments and other already established attractions. At the time this article was written, O'Fallon was still in the design phase to navigate the challenges of building a multiuse pavilion in a downtown setting: parking, impact on nearby residents, railroad tracks, and one inconveniently located high-pressure gas main.

Despite the challenges, the city continues to press forward on improving its eclectic heart and core and expects the new plaza to be complete in 2018.

## DESPITE THE CHALLENGES, THE CITY CONTINUES TO PRESS FORWARD ON IMPROVING ITS ECLECTIC HEART AND CORE.

and used a cooperative purchasing program through the National Joint Powers Alliance (NJPA).

Purchasing through NJPA allowed O'Fallon to purchase the fields and LED lighting at a significant savings. The savings, estimated at approximately \$800,000, provided enough budget room not only to complete the project within budget but also to allow for an additional field to be added.

NJPA's cooperative contract purchasing leverages the national purchasing power of more than 50,000 member agencies, while also streamlining the required purchasing process. As a national, municipal contracting agency, NJPA establishes and provides nationally leveraged and competitively solicited purchasing contracts under the guidance of the Uniform Municipal Contracting Law. Joint-powers laws enable members to legally purchase through the organization's awarded contracts.

In addition to cooperative purchasing, the city used two traditional bid packages for restroom facilities and support infra-

impact analysis of the new development, but early evaluations have estimated that the economic impact of the family sports park could double from \$5.1 million to more than \$10 million each year.

In addition to the profound economic impact and attraction of large tournaments, the new fields will be used for more than 200 local youth soccer league games and at least 300 practices by local soccer teams and clubs.

### Turning Attention to the Downtown Area

Once the fields and the sports park were complete, the city turned to creating a new destination in its historic downtown.

While a good problem to have, O'Fallon's convenient location and interstate access prevent many visitors from experiencing the entire community. Downtown O'Fallon is vibrant and distinctive, but a visiting family might spend an entire weekend in O'Fallon—all within one mile of the Interstate—playing in soccer games, sleeping in a hotel, eating, and shopping, without knowing

### Support Pivotal to Success

No project of this magnitude can be done in a vacuum. O'Fallon was only able to complete these projects due to the great support and assistance from many individuals and organizations.

A great deal of thanks is owed to current and past mayors, current and former councilmembers, city staff, and contractors who helped make this a successful project that saved \$800,000 in project costs. All this without losing any playing time for regional and national tournaments. **PM**



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# DETERRING DOMESTIC VIOLENCE



## Hollywood, Florida's New Strategy Shows Promise

By Sara McFann, Rhett Cady, and Leonard Matarese

**W**hen this article's coauthor Police Sergeant Cady assumed responsibility for the Hollywood, Florida, Police Department's domestic violence unit three years ago, it was done under the cloud of a tight departmental budget that limited the unit's resources to educate residents on domestic violence and to bring violent offenders to justice.

Complicating matters was the fact that domestic violence was the agency's No. 1 call for service and demanded the highest proportion of personnel among all crimes in the city.

In the current environment of increased law enforcement scrutiny and media attention, coupled with slimmed-down budgets, it is imperative that police agencies consider nontraditional approaches to addressing crime and community safety concerns.

Business-as-usual for many police departments is not resulting in the desired crime reductions, nor is it helping improve community satisfaction with police. In fact, it may become more difficult for law enforcement agencies to placate the growing concerns of their communities without changing the way they think about police legitimacy, trust, and cooperation.

A growing body of research shows that strategies designed to strengthen police legitimacy may do more to reduce crime than the tough-on-crime alternatives that rely on mandatory arrest or other general approaches. The "focused-deterrence" framework shows potential for offering police agencies impressive crime reductions, coupled with a more positive perception of law enforcement by the community.<sup>1</sup>

A recent assessment of a focused-

deterrence program to reduce domestic violence in Hollywood (Wazir Ishmael, Ph.D., city manager), suggests that this approach can offer big returns without increasing the actual amount of personnel or funding required.<sup>2</sup>

Within the first two years of the program, the number of domestic reports declined significantly based on robust time-series analysis of data spanning over six years. The approach requires, however, a major shift in how a department, at all levels, thinks about its role in fighting crime.

### Not a Special Class

Domestic violence often represents a sticky crime problem for police because it is considered to be different from other types of violent crime for a number of reasons, particularly because of where it occurs and who it involves.



Somehow, the nature of domestic offenders sets them apart from what police would consider traditional offenders like robbers, car thieves, or burglars. Officers focus on offenders' psyche, offering treatment and counseling, and rely on victim-based solutions to provide safety for victims.

Research shows, however, that domestic offenders are not specialists who solely engage in domestic violence, but instead are generalists like most other criminals and are involved in the typical assortment of various violent and nonviolent crimes.<sup>3</sup> This is particularly true for chronic domestic offenders.<sup>4</sup>

The finding that domestic offenders are not a special class of criminals suggests that police can and should treat domestic offenders more like generalists, not specialists, and that the same strategies used to prevent and reduce other forms of violent crime should be effective for domestic violence.<sup>5</sup>

The growing interest in and scientific support for focused-deterrence initiatives for violent crime reduction point to a new direction police agencies can use for domestic violence. Hollywood has implemented a version of this strategy, which has been adapted to target domestic offenders, and initial findings are encouraging.

### Offender-Focused Initiative

As one of the first examples of focused deterrence being used for domestic violence, Hollywood's domestic violence unit took some risks in ramping up what was, and still is, a promising yet understudied approach. The gamble appears to be paying off, at least after two years, with significant declines in the number of reports of domestic incidences being filed, and an eventual decrease in arrests after initial spikes early in the program.

Focused-deterrence programs involve a combination of policing, social and community services, education, and justice-system stakeholders who collaborate as part of a comprehensive approach to identify the highest risk

offenders and then apply pressure to deter them from offending.

This focus manifests itself in various forms depending on the targeted crime, but a major component of every program involves notifying offenders directly.

In Hollywood, official notifications are done by hand-delivering letters to arrested domestic offenders and those aggressors who have been involved in multiple non-serious domestic incidents in which no arrest was made. The letters, printed on official city letterhead and signed by the domestic violence unit sergeant, are addressed to the offender and explain the department's approach to domestic violence.

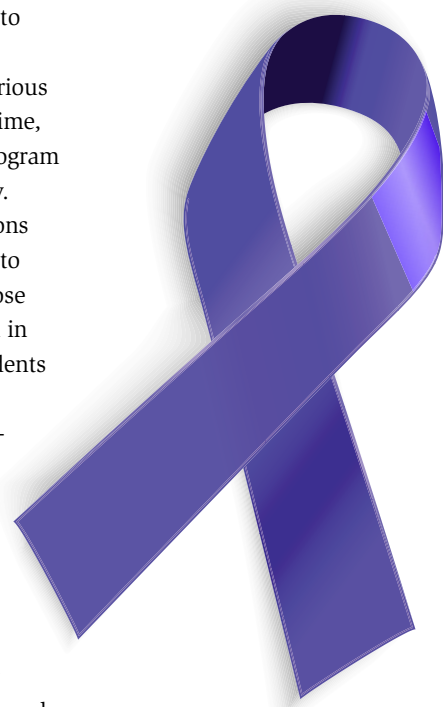
It defines the crime, warns of the potential consequences for continuing the targeted behavior, and urges *desistance* (defined in the field of criminology as cessation of offending). An accompanying brochure offers supportive resources for the offender and victim that may help relieve stressors that can contribute to domestic violence.

