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Budget & Finance

INSIDE:

Land Pride's solutions for municipalities

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The trend toward municipal equipment sharing

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Land Pride folding rotary cutters are ideal for roadside maintenance. With cutting capacities from 2 inches up to 4.5 inches, easy maintenance features and safety features that meet or exceed industry standards, municipalities, counties and states recognize Land Pride as a leader in roadside maintenance. (Photo provided)



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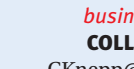
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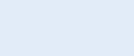
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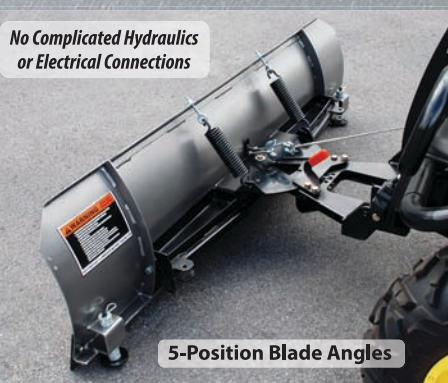
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Budgets, finance, bankruptcy and reform



Jodi Marlin | Editor

TWO WEB ARTICLES CAUGHT MY EYE recently. They're both new takes on a frustrating theme: municipal bankruptcy and community deterioration.

The first focuses on a poster child for municipal bankruptcy: Detroit, Mich. Chapter 9 proceedings for the Motor City's case came to a close in late 2014, and Wayne State University's WDET.org posted a thoughtful blog Nov. 30 about the questions it raises regarding the state's responsibility in such situations. In the post, Michigan Municipal League Chief Operating Officer Tony Minghine paints a picture of communities handcuffed by a state that for 50 years has pushed budget problems down the line to its municipalities, which are now collapsing under the suffocating weight.

The underlying, broken finance model isn't just Detroit specific, Minghine is quoted as saying, but really statewide. "... People don't really realize that we have a system that doesn't really set communities up for success," he adds.

Harrisburg, Pa., owes its bankruptcy in part to the same kind of debt fraud that brought down Detroit. The state is in the process of trying to install safeguards to prevent the kind of transactions that led to Harrisburg's troubles. One journalist, Steven Malanga, senior fellow at the Manhattan Institute and senior editor of City Journal, has pointed out that if lawmakers balk at being as responsive as Pennsylvania in the face of a need for finance reform, citizens can and should take action as well, using tools like a ballot referendum.

Reflecting on the heart of the Harrisburg ordeal and its legacy, Malanga said in a Pittsburgh Post-Gazette piece:

"A Pennsylvania newspaper once described (former mayor) Stephen Reed as a mayor who 'never met a bond deal he didn't like.' Give a politician the chance to pile up debt on favored projects without answering directly to voters, and no one should be surprised if he takes advantage of it. That's why the history of state and local finance is filled with reform moments."

Certainly, there's a groundswell of support for making the most of the reform moments dotting the map of municipalities across the country today. The conversation should be about how states can better shore up the underpinnings of

their well-being: their cities and towns. It seems to me that the alternative is kind of like having healthy legs, but two injured feet. You can't walk, jump, dance or ride a bike in that condition, and our cities can't thrive that way either.

Minghine, too, gives a nod to the fact that we're trying to operate with municipal budgets that "would have been appropriate decades ago, but are not enough to meet today's community needs as the costs of providing services continue to increase." You all know how that feels.

On page 28 of this issue of *The Municipal*, see how financial desperation is manifesting itself in Missouri. There, cities and counties are facing off over a sales tax that was challenged in court and demonstrating just how finance constraints are giving way to tooth-and-nail budget battles that aren't likely to dissipate soon.

Finance reform needs to be addressed now before more of our budgets collapse. We're out of the crisis mode brought on the by recession: I hope we're using this time of greater calm to lay the groundwork that will force much-needed changes in the relationships between states, municipalities and their critical financing issues. **M**



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Is your grounds maintenance equipment worry-free?

ROADSIDE MAINTENANCE IS never easier than when you operate a Land Pride rotary cutter, compact drill or powered rake behind the tractor.

State, county and municipal departments responsible for maintaining roadsides or reclaiming rights-of-way turn to Land Pride for reliable equipment that delivers quality results in record time. The company's 300-plus products work seamlessly with grounds maintenance personnel and existing equipment, and are manufactured in the sizes needed in small towns and urban centers.