These letters are delivered by a uniformed officer to the offender, either at his or her residence for a repeat nonarrest incident, or while the offender is in jail immediately after an arrest.

Looking at the effects from a programmatic perspective, a decrease in reports translates to fewer police resources being spent on domestic incidences, freeing up officers to tend to other calls.

Nationwide, domestic calls for service are consistently the most common type of request for police service, meaning law enforcement resources are tied up in domestics more than any other type of crime. Considering that many domestics are not serious and most involve repeat aggressors and victims, even a small reduction in calls will benefit the department.

The offender-focused approach for domestic violence is not the first example of how Hollywood has changed its policies to adopt more progressive policies



for domestic violence. For more than a decade, every domestic incident attended to by an officer is documented in a report, no matter how trivial and regardless of whether an arrest was made.

This seemingly small change is actually not common practice, despite the apparent benefits from a research and evaluation perspective. Additionally, for the new program, repeat offenders are placed in a database and graded on their risk level for future violence based on the domestic reports in their offending history.

From this database, it is possible to identify the most chronic, high-risk offenders who require the most police and justice system attention and resources, in addition to the lower-level offenders who may be deterred by softer elements of the focused-deterrence program, including the hand-delivered letters.

### Research on Letter-Based Deterrence

Research into the specific costs of letter-based deterrence programs is scarce and certainly needs more attention. An example of this line of research is a RAND Corporation study conducted on a Los Angeles, California, gun-letter

program in which letters were sent to buyers after a gun purchase to prevent illegal third-party gun sales or transfers that could result in gun crimes.<sup>6</sup>

Findings from this study showed that even a small decrease in crime, especially homicide, could easily offset the costs of a letter-delivery program. Prevention, while rarely researched in terms of potential cost savings,<sup>7</sup> eliminates the hours spent investigating a crime, providing victim outreach, and other major costs to society, which are ultimately funded by taxpayers.

The RAND study analyzed specific elements of the program, including the

out interviewing victims and analyzing hospital visits for domestic injuries, it would be difficult to rule out the possibility of the program making victims less likely to call the police, which would clearly reduce the number of reports without affecting the actual number of domestic incidences.

Similar concerns arise with mandatory arrest policies, though findings are mixed about whether this is a consistent backfire effect, or whether an opposing effect is seen due to the increased legitimacy and improved perception of the police response associated with tougher domestic policing strategies.<sup>8</sup>

an especially important role in crime deterrence. They are the ones responding to calls for service; gathering information to write up reports for every domestic incident; arresting offenders on scene; tracking down or writing not-in-custody arrest affidavits for suspects who flee the scene; taking arrestees to jail; and delivering the letters.

### **Evaluation Is Essential**

Research shows that police have the ability to alter people's perceptions on the risk of offending, thereby improving deterrence. The most effective tactics focus on improving police legitimacy and procedural justice by ensuring fairness and respect while carrying out law enforcement duties.<sup>9</sup>

The unique way in which the burden of action for domestic incidents has shifted from detectives to patrol officers is a key element of Hollywood's fundamentally different approach to domestic violence. It harnesses the power of swift police action to create an environment in which domestic violence is considered a serious, legitimate crime by both the officers and the individuals involved.

Currently, little is known about how these changes translate into measurable outcomes, including officer response time to calls, changes in resource demands and expenditures, and officer and community satisfaction with the procedures, which is a major drawback in assessing the initiative's overall effectiveness.

Despite these limitations, initial findings from Hollywood's initiative should spur interest in and funding for research to determine evidence-based solutions for domestic violence based on robust scientific methods, honest reporting of findings—either in favor of or in opposition to hypothesized and desired outcomes—and a format with easily comparable, standardized metrics that lends itself to systematic reviews and meta-analyses for future assessment.<sup>10</sup>

As more police agencies implement focused-deterrence domestic violence strategies, it is imperative that the

## **THE UNIQUE WAY IN WHICH THE BURDEN OF ACTION FOR DOMESTIC INCIDENTS HAS SHIFTED FROM DETECTIVES TO PATROL OFFICERS IS A KEY ELEMENT OF HOLLYWOOD'S FUNDAMENTALLY DIFFERENT APPROACH TO DOMESTIC VIOLENCE.**



cost of printing and sending the letters, retrieving returned letters, and answering questions from the public about the program, while accounting for the hourly pay and amount of time spent by each department employee involved in each task.

The costs, which declined over the course of the program, were found to be \$55,328 per year, or \$2 per person, and could be easily outweighed by preventing one homicide, suicide, or robbery per year.

Because domestics are typically the top call for police service, any reduction in the number of these calls is a benefit to the department in terms of resources. Further research needs to explore the potential backfire effects, or unintended negative consequences, of the intervention, as well as other elements of the program that may be contributing to the decline in reports.

It must be acknowledged that with-

Any department interested in pursuing emerging approaches for domestic violence should consider and evaluate these and other unintended consequences on victims to ensure, above all else, victim safety and security.

If focused-deterrence programs involving a robust letter-delivery element have the potential to influence offenders and ultimately reduce their likelihood of offending or re-offending, the approach exemplifies cost-effective delivery of policing that can produce long-term benefits to police departments and their communities.

Within the focused-deterrence framework, there are a wide variety of stakeholders involved, to varying degrees, that hold important roles in the larger comprehensive program to reduce the targeted violent crime.

In Hollywood's manifestation of the program for domestic violence, however, police, particularly patrol officers, hold

assessment and evaluation phase of the intervention process not be ignored. This is especially true for such a new and complex approach that has serious, immediate implications for victims and their families.

If the strategy truly does offer a cost-effective approach that can significantly reduce violence in the short- and long-term, these results should be documented to determine the best way forward for police departments interested in progressive approaches that offer potential increases in police legitimacy, improved police-community relations, and a reduction in both fear of crime and actual crime in their communities. **PM**

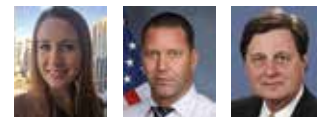
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#### April Event

The authors of this *PM* article will conduct an ICMA webinar on the important topic of reducing domestic violence. For more information, go to [icma.org/events](http://icma.org/events).

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# GETTING PUBLIC PROJECTS FUNDED



## Six Steps can position projects for success **By Cindy McCleary**

If it seems like getting funds for public projects is getting harder, it is. The increasing burdens on taxpayer dollars, primarily driven by rising health-care and public-safety costs, make projects that would have been easy to fund five years ago much more difficult.

Add to that an increasingly partisan political atmosphere, and local governments are really feeling the pinch. Politics change faster than a project can get constructed, so funding that is a sure thing this year, might not be next year.

As an architect, my role often includes coaching local government

professionals through the funding process. Asking for money is scary, and because I am involved in public projects, I know how to listen, connect the dots, and build a story about need that justifies and clarifies the role of a new or renovated facility.