Attainable pricing

From a zero turn mower for the city hall lawn to a 20-foot folding rotary cutter for airport fields, "the solutions we provide really are across a wide range of products," said Marketing Manager Dee Warren.

Because Land Pride, a division of Great Plains Mfg., Inc., participates in the National Joint Powers Alliance and other cooperative buying agencies, municipalities of any size can get in on those solutions and reduce their street crews' time on roadside jobs. Participating in purchasing groups is a priority for the

company, according to Warren, because it allows single-unit purchasing for the same price that those buying larger quantities receive.

Superstar cutter

Among these are the popular RC5615 15-foot Rotary Cutter. In 2015, Beaver County Maintenance in Beaver County, Okla., made its second purchase of 15 Land Pride RC5615s. It had purchased the first 15 units in 2013 after Land Pride came out on top in a formal bid process.

Between all three districts in Beaver County, crews maintain over 2,000 miles of roads. Multiplied by two sides, that's 4,000 miles of road. Warren said: "After talking to everyone involved in the decision to switch, it looks like the county will keep maintaining those miles with Land Pride rotary cutters." Operators and managers were impressed with the RC5615's rugged durability, Land Pride's fast parts availability and proven reliability.

"There is nothing about them I don't like," said Steven Perry, maintenance foreman, District 2. "They have been a blessing. With the (competitors), we spent a lot of time trying to

keep them running... I've done nothing to these except grease them. I think we could run these five years and not see any major problems."

In 2015, Series II enhancements made Land Pride cutters more user-friendly. Taller, adjustable angle jacks align a hitch to a taller tractor drawbar more easily; power takeoff support stands assist in driveline hook-up; removable PTO shields and driveline end-cap grease zerks make lube-maintenance simpler; and a patent-pending sliding center gearbox cover allows for better access to the intermediate driveline.

Groundskeeping made easy

Land Pride tackles turf, too. When the job is groundskeeping, Land Pride's All-Flex Grooming Mowers are available in 11-foot, 14-foot, 16-foot and 22-foot cutting widths. The three decks discharge clippings out the rear, providing even dispersal. Rear wheels on the wing decks are in line with transport tires to help with turning radius and are also non-castering, which helps hold the mower on sidehills. The mowers' single-beam hitch and generous deck overlap, virtually eliminates skipping in "zero-turn" situations; narrow transport widths and automatic wing locks make for safe transport.



Like all of Land Pride's compact drills, a native grass box or small seeds box can be added to increase seeding options. Add both optional boxes and seed three different types of seed at the same time, all at different rates. (Photo provided)



Land Pride all-flex mowers are perfect for golf course maintenance, recreation areas and sports complexes. They are sleek enough to get under trees and agile enough to turn on a dime while safely directing clip-pings toward the ground. (Photo provided)

Plant the seed

If it's a seeding that you need to complete, Land Pride offers a variety of options: Compact drills, all-purpose seeders, and their new no-till seeder. These units are widely used for roadside seeding, overseeding at golf courses and sports fields or seeding new lawns. Between the three models, widths are available from 48-inches to 11-feet. The narrower widths make them particularly well suited for grassy medians or rights-of-way adjacent to sidewalks, community parks, sporting facilities and golf courses. "All of our seeding equipment uses Great Plain's proven, fluted seed cups. This provides the user with exceptional accuracy in seed metering and uniform delivery of most turf grass seeds," explained Warren, "as well as a wide variety of other seeds, from canola to corn rounds!"

Land Pride rotary tillers are American-made and provide quality results to fit the diverse needs of contractors and municipalities. Most models come with either forward or reverse till capabilities and offer side-shift capabilities to work close to buildings or other obstacles. (Photo provided)



Beaver County, Okla., uses Land Pride RC5615 Folding Rotary Cutters because of their rugged dependability, parts availability and ease of maintenance. (Photo provided)

Time-saving tillers

The company's tillers generate some excitement, too. When it comes to landscaping, employees prefer Land Pride rotary tillers because they make large tilling projects manageable by delivering thoroughly tilled soil in minimum time. All of Land Pride's tillers are manufactured in America, and standard features include a heavy-duty box frame, adjustable hitch clevises and heavy-duty #80 drive chain. Center or offset mounting also provides versatility on most

models. Built tough for years of dependable service, Land Pride's reverse-till rotary tillers even feature a reverse tilling action for tougher ground conditions.