Beyond drawing pretty pictures, my

job is about digging into operational goals, strategies, and business plans to determine how a building can become a successful tool for a community. Because story is such a big part of architecture, it's natural that architects can help managers make the public case for financial need.

Getting funding isn't an exact science, but it does have certain ingredients: the needs of a community, the goals of decisionmakers, the emotions of advocates, the hot-button topics, and the business plan of the project.

It's more of a philosophy than a formula; however, in my experience, adhering to these six steps gives a project a better chance of getting the financial support it needs.

## **1 Save the eye candy.**

Setting up a project for funding success starts early, well before renderings are developed to wow a public audience. It begins in the needs-assessment, master-planning, and pre-design stage, where people can grasp the big challenges and start to build the case for need.

The physical environment affects operations. Documenting failings in the current system helps identify the risks associated with inaction, and therefore strengthens the case for spending on facilities.

On a recent police department job, we studied the workflow of the department's evidence intake chain of custody to help justify spending to improve it. The evidence-intake area was the same space used for the removal of trash and sometimes, a place to eat lunch.

Although there was protocol in place to avoid contaminating incoming evidence, the architecture of the building was introducing the possibility of human error. In the time it took an officer to clean the space before packaging evidence, that evidence could be contaminated, introducing a huge risk.

We built an argument for funding based on the risk of losing cases due to poor workflow along the chain-of-custody

path. By linking space to performance, we helped build the case for need.

Often, someone will ask, "When do we get to design?" by which they mean, "Let's see some flashy images." The truth is, before the flash, there needs to be a thorough, defensible case for need.

**2 Identify naysayers and understand their pitch.** Naysayers can wreak havoc on a project, especially considering the speed of social media. Ignore naysayers, and they will bury you.

Whether it's a commissioner, elected official, newspaper, political activist, or disenfranchised group, naysayers use their voice to dismantle an idea. You need to understand their pitch, include them in the process, and build their trust.

This cannot be done with emotion, but only with dialogue and facts. Often, their perception highlights a weakness in your message that you can use to strengthen your case.

A recent historic-preservation project was challenged in the past by active and organized community members who felt resentment over being left out of previous planning efforts. They didn't have financial or political leverage, but they had a voice and a good point.

The solution was to embrace their role in the project and give them a voice in deciding how the site should teach about their heritage—and their contributions made the project better. By bringing them to the table, understanding the storyline, and building trust, their voice became one of support rather than disruption.

**3 Build your advocates.** Key to project success, advocates include anyone who has political, capital, or social leverage. Whether councilmember, fundraiser, cultural gatekeeper, chamber of commerce executive, or church leader, anyone with access to hearts, minds, energy, in-kind resources, and purse strings can be an advocate.

Building advocates is an art of inclusion and should make them feel valued for more than the resources they offer.

By asking for their needs, thoughts, and opinions before their money and connections, you make them feel empowered and vested, and automatically make them a partner.

For a recent police-training facility project, two police departments were involved. We knew there was a regional need for the project, but felt that our chances for funding would increase if we had more police departments across the region invested in the cause. We needed to leverage their connections to make it happen.

In the planning process, we asked 20 agency heads from across multiple counties, "What do you need?" All 20 agencies contributed their ideas, and in the process, became supporters and advocates.

Our design responded to their needs by organizing itself in the form of five semi-independent pods, each focused on a different type of training. This enabled smaller agencies to rent spaces specific to their needs, at lower cost, while decreasing overhead for the police.

Having these advocates in place before the design allowed us to meet their needs as the project developed, making them strong advocates in our campaign for funding.

## **4 Build a sound, defensible business plan.**

While some public projects, like universities and training centers, have revenue offsets, some facilities just don't generate revenue. That doesn't mean they don't need a business plan; in fact, it means they need to work harder to justify the return on investment (ROI) of the project.

For non-revenue-generating projects, a business plan justifies why the project will save money and improve operations in the long run.

When designing a recent police-department headquarters, we studied the workflow to demonstrate how the department's obsolete building required more time for staff to perform simple tasks. Because the previous building had evolved in an ad-hoc way over decades,

## NAYSAYERS CAN WREAK HAVOC ON A PROJECT, ESPECIALLY CONSIDERING THE SPEED OF SOCIAL MEDIA. IGNORE THEM, AND THEY WILL BURY YOU.

each officer spent an average of 17 minutes getting ready for a shift, running all around the building to check in, get into uniform, go to roll call, retrieve their weapon, get medical supplies and duty bag, and finally get into the squad car.

Next, we tested the same process using a new plan and clocked it at 12 minutes. That savings of five minutes per officer, three shifts per day, seven days per week, 365 days per year added up to an annual cost of \$600,000. That allowed us to argue that the hard-side investment in facilities would have soft-side outcomes, making it a smart financial investment.

No matter the situation, a strong business plan can help a manager clarify the case for need. It's no longer just based on emotion but on a metric analysis that has a ROI.



### Develop a clear message.

Nobody knows a community's needs as intimately as the manager does, but communicating those needs in a way that connects with the audience is tough.

A clear message quickly educates an audience, which can be residents or elected officials, on the risks and challenges of a project and the outcome of the investment. But it also makes a department's or community's needs the legislature's needs. This requires managers to forget their needs for a moment and focus on the needs of the audience.

In a recent public-safety training facility project, selling the project to the legislature required us to understand and address core values. While the immediate need was for a safe and secure place to train, that message didn't resonate with the legislative audience.

The legislature figured officers could train in a rented warehouse; from

experience, public-safety officials knew that would not allow officers to feel safe enough to learn effectively.

Rather than focus our messaging on the needs of the officers, we chose a message that spoke directly to the needs of legislators to fairly represent constituents. In the design process, we mapped out existing training facilities in the region, and found that they were concentrated disproportionately in one area.

By presenting this information to the legislature, the argument became more about financial equity and tax base—an idea that resonated with them.

A good message isn't about selling personal needs but about positioning the need to achieve an audience's goals. This kind of argument makes it more likely that your project becomes a priority for them.



### Dedicate feet-on-the-ground leadership.

When trying to get a project funded, the better story that can be told, the better chances of success.

As architects, the deeper we can get into nuts-and-bolts operations, the better we can align the design to what is needed, and the better story we can tell to justify need. This requires a significant com-

mitment of time and talent early in the design process.

In designing a recent revitalization of a historic site, city staff felt overwhelmed during the early stages by the scale of decisions required to successfully plan the project. It was only after dedicating a team of eight empowered leaders to give 80 percent of their time to the project that we really made progress and started making impactful decisions.

By allowing people with operational authority to get into the weeds of the project, my organization could conduct a deeper dialogue on how design could improve workflow.

Dedicating the time and attention of leaders with authority over the long-term shape of the organization results in bet-

## AT THE SAME TIME AS HEALTH CARE, EDUCATION, AND POLICING ARE TAKING UP A BIGGER SLICE OF THE FUNDING PIE, BUILDINGS ARE GETTING MORE EXPENSIVE AND THE PROSPECT OF ASKING FOR MONEY IS MORE DAUNTING THAN EVER.

ter design. This builds into a better story and a stronger case for funding.