All of these products plus landscape rakes, grooming mowers and more are part of Land Pride's commitment to its dealers and customers. That commitment is also visible in the delivery of the product. To ensure that your unit arrives exactly as it was when it left Land Pride's manufacturing plant, the company has its own trucking division, Great Plains Trucking. Parts and service after the sale have also helped Land Pride gain both dealers and clients. Through online parts ordering, phone support or a personal visit, if that's what it takes, Land Pride is willing to go the extra mile. ■

[Information provided by Land Pride.](#)



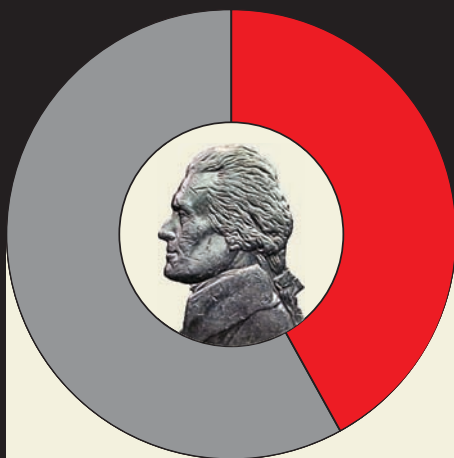
Focus on:



Number of municipalities in Missouri that have voted in favor of a use tax to allow them to continue collecting money from purchasers of out-of-state vehicles, or those buying vehicles in-state from unlicensed sellers. Those municipalities are Eminence, Hannibal, Liberal, Trenton, West Plains and Sedalia. In addition, Cape Girardeau, Dallas, Grundy, Howell, Polk, Reynolds, Shannon and Texas counties and the Tri-County Ambulance District have received voter approval.

Find out more about the issue on page 28



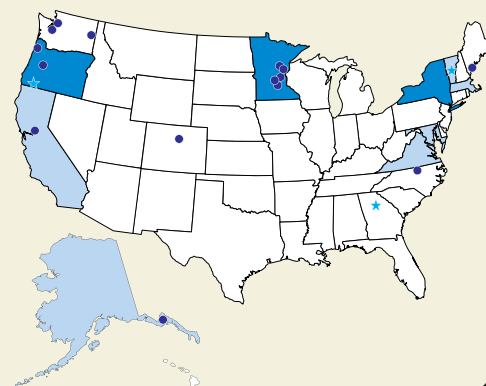


42 percent of procurement departments are understaffed, according to the National Association of State Procurement Officials.

Read about best practices on page 16

Purchasing agent 411: New York, Washington and Minnesota have banned the use of neonic pesticides, which decimate the pollinator population. A few cities and universities have passed legislation independently that bans the same. (Image provided)

- states with some restrictions
- states with introduced legislation
- local government bans
- ★ universities with bans



For more information, see page 24



1970s

It was in the late 1970s that municipalities' risk management began to warrant serious attention due to:

1. **Loss of municipal immunity**
2. **Economic pressures mounted**
3. **Workers' compensation became hard to get and largely unaffordable**

Source: <http://www.rmmagazine.com/2015/09/01/the-evolution-of-municipal-risk-management/>

Learn more about risk management on page 14

“Equipment sharing is a common practice among Ohio’s local governments, and we urge all public entities to consider it as we work more to do more with less.”

Ohio Auditor of State Dave Yost



Read the full story on page 20



18 percent

The drop in total par amount of municipal market trading from the third quarter of 2014 to the third quarter of 2015. It plummeted to \$551 billion, the lowest level since at least 2005 when the Municipal Securities Rulemaking Board began recording the statistics.

Source: <http://www.bondbuyer.com/news/washington-securities-law/msrb-muni-trading-plummets-in-third-quarter-1089994-1.html>



Risky business

Is it time to re-evaluate your risk management plan?



By JULIE YOUNG | The Municipal

It's not a question of "if" something will happen. It's a matter of when. Municipal leaders know they have to have their proverbial ducks in a row when situations occur. That's why having a risk management plan is critical to a community's infrastructure: so the powers that be can identify, analyze, plan for and ultimately contain any potential problem that may come along.

In this period of economic recovery, it's important for communities to take the time to re-evaluate their risk management plan, identify issues that need to be addressed and shore up any trouble spots that appear. The person to do this is your professional risk manager, who has the expertise to detect those universal issues that affect any size city and town, as well as those that may be specific to a particular area.

"Unfortunately, I see time and again where a community hires the mayor's nephew, and he may not have the experience necessary to do the job effectively," said John D'Agostino Jr., a certified risk manager

who has specialized in the field for over 20 years. "When your risk manager has the job because of who he knew and not what he knew, it's a big problem. In the short term it may be penny-wise, but in the long term it's pound-foolish."

Employment practices

A professional risk manager's role is to help municipal leaders recognize where potential problems can occur and develop solid strategies to decrease the chance of negative outcomes. One of the issues municipalities have been struggling with in recent years is their employment practices, including the

A professional risk manager's role is to help municipal leaders recognize potential problems and develop strategies to avoid negative outcomes, said certified Risk Manager John D'Agostino Jr. (Shutterstock photo)

hiring, training, supervision and retention of employees.

Ever since the recession, slashed budgets have become the new normal, causing everyone to do more with less. Not only does this mean a reduction in staff, but also in the programs needed to train them. D'Agostino said that when staff members are inadequately trained for the tasks they need to perform, it disrupts production and can result in an increase of workplace injuries, workers' compensation claims, safety violations and wrongful termination claims.

"There is definitely more employer liability, and training is key. You can't let someone who has 30-years experience walk away and expect the next person to have the same type of knowledge and be up and running right away. You have to bring them up to speed quickly but thoroughly so that they can perform the job properly."

Training problems can be especially difficult in areas with high turnover rates, but they make all the difference when it comes to managing risk. When communities reduce their training programs and offer one big seminar where employees can note the discrepancies between their training and the recommended best practices, it can lead to litigation.

"They think, 'That's not the way they trained me' and see an opportunity to cash in," he said. "When the economy has a downturn like it did a few years ago and people are struggling, they look for other avenues to bring in money. What better way than a lawsuit?"

Safety and compliance

Proper training is only half the battle. In municipal risk management, it's also important for employees to know about the current Occupational Safety and Health Administration regulations for their workplace, and that all equipment is maintained properly so that it can stay in compliance with all regulations. This not only heads off workplace injuries, but also municipal liability when accidents occur.

D'Agostino said even though no one wants to believe something could occur, it will. Worse still, Murphy's Law suggests it will always happen at the wrong time.

"Accidents never happen at a normal time of day when there are plenty of people available to help," he said. "They always happen in the middle of the night when you have two people out sick and at least one truck broken down. That's why it's critical to keep your equipment inspected, your workplaces in compliance with OSHA and have enough personnel to handle whatever comes up."

Another liability for cities responsive enough to engage citizens via social media is its acceptable use by employees. Progressive discipline for violating social media policies should be in place and re-examined periodically. (Shutterstock photo)



The unthinkable

Events in Paris last fall are a powerful reminder that no community is safe from threat. Whether man-made or a natural disaster, having an emergency preparedness plan should be the top priority for municipalities, regardless of size.

"We want to believe that something like Paris or a 9/11 can't happen in a small community, but it can and does. In the last few years small college towns have become the scene of horrific crimes, so no place is completely safe. You have to have the protocols in place so that your employees know what to do and who to call in the event of an emergency, and how to communicate the situation to the citizens."

Cyber liability

The most popular way communities communicate is through social media. Social media and computerized transactions have helped streamline municipal operations, but the technology can lead to privacy issues as well. For instance, while property taxes are a matter of public record, how they are paid are not. When data breaches occur, they not only compromise a municipality's data, but its residents as well.

We've all heard about how retailers are often the targets of computer hackers, but it also happens in the municipal sector. Before offering constituents the opportunity to pay

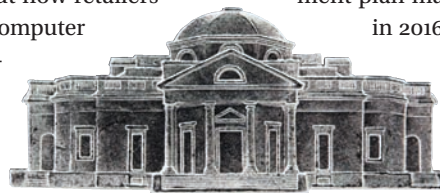
One of the issues municipalities have been struggling with in recent years is their employment practices, including the hiring, training, supervision and retention of employees. (Shutterstock photo)

online, it is important to make sure their sensitive information will be protected. If a breach occurs, have a contingency plan in place to notify those who may be affected.

The other issue of cyber liability concerns social media. Communities are fighting an ongoing battle with their employees who use the medium for unprofessional reasons.

"There is no downtime in this 24/7 world we live in. You can say one damaging thing online about a coworker and it can spread like wildfire; when you know if you had just waited and cooled off a bit, you never would have said it in the first place," D'Agostino said. "Municipalities now have to have policies in place to council employees on the acceptable use of social media and progressive discipline for violating these policies as well. That's all part of risk management. It's an ever-changing, ever-evolving field that must be re-examined periodically by every municipality."