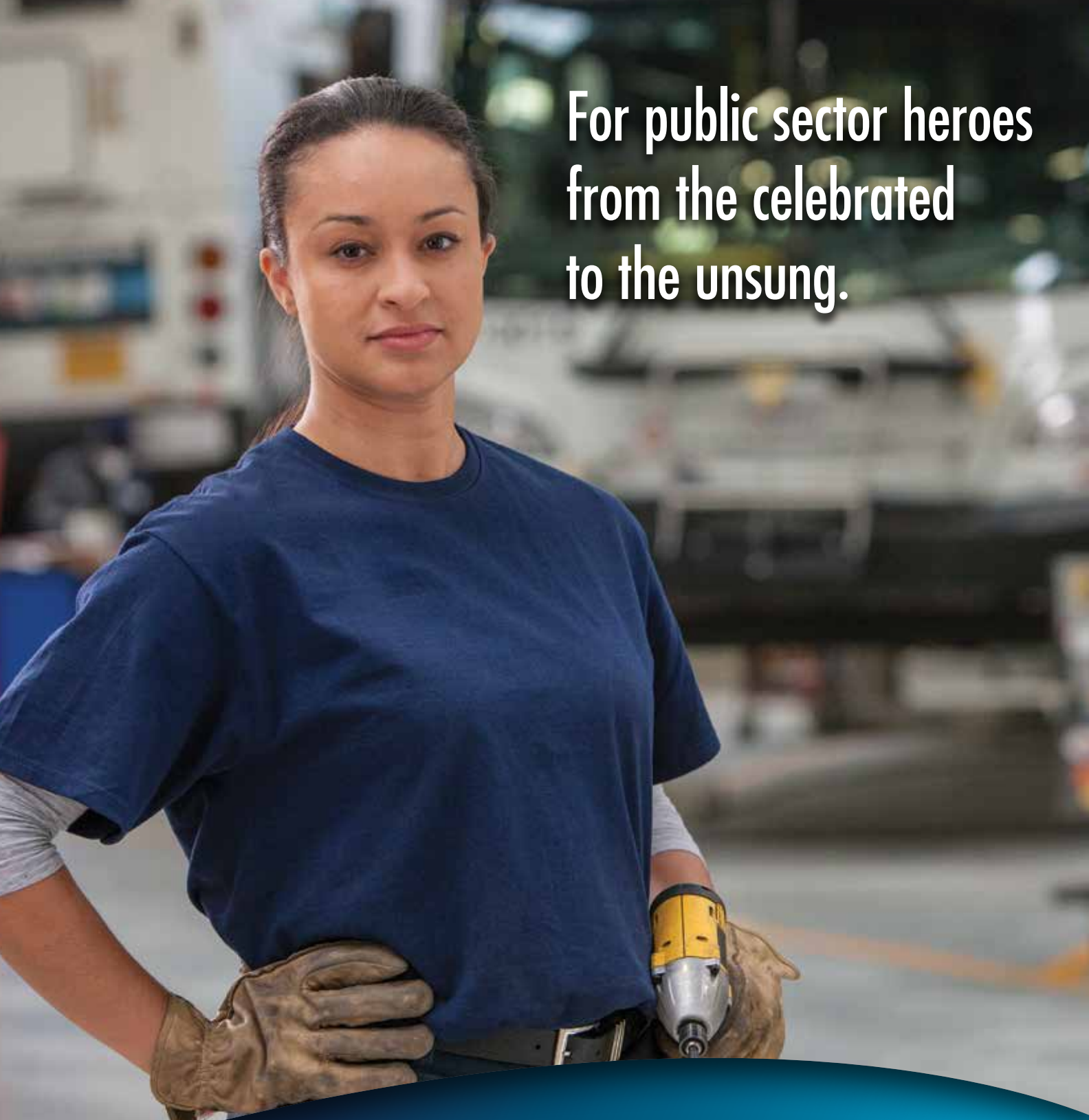
At the same time as health care, education, and policing are taking up a bigger slice of the funding pie, buildings are getting more expensive and the prospect of asking for money is more daunting than ever.

My message to local government managers is that by paying attention to the audience, dedicating empowered leadership to projects, and making early strategic decisions, they will have a better chance of seeing projects built. **PM**



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BY DOUG NEMECEK

# COMING TO THE RESCUE OF FIRST RESPONDERS

Addressing behavioral health needs must be a priority



**F**irst responders—notably firefighters, police, emergency medical teams, and 911 dispatchers—are dedicated and heroic public servants in our communities. In the course of their service, they face frequent and direct experiences with violence, death, destruction, trauma, and societal struggles that can have emotional consequences.

And because many first responders reside in the communities they serve, there is a higher potential that they will personally know those impacted by the situation to which they are responding.

All of these factors have contributed to the alarming rate of unaddressed mental health and substance-use issues among first responders. One in five firefighters and paramedics will suffer from post-traumatic stress disorder (PTSD) in their career, according to the International Association of Firefighters (IAFF).

Seven to 19 percent of police officers have symptoms of PTSD. In comparison,

only 3.5 percent of the general population experiences PTSD.<sup>1,2</sup> More police die by suicide than by homicide; the number of police suicides is 2.3 times that of homicides.<sup>3</sup>

## Associated Stigma

In its April 2017 survey<sup>4</sup> on the mental health of first responders, the University of Phoenix found that 85 percent of the more than 2,000 participating first responders have experienced symptoms related to mental health issues. While three-quarters of the survey respondents said they have mental health services readily available to them, nearly 70 percent also said those services are seldom or never used at their organization. That could be due to the pervasive stigma associated with mental illness and mental health treatment.

It is important that communities and the health-care delivery system focus on responding to these trends. If not ad-

dressed, the behavioral health challenges within first-responder populations will put health and lives at risk.

Community leaders must be prepared to come to the rescue of first responders, and their loved ones. How? Offering solutions like an employee assistance program (EAP), access to a quality and affordable local network of health-care providers, education and awareness resources, and public and private collaboration. All will help reduce the stigma of seeking treatment and also help first responders to better manage their mental health and address substance-use issues.

My employer—the global health-service company Cigna—has been working with public sector employers and their employees for nearly 50 years. The company has been a leading voice to address the many concerns unique to first responders, including burnout, compassion fatigue, vicarious trauma, and critical stress, that may lead to an increased rate of PTSD and other ongoing mental health and substance-use issues.

## Available Services

Cigna's solutions for clients and customers include behavioral health programs and an award-winning 24/7/365 EAP. Many times, these services are also open to the general public; for example, during natural disasters or incidences of traumatic violence in our communities.

First responders and the public also have access to Cigna's online resources available at [CignaBehavioral.com](http://CignaBehavioral.com) in the Disaster Resource Center for physical, mental, and emotional self-care during turbulent times, available in English and Spanish.

In addition, Cigna recently added to its network of participating providers the IAFF Center of Excellence for Behavioral Health Treatment and Recovery. This one-of-a-kind facility located outside Washington, D.C., focuses on treating firefighters experiencing post-traumatic stress and other behavioral health issues. Adding the IAFF center to Cigna's

network provides better and more affordable access to specialized care for current and retired IAFF union members who are Cigna customers.