Regardless of how solid your risk management plan may be, resolve to revisit it in 2016 so that you can identify what improvements need to be made for the year ahead. **M**



Procurement practices for better results



By DENISE FEDOROW | The Municipal

Government spending has always been a bit complicated, but these days it's only getting more so. When it comes to procurement departments, the belt has been tightened to near-suffocation for many local and state offices.

According to the National Association of State Procurement Officials, 42 percent of procurement departments are understaffed. While other departments have started to see an increase in staffing since the recession, that hasn't been the case for procurement. In fact, NASPO refers to it as the "silver tsunami" because as baby boomers retire, they're not being replaced.

Therefore, maximizing efforts have become even more crucial. Government agencies on all levels have been striving to become "High Performing Organizations."

'High Performing Organizations'

The HPO Center has studied and created a framework of factors it believes contribute to a high-performance organization. Its definition of an HPO is "one that achieves financial and non-financial results better than its peers" over a period of years. In the case of governments, one source defined it as "being able to create, justify and implement policies that are reasonably expected to be achieved."

According to the center, the five factors that make up the framework of an HPO are:

1) Quality Management: Managers in an HPO should be decisive, action-oriented and hold people accountable for results while treating everyone fairly and putting trust in them.

2) Openness: An open culture is fostered in an HPO, one in which everyone in the organization is encouraged to share ideas. Those ideas are valued and everyone is involved in the process.

3) Long-term Retentions: Relationships are built to last in an HPO. Longevity is rewarded in employees, and the retention of customers, stakeholders and suppliers is sought out and valued.

4) Continuous Improvement and Renewal: If a strategy is not working, an HPO will improve and revive it. Continuously improving processes, products and strategies is a key factor. Outsourcing processes that are not a core part of the organization is also considered and implemented.

5) Quality Employees: HPOs seek out a high-quality management and workforce: one that is diverse and flexible. High performances are expected.



LEFT: Firehouse Company 2 on Quinnipiac Avenue in New Haven, Conn., was recently remodeled. Because of the city's procurement practices, including job order contracting and a cooperative purchasing process, the city was able to save a considerable amount of money.
(Photo provided by city of North Haven)

RIGHT: This project — the renovation of North Haven's Fire Headquarters, four other firehouses and the public works garage — used cooperative purchasing practices and has been cited by experts as a "best government practice."
(Photo provided by city of North Haven)



Michael Freda, on behalf of the town of North Haven, Conn., receives the 2012 Northeast Regional Harry H. Mellon Award of Excellence in Job Order Contracting for the Town's Sanitation Garage Project, constructed at 110 Elm St.

*From left are Shaun Dwyer, Pat Munger Construction Co.; Joseph Pierandi, Pat Munger; Michael J. Freda, first selectman, town of North Haven; Harry H. Mellon, JOC program; and Lynn Sadosky, director of public works, North Haven.
(Photo provided by city of North Haven)*

North Haven, Conn.

One city cited as being high performing in its procurement practices is North Haven, Conn. North Haven is located on the outskirts of New Haven, approximately 27 miles south of Hartford.

It has six schools in its school district and five industrial parks. North Haven experienced rapid growth from 1945–70, quadrupling the population at that time. Despite continued growth, it has maintained its town meeting form of government, which has selectmen leading the town.

First Selectman Michael Freda said the city has a system for purchasing that it implements on a daily basis.

"We have a bid threshold of \$7,500 — anything at that price or above is put out to bid," he said.

Freda, whose position is similar to that of a mayor or town manager, said the town has worked with consulting firms and received state grants.

"We parallel bid — local and state — to get the most competitive rates," Freda explained. "Sometimes the lowest cost isn't always the highest quality, so we're always balancing that aspect."

He pointed out that if the selectmen don't like the bids that come in the first time, they'll put the project out to bid again: something that he said is happening with a current building project the town is planning.

The first selectman said they prefer to work with local companies when possible "because they are vested in the town. It's more important to them, and they're emotionally invested."

To that end, North Haven offers a "home discount" of 10 percent. If two bids come in at the same cost and one is a local company, 10 percent is taken off of that bid, making the local company the lowest

"Sometimes the lowest cost isn't always the highest quality, so we're always balancing that aspect."

bidder. They also speak with the contractor about obtaining quality subcontractors.

Freda said that when contemplating any project, the cost over a 17-year bond period is calculated to ensure they remain at or below the 10 percent debt service during that period of time.

"We measure the cost against our current level of debt service so we're not highly leveraged." Currently the town's debt service is at 7 percent.