The Cigna team has and will continue to explore the extremely complex and specific behavioral health needs of this population. In addition to offering its own solutions, Cigna is a catalyst for action. It convenes local stakeholders to help make a difference in the overall quality of life and positively impact the safety, health, and well-being of the communities it serves.

To discuss solutions to support first responders in your community, contact your local Cigna office or visit [www.cigna.com/business-segments/public-sector](http://www.cigna.com/business-segments/public-sector). **PM**

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BY PATRICK IBARRA

# A RECIPE FOR SUCCESS

Seven factors for high performance



**“Perfection is not attainable, but if we chase perfection we can catch excellence.”**

—Vince Lombardi,  
football player and coach

**I**t’s not simple to identify what is considered quality public-sector performance. Finding the answers to some crucial questions is the most important step toward a disciplined approach to high-performance government.

Is more always better? Governments tally lots of inputs and outputs, but it’s a mistake to suppose that increased number of patrons attending events, larger capital expenditures, or more citations issued translate to improved government performance. Nor does the opposite—declining number of patrons, fewer citations, smaller capital investments—necessarily signify poor performance.

The fact here is that it’s not simple to determine what constitutes successful or unsuccessful public-sector performance. The challenge is pinpointing what exactly quality performance, and thereby success, actually means.

#### Defining Employee Success

Even more challenging is defining what employee success looks like. How do you know when employees are performing exceptionally? In my consulting work for local governments, I have frequently observed a significant disconnect between job descriptions (what people are hired to do); performance appraisal instruments (what people are evaluated against); and

daily conversations (what people are advised to do or as I say, “conversations are the oxygen of priorities”).

This lack of integration creates confusion for employees and their supervisors about how to focus their time, effort, and energy. Determining the priority areas for what employees should be working on is often overly complex. Remember, one of your roles is to serve as a member of the organization’s “performance chefs” who are busy in the kitchen creating a recipe for employee performance and organizational effectiveness.

Being mindful that the best predictor of future performance is past performance is essential for leaders, managers, and supervisors to collectively determine the recipe for successful employee performance.

Moreover, consistent with my observations that some employees step up while others simply show up, and remembering the principle that “hiring is like dating—you get what you’re looking for” and people do not fundamentally change, using the recipe is critical when making hiring decisions, including promotions.

If you have ever made a hiring decision that did not turn out like you had planned, I know my previous statement

(continued on page 24)



resonates with you.

Two important reminders:

- Being a good team player is not a universal definition. It must be defined within each organization and work group.
- Your focus should be on performance and not personality. By the way, stay far away from personality inventory indicator assessments of candidates as part of the hiring process. Those instruments have no predictive value.

### Recipe for Success

Here is my “Recipe for Success: Seven Factors for High Performance” and characteristics describing each:

- **Attitude.** Get past the platitudes of positive and can-do. Those are clichés and are not descriptive. Instead, how about resilient, curious, prudent risk-taker, problem solver, and with a high degree of self-awareness. Sets the performance bar high and never settles.
- **Behavior/conduct.** Confident decisionmaker, mature, takes initiative, follows through, courteous, self-accountable, confident, and takes responsibility.
- **Knowledge.** Understands and executes his or her role and how it fits into the big picture. Invests in staying current to maintain a contemporary knowledge base. Fluent in change.
- **Passion.** Demonstrates a passion for public service. Builds and maintains healthy relationships. Brings out the best in people.
- **Performance.** High quality, of course. Completes work on or before deadlines. Excellent communicator. Continuously proactive.
- **Skill set.** Versatile and resourceful.
- **Values.** Exhibits, at a minimum, honesty, integrity, and trustworthiness. Values people because nothing is more evident than when an employee, especially those in leadership roles, do not value people.

I encourage younger readers to invest time with senior leaders in their organizations and to use the seven factors, customizing each factor to reflect their preferred workplace culture and the role of employee performance to support it.

After this has been completed, craft a set of interview questions to gauge fit with candidates and how well an individual is aligned with performance expectations. Refresh the performance appraisal instrument and offer training and learning workshops for supervisors and managers on how to optimize it to ensure employees are performing against the criteria necessary for organizational effectiveness.

I urge readers to email their questions and comments to me. **PM**



**PATRICK IBARRA** is a former city manager and partner, The Mejorado Group, Glendale, Arizona (patrick@gettingbetterallthetime.com).

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BY KAREN THORESON

# GOING ABOVE AND BEYOND

How four communities reached out to underserved populations

In 2018, there is a sense of growing divides among Americans. Young and old, black and white, rich and poor, urban and rural, conservative or liberal, skilled or not. These are all cliché categories for pulling communities apart and making someone feel unwelcome.

If local government managers are familiar with the word *include*—meaning to make someone or something a part of something larger—then inclusion should make sense. And while the national media continues to focus on the stereotypical divisions among us, at the Alliance for Innovation we see local governments striving to build bridges with their residents and among their residents.

Some of the more interesting examples of how these programs work were submitted to the Alliance through our Transforming Local Government (TLG) case-study solicitation. Many of them have been featured at TLG's annual conference. Here is a look at a few inclusion initiatives.

## Better Together Initiative

**Decatur, Georgia (20,000 population)**

In 2015, Decatur undertook a community process involving more than 800 residents and a combined total of 1,300 hours in visioning workshops. The results, including 60 action items, formed the basis for a Better Together Community Action Plan for Equity, Inclusion, and Engagement to be undertaken over a three-year period.

A 2014 baseline survey showed that the demographics of the community were rapidly changing from an aging African-American population with younger, affluent, and mostly white families replacing them.

This reality emerged against a

backdrop of increasing complaints of racial profiling and the city commission designating Decatur as a Welcoming Community for immigrants and refugees. In 2016, the governing body established a Better Together Advisory Board was charged with designing the campaign for, and ultimately developing, the new community action plan.

Nineteen diverse residents and business people developed an outreach process to populations that might feel marginalized. Using such communication tools as social media, the city website, extensive nonprofit partners, and face-to-face conversations, the project culminated in a daylong community conversation with specific tasks being assigned to individuals, groups, and government going forward.

## Creative City Making

**Minneapolis, Minnesota (400,000 population)**

While many communities leverage the arts to make capital and economic investments (e.g., cultural districts and public art), Minneapolis saw art as offering an opportunity to address racial disparity.

The city adopted its Plan for the Arts and Culture in 2005, which promoted the use of an artist in residency focused on community engagement with the department of Long Range Planning.

By 2014, four other city departments—regulatory services, information technology, neighborhood and community relations, and the city clerk-elections—were also using artist-in-residency techniques to reach out to underserved communities.

Creative City Making hires and trains artists with cultural ties to underserved communities to work with those



residents on departmental projects. The structure of the CCM program revolves around adaptive action and seed behaviors, which focus on problem solving around three questions: What? So what? Now what?

Those questions themed the community engagement work with residents and led to departments rethinking the connection to the people who use those public services.

For years, communities around the country have hosted artist-in-residency programs; however, the Minneapolis CCM program is different because it seeks to integrate artists in the daily work of departments and to promote innovative solutions in concert with residents.

## Age Friendly Evanston!

**Evanston, Illinois (75,000 population)**

Age Friendly Evanston! is an interdisciplinary approach to community development that promotes activities and services that allow older adults to remain mobile, independent, and active in their community. In 2014, the mayor, acting on an idea brought forth by city staff, appointed nine residents to serve on a task force and develop an action plan to ensure Evanston is age friendly.

Across the United States and globally, demographics are shifting toward an

*(continued on page 28)*

BY LISA SORONEN

# WILL THE SUPREME COURT REVERSE COURSE ON QUALIFIED IMMUNITY?

Academics challenge legal doctrine that favors local government

State and local governments have experienced a winning streak with qualified immunity like no other. In only two cases since 1982 has the Supreme Court denied police officers qualified immunity.

In the past few years, the Supreme Court has reversed a handful of lower Court cases denying police officers qualified immunity each term. This may not seem like a big deal but the Court is deciding less than 70 cases per term.

42 U.S.C. Section 1983 was enacted in 1871 to combat civil rights violations occurring in the South. It subjects state and local government officials to lawsuits for money damages for violating federal constitutional and statutory rights.

The Supreme Court, however, has held that qualified immunity applies if the law violated isn't "clearly established." The qualified immunity doctrine is extremely favorable to state and local government officials. The law is rarely clear because most cases involve different facts. The Supreme Court has gone so far as to say that qualified immunity protects all but the "plainly incompetent."

## Qualified Immunity Under Fire

All these victories have left state and local government officials wondering when the winning streak will end and some academics suggesting the doctrine needs to be radically changed.

Two academic articles in particular are noteworthy. In *Is Qualified Immunity Unlawful?*, author William Baude argues that it is, and he suggests that the Court or Congress should overrule or modify the doctrine.

In *How Qualified Immunity Fails*,

author Joanna Schwartz notes that one of the reasons the Supreme Court has stated it grants government officials qualified immunity is to save them from the hassle and expense of going through discovery and a trial. But her research reveals that qualified immunity rarely accomplishes this goal, because it is more often raised and granted after discovery has begun.

The important question about these articles—beyond what they say and why they say it—is: Will five Supreme Court justices rely on either of them in deciding cases?

According to Baude, the Supreme Court's legal justifications for qualified immunity are flawed, rendering the doctrine unlawful. The most well-known justification for qualified immunity is that "common law" passed down from England allowed state and local government officials to rely on immunities in 1871 when Section 1983 became law.

Baude disputes this, claiming "there was no well-established, good-faith defense in suits about constitutional violations when Section 1983 was enacted." He admits that even if there were, Supreme Court justices who are sympathetic to the notion that immunities available today should be the same as those available in 1871, have joined opinions granting qualified immunity not based on historical standards.

Last term, in *Ziglar v. Abbasi*, Justices Kennedy, Roberts, Thomas, and Alito granted qualified immunity to a number of high-level, federal executive agency officials related to a claim they conspired to violate the equal protection rights of persons held on suspicion of a

connection to terrorism after September 11, 2001. Justice Thomas cited Baude's article, stating that the Court needs to focus in qualified immunity cases on whether the immunity existed as common law in 1871.

No other justices joined Thomas's opinion, though Justices Sotomayor, Kagan, and Gorsuch did not participate in *Ziglar*. The fact that Justice Thomas has suggested the Court look at every qualified immunity case through a historical lens, citing Baude's article, is no small thing.

But neither is the fact that no other justices so far have expressed any interest in Baude's ideas. What if the majority of the Court were to agree with Justice Thomas that the qualified immunity available today should be the same as the immunity available in 1871? Joanna Schwartz opines that "little would remain of qualified immunity if the Court adopted this approach."

## Avoiding Trial and Discovery

As recently as 2009, the Supreme Court has described protecting government officials from the burdens of discovery and trial as the "'driving force' behind [the] creation of the qualified immunity doctrine." Schwartz reviewed 1,183 Section 1983 cases filed against state and local law enforcement defendants in five federal district courts over two years.

Her goal was to discover whether qualified immunity actually works as the Court suggests and helps state and local government officials avoid discovery and trial. Her research indicates it does not.

State and local government officials may file motions to dismiss and motions



for summary judgment asking the Court to dismiss the case before trial. Motions to dismiss are filed before discovery; in most cases some discovery will take place before an official may file a motion for summary judgment.

Schwartz found that qualified immunity is only rarely raised at the motion-to-dismiss stage (13.9 percent of the time) and is rarely granted (9.1 percent of the time). It is raised much more often at summary judgment (64.3 percent of the time), but again, rarely granted (13.8 percent of the time).

In trying to explain these numbers, Schwartz concedes that qualified immunity may discourage claims that are unlikely to meet its “exacting standard” and the lower courts may be, as the Supreme Court has suggested, improperly denying qualified immunity motions. She postulates, however, that the real problem with qualified immunity is that it is a fact-driven analysis that prevents most cases from being resolved at sum-

mary judgment or earlier.

### No Crystal Ball

It is difficult to predict how the justices will react to Schwartz’s article. Certainly none of them will be surprised by Schwartz’s speculation that it is factual disputes that drag out litigation. Little can be done about the fact that our legal system is set up to deal with factual disputes at the end of the process (at a trial in front of a jury) and that disputes with government officials, police officers in particular, are fact driven.

And Schwartz doesn’t suggest a solution that resolves factual disputes sooner. One of the “modest alterations” she suggests is that courts should look at the subjective, rather than objective, intent of government officials and deny them qualified immunity if they knew or should have known their conduct was unlawful. This suggestion, of course, only adds additional factual inquiries.

### Conclusion

It is not surprising that academics are taking a stab at qualified immunity. After all, no one likes someone who always wins. But Supreme Court justices are accustomed to academics telling them they got it wrong and should do it another way.

Completely changing course on any major legal doctrine, especially one like qualified immunity, which the liberal and conservative justices mostly agree on, is unlikely. Changes at the margins are more likely.

In the next few terms, for example, perhaps the Supreme Court will rule that a lower court improperly granted a state or local government official qualified immunity. **PM**



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older population. Age Friendly Evanston! engages residents in reviewing departmental plans, policies, and services and recommending changes that make the locality more age friendly.

The action plan focuses on outcomes in eight city service areas: planning, housing, transportation, communication, community support and health services, outdoor spaces, buildings, and visioning. The resident-led task force provided specific suggestions in each area to ensure that Evanston remains age friendly into the future.

The federal Americans with Disabilities Act (ADA) requires communities to plan how to make their locales more accessible to older and disabled citizens. Evanston's program is unique in that it is entirely resident led, but it is also strongly supported by the city departments it works with.

## A Reading Community Is a Strong Community

### Olathe, Kansas (135,000 population)

Olathe's adopted vision is Setting the Standard of Excellence in Public Service. In one of the country's most affluent counties, city staff identified literacy as a core component of a thriving community. Over the past decade, Olathe's departments have identified the need for a coordinated approach to support literacy for at-risk children.