"It's a matter of executing our game plan," he said, adding that they've had great success with renovations and new construction at a high school and middle school, four firehouses, a new public works garage and in renovating the public works operation, which included adding restrooms and lockers as well as several upgrades.

In fact, in May 2013 the town received the 2012 Harry H. Mellon Award — a "Best of the Best Project" — for a work done on the garage. Both the city and the construction company were presented with the award, which is given for a project coming in on time and on or under budget.

"At the time I had no idea what a prestigious award it was," Freda said.

A metal building had been constructed, and the city needed to relocate five bays and some water lines. The project was not to exceed \$750,000.

The Gordian Group, which presented the award, said it was "an example of how good government should always work." ►



Freda offers this advice to those seeking to improve their procurement practices:

- 1) Concentrate on ensuring that your bid specifications lists encompass everything you need to guard against change orders, which drive up the cost of the project.
- 2) Work with the general contractor to ensure that quality subcontractors are being used and the subcontractors understand the project.
- 3) Keep your debt service level at 10 percent or below.



Government consulting experts say when considering implementation of any changes, education is key. Learn as much as you can, and teach other involved in the process. Also, don't give up: Sometimes change takes time. Most of all, don't be afraid to start something new. **M**

The Public Works Field Operations Garage on Elm Street in North Haven, Conn., is one of several projects completed recently in the city. Upgrades to the facility included lockers and restroom facilities. (Photo provided by city of North Haven)



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Now's the time to borrow, rent

Equipment sharing makes more sense than ever

By **BARB SIEMINSKI** | The Municipal

With winter in full swing, you're probably kicking yourself for not requisitioning that third new truck and plow package last fall. Who knew you'd get this much snow?

Neighboring cities are also short on equipment to keep streets clear during repeated winter weather onslaughts. But wait! Your "neighbor" two towns over has a great new truck: Maybe he'd let you rent or even borrow his? That way you won't have to lay out big bucks to buy one yourself, not to mention the gas and oil to feed it.

That neighbor also owns some new heavy gear, including a skid loader, forklift and vibratory roller. Take him to lunch and consider asking if you can rent the piece you need now or in the spring since your administrator won't approve the machines, tools and use of an operator for a one-time job, anyway.

Smart municipalities have hit on this sensible idea when undertaking big construction or agriculture projects, or repairing infrastructure such as bridges, buildings, roadwork and parks. According to Alan Mond, CEO and co-creator of MuniRent in Ann Arbor, Mich., and Oakland, Calif., equipment-sharing is definitely gaining traction but is not new; rather, it is something that always existed in the municipal space.

"As an example, Mutual Aid Agreements allowed municipalities to collaborate in disaster situations," he said, adding that government, in general, has a long history of collaboration.

LEFT: If your second backhoe isn't being used right now, equipment sharing sites, such as EquipmentShare and MuniRent, can turn it into a source of income. (Photo provided by MuniRent)

RIGHT: Commonly shared and rented municipal equipment includes mowers and cranes; also bulldozers, concrete saws, message sign trucks and street sweepers. (Photos provided by EquipmentShare.com)



Examples of items a municipal equipment-sharing entity might have in its inventory include a bulldozer, excavator, vacuum truck, skid steer, bucket truck, dump truck, backhoe, loader, message sign truck, roller, street cleaner and operating personnel.

Mond stressed that his company is neither an equipment rental company nor a motor pool service, but a capital equipment-sharing venture. Similar initiatives are rapidly making their way across the country.

"The advent of the Internet provides the ability to streamline how a loader or a dump truck is scheduled. It also helps to have an intergovernmental agreement and keep track of sharing to show residents that cities are stretching taxpayer dollars as much as possible. The reduction in cost is incredible,

and it requires negligible time investment to implement."

Sharing heavy equipment reduces costs, increases utilization and improves efficiency. Also, a knowledgeable operator of the machines is a great extra—especially, for example, if your town needs a roller for its new parking lot but no one knows how to operate one. Opt for a driver along with the machine, and presto! One big headache relieved instantly.

One is Missouri-based www.EquipmentShare.com, a peer-to-peer endeavor that gives back to its community by providing a platform where contractors can save and make money on equipment rental. EquipmentShare.com also helps nonprofits like Habitat for Humanity rent equipment for much lower rates and actively screens members that apply to rent quality equipment and experience. The company also reserves the right to remove members that don't adhere to its policies and conditions.