A Reading Community is a Strong Community combined three previously independent programs and one new program to connect books, kids, and literacy to leverage better outcomes. The three existing programs: Children's Summer Bookmobile (Olathe Public Library); I Read with Mayor Mike (Olathe Mayor's Office); and Reading Garden (Olathe Housing Authority), along with a new program go.Library created by the Olathe Fire Department, together have increased the number of books and opportunities for reading available to at-risk children.

Various community associations and nonprofit organizations support these

programs, which require no additional city funds. The collaboration of these programs ensures that Olathe children have the best chance to develop the necessary literacy skills to be good residents in the future.

## The Art of Inclusion

These communities are vastly different in size, region, and demographics, yet each sets a goal of engaging specific citizenry and connecting them to city services.

Decatur used a comprehensive visioning process to build a plan for a diverse future. Minneapolis incorporated culturally diverse artists in a community process to ensure that city services were reflective of the communities they serve.

Evanston trusted residents to develop a plan for an age-friendly community. Olathe engaged existing reading programs to leverage outcomes for at-risk children.

So what makes these projects innovative? Each went above and beyond traditional local government service delivery to ensure that underserved populations or unheard voices were engaged.

All of the communities developed a unique method of outreach and collaborated with stakeholders to ensure that their target audiences were being reached. The projects undertaken by these cities all established metrics for success and methods to evaluate and modify their implementation over time to improve outcomes.

Every program ensured that elected officials were fully on board and that communication was multidirectional. No doubt these projects to increase inclusion encountered some resistance—skepticism on the municipality's motives, concern that one group is being favored over another, and criticism of resource investment beyond traditional city-service boundaries—but each persevered and prevailed.

## Fresh Eyes

Local governments need to reflect on how their services are perceived and

impact their residents. Bringing fresh eyes to who is engaged, who benefits, or who is able to enhance outcomes is an important job for the manager and staff.

Look for ways to include new perspectives in how a local government delivers its services. Outcomes in community engagement and inclusion are hard to measure. In the short and long run, however, it will improve your relationship with stakeholders, trust in government, and community outcomes.

For more examples of innovative inclusion projects, go to [http://transformgov.org/en/knowledge\\_network/topics/kn/topic\\_documents/51/community\\_diversity](http://transformgov.org/en/knowledge_network/topics/kn/topic_documents/51/community_diversity). **PM**



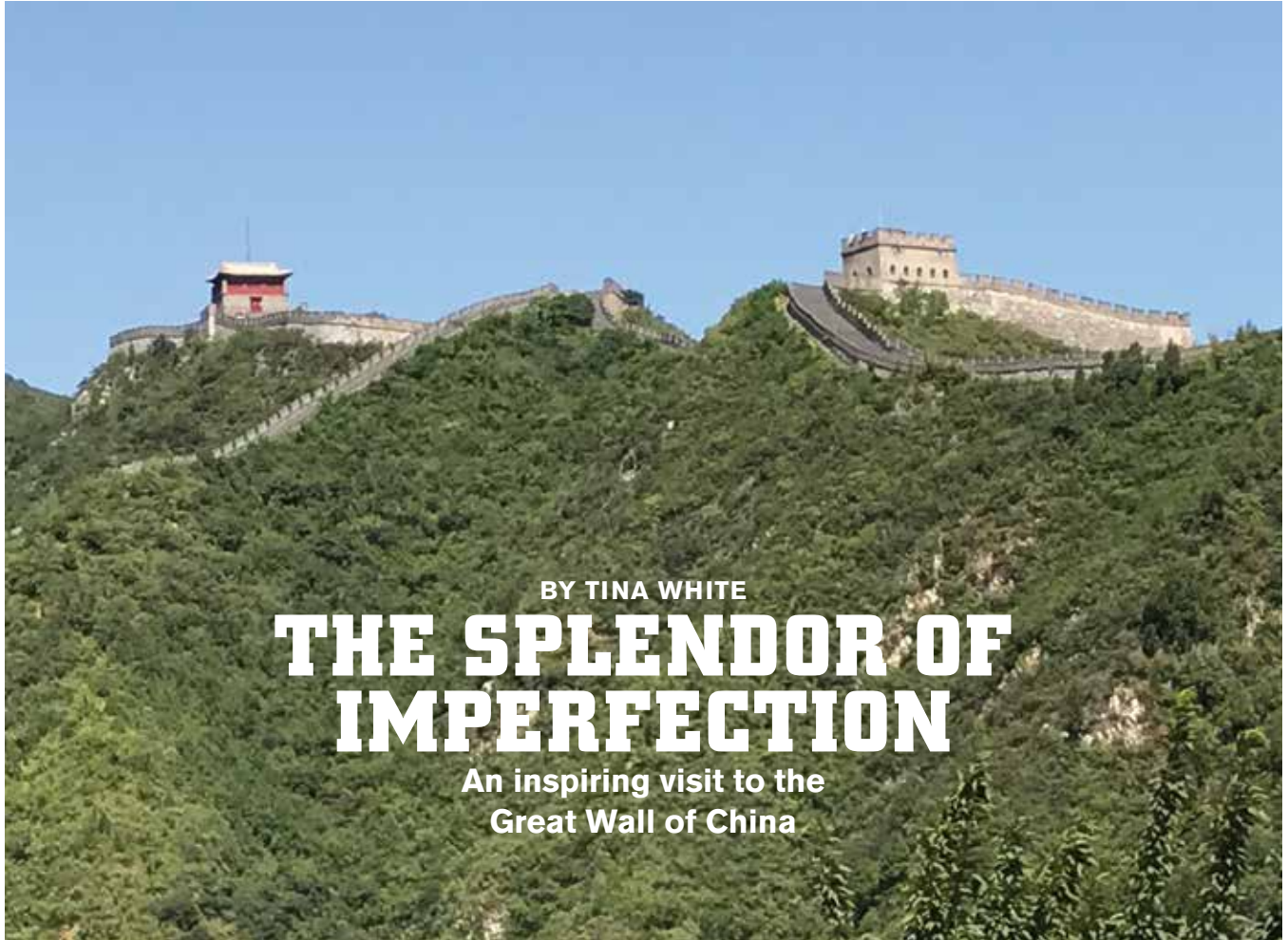
**KAREN THORESON** is retired president and chief executive officer, Alliance for Innovation, Phoenix, Arizona (kthoreson@transformgov.org).

## Tacoma in April

The 2018 Transforming Local Government (TLG) conference will be held in Tacoma, Washington, April 3–6. ([http://transformgov.org/en/learning/transforming\\_local\\_government](http://transformgov.org/en/learning/transforming_local_government)). Featuring renowned case studies from local governments across the United States and Canada, keynote speakers will also challenge current thinking and demonstrate new methods of achieving better outcomes.

TLG will showcase the current artificial intelligence pilot that is being conducted with eight local governments using Amazon's Alexa. The new networking opportunities will bring attendees together in ways that will create lasting bonds across multiple communities.

Experience enchanting Tacoma, the home of American glass sculptor and entrepreneur Dale Chihuly and cutting-edge technology companies that are working to make the TLG experience especially memorable.



BY TINA WHITE  
**THE SPLENDOR OF  
IMPERFECTION**

An inspiring visit to the  
Great Wall of China

**“Twenty years from now you will be more disappointed by the things that you didn’t do than by the ones you did do. So, throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover.”**

—Sarah Frances Brown, mother of American author H. Jackson Brown

**L**ike this Sarah Frances Brown quote suggests, I took a trip to China in September 2017. It was my first trip outside of the United States, and wow, did I pick a great destination. I traveled with a group of friends, so I expected to have fun.

What I didn’t expect was how much fun we would have with both locals and Chinese tourists. This was especially true when we traveled to less urban areas where the locals hadn’t seen such tall Westerners in person. I posed for many photos with shorter, friendly locals.

Their open, accepting, and generous

attitudes were remarkable. During an activity-filled 10 days, I visited Tiananmen Square, the Forbidden City and the Summer Palace, Wuxi (Venice of the East), and the Great Wall of China, among many other sights.

### **Great Wall Inspires Awe**

I had, of course, done my research before the trip. This research, however, did not prepare me for the magnitude of awe I felt at the Great Wall of China.

It is perhaps the most recognizable symbol of China and its long history. The Great Wall consists of numerous walls and fortifications. It was originally

conceived in the third century B.C. as a way to keep barbarian nomads out of the Chinese Empire.

Today, the Great Wall is generally recognized as one of the most impressive architectural feats in history. In 1987, the United Nations Educational, Scientific and Cultural Organization designated it a World Heritage site.

And yet, the Great Wall is not perfect. It is constructed out of stone, brick, tamped earth, wood, and other materials. The stairs are not uniform; there are major differences between them. Some are tall, while others are short. Some are

*(continued on page 32)*





**Roger L. Kemp** MPA, MBA, PhD  
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Roger Kemp's background and professional skills are highlighted on his website. Dr. Kemp was a city manager in politically, economically, socially, and ethnically diverse communities.

He has written and edited books on these subjects, and can speak on them with knowledge of the national best practices in each field. Call or e-mail Roger for more information.

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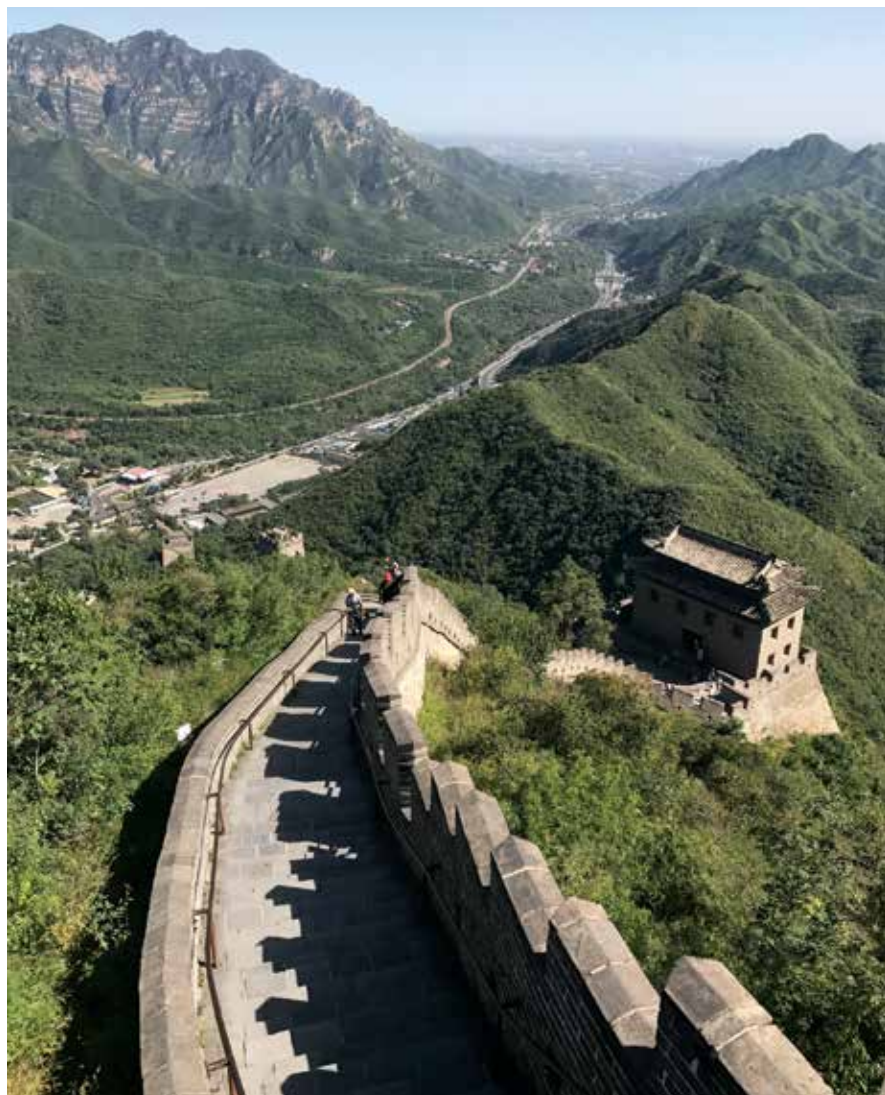
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deep, and others are shallow.

This became immediately evident as I started my climb. But its imperfections did not take away from its splendor or significance. In fact, I was struck by the ingenuity of its builders, asking myself how they got the materials hauled into

built more than 2,300 years ago. Its official length is 13,170 miles, and more than 10 million people visit it every year.

I also wondered what if the builders had demanded perfection? What if someone had insisted that the entire wall

## IF MANAGERS ARE TO INSPIRE THE NEXT GENERATION OF LEADERS, WE MUST STOP BEING PERFECTIONISTS.

place when I had to work hard to climb the stairs in my tennis shoes.

### Rethinking Perfection

While the Great Wall of China is not perfect, it is still standing after being

be designed before the first stone was laid in place? Or that its route be decided in full, before construction even started? I think it's safe to say that the Great Wall might not exist if this kind of perfection had been required.

I have a friend who likes to say that “an imperfect something is better than a perfect nothing.” I am the first one to admit that I have perfectionist tendencies. I will also admit that, in the past, this tendency has kept me from trying new things.

I either convinced myself that I wouldn't be able to do it perfectly, or I would try it once and decide that I was not “good enough” (meaning I wasn't perfect) so I didn't try it again.

I am my own worst critic. I suspect many of my management colleagues can relate to this tendency. If you think about it, that doesn't offer much room for experimentation or much grace for mistakes.

I am working to overcome my perfectionism and to encourage my own curiosity. And while that hasn't completely overridden my competitive tendencies, it has allowed me to have more fun.

I can finally say that I've used my passport. One of my goals has been met: I've made it to one of the Seven Wonders of the World.

### My Message to Managers

As managers, I believe that we are on the precipice of great change in the public sector and in our organizations. The number of retiring baby boomers is growing each day, making space for the next generation of leaders.

In the organization where I work, I would like to see us create a culture that allows people to pursue excellence, not perfection: a culture that encourages people to explore, experiment, and discover.

If managers are to inspire the next generation of leaders, we must stop being perfectionists. It's time for us to foster excellence, ingenuity, and appropriate risk. We may not be building a wall, but we are building something great. **PM**



**TINA WHITE**  
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