Dave Yost, Ohio Auditor of State, implemented his www.ShareOhio.gov plan in January 2014.

"Any public entity can benefit from sharing programs, whether it be heavy equipment or even employee sharing," he said. "Equipment sharing is a common practice among Ohio's local governments, ►

"The reduction in cost is incredible, and it requires negligible time investment to implement."



"It definitely needs to be formal," said Mond. "I've posted a blog on our website that outlines what the inter-governmental sharing agreement should include: www.munirent.co/blog/2014/5-tips-to-write-a-shared-services-agreement



Even snowplowing and deicing equipment can be rented or loaned between nearby cities that may experience different winter storm conditions due to the vagrancies of lake effect and the mini-climatalogical patterns of mountain regions. (Photo provided by MuniRent)



A roller stands ready for delivery to a city that has rented it. (Photo provided by MuniRent)

and we urge all public entities to consider it as we work more to do more with less.”

Mond expanded on the point.

“Large cities should consider sharing assets internally between departments. In large organizations it is easy to lose track of how many pieces of equipment are available at all times. An internal sharing program provides the ability to increase utilization of equipment,” he said, adding that this was different than a motor pool. “An equipment-sharing program means that assigned equipment stays with the department in the same location, but it is made available for other departments to request a reservation.

Smaller municipalities can group together and formalize an equipment-sharing program, he noted.

The agenda is to assist both localities and keep costs down. If one town has a backhoe it is not currently using, another city might be able to use it for a specific job. A sewer-camera truck, for example, costs a minimum of \$200,000 when purchased new; renting one from another municipality provides rent money to the loaner and saves the renter thousands of dollars.

Yost said much of the equipment shared in Ohio relates to special projects and takes the form of mowers, concrete saws and sewer cameras.



“However, choosing to borrow any type of equipment your entity does not own, instead of purchasing new, can help save money,” said Yost.


Does the sharing equipment need to be formal? If so, what should the contract include?

“It definitely needs to be formal,” said Mond. “I’ve posted a blog on our website that outlines what the intergovernmental sharing agreement should include.”

Briefly, the five points are:

1. *Keep it short and sweet*
2. *Use language that a fifth-grader can understand*
3. *Make it a many-to-many/multi-agency agreement*
4. *Don’t include unnecessary constraints*
5. *“Don’t reinvent the wheel,” said Mond.*

“I’ve got a 4-pound sledge hammer in my toolbox,” said Yost. “Most of the time I don’t use it, but when I do, it’s the only tool for the job. So if my neighbor needs a sledge, does it make more sense for him to buy another one, or to borrow the one I have but I’m not using?

“It’s the same thing with expensive backhoes, graders, bulldozers and the like that most governments own — and that’s why we launched ShareOhio.gov.” 



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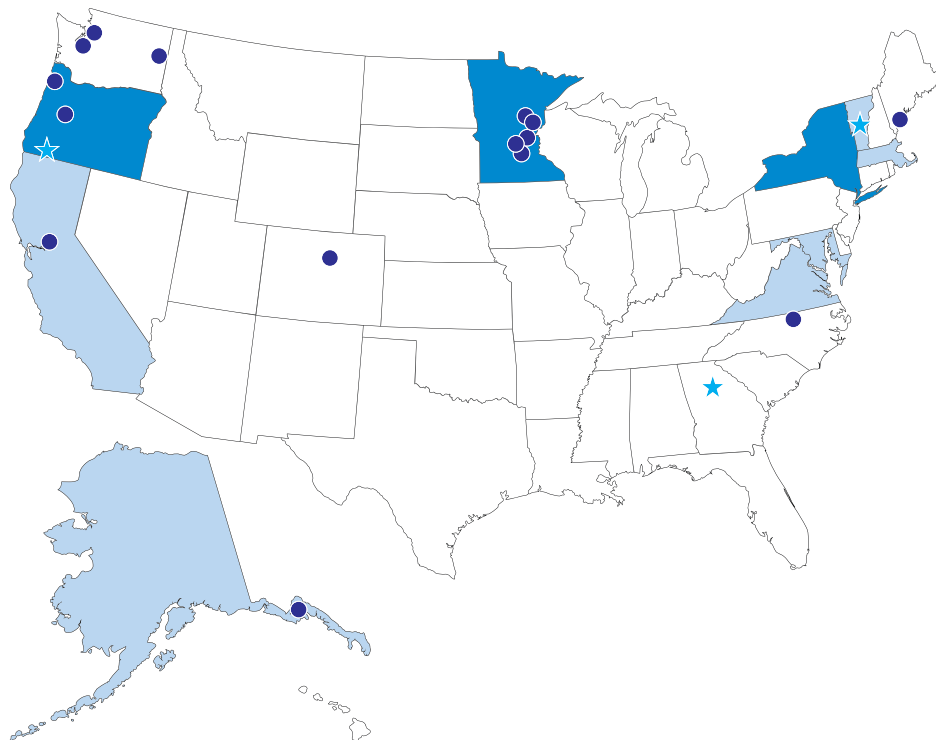


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Purchasing strategies for protecting pollinators



By ERIN DOZOIS | The Municipal



LEFT: New York, Washington and Minnesota have banned the use of neonic pesticides, which decimate the pollinator population. A few cities and universities have passed legislation independently that bans the same. (Data provided)

■ states with some restrictions
■ states with introduced legislation
● local government bans
★ universities with bans

RIGHT: Neonicotinoids transfer between soil, plants and pollinators. (Data provided)

→ movement of systemic pesticides absorbed by soil
→ movement of pesticide residues from foliar sprays

Bees and other pollinators play an integral role in the world's food supply. According to Tiffany Finck-Haynes, Food Futures campaigner for Friends of the Earth and a seventh-generation organic family farmer, honeybees contribute to a third of the food humans consume. They are essential to the food system and agricultural economies, contributing more than \$15 billion to the U.S. economy and \$270 billion to the rest of the world.

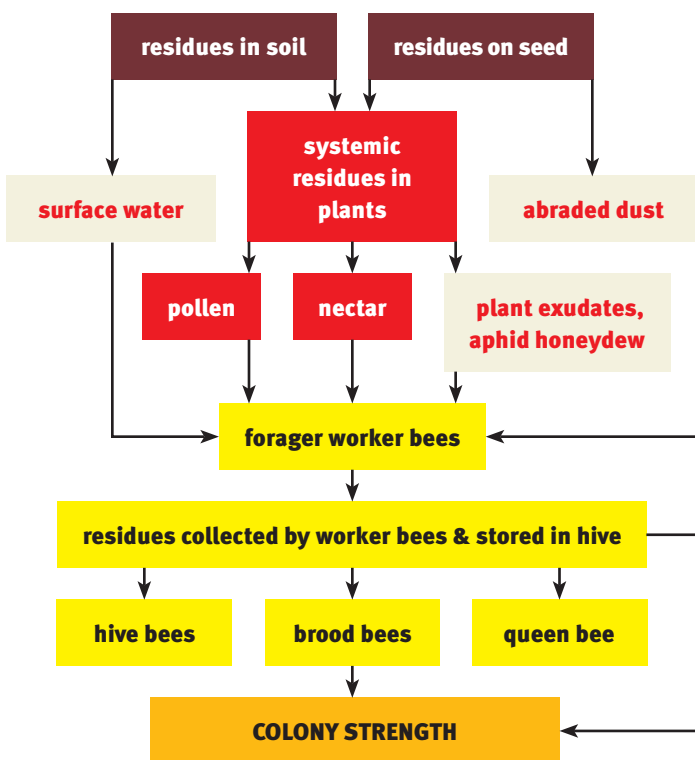
Unfortunately, bees are dying at alarming rates. In the last eight years, beekeepers have lost an average of 30 percent of their hives, with some losing all of their hives and many leaving the industry entirely.

Multiple factors are contributing to this phenomenon:

- Loss of habitat
- Loss of forage
- Climate change
- Diseases
- Pathogens
- Pests
- Pesticides, specifically the use of neonicotinoids

Neonicotinoid, or neonic, pesticides are currently identified as the leading cause of deterioration within the pollinator population. The most widely used class of insecticides in the world, neonics can be found in approximately 140 of the most basic food crops, including corn, soy, wheat and canola.

While Finck-Haynes acknowledged that pollinators are not attracted to every affected crop, the chemically treated plant seeds pollute the soil, groundwater and surrounding fauna. Neonics have been proven to be 5,000–10,000 times more toxic than DDT and can pollute the ecosystem for months or even years. They are classified as systemic insecticides whose toxins move throughout and infect an entire plant, including the pollen and nectar, making this method of pest



ABOVE: Bees and other crop pollinators have been dying in large numbers. Some beekeepers have lost entire hives. The agriculture industry now offers alternatives to the pesticides that are killing them, and cities can encourage their use by establishing appropriate purchasing policies. (Image provided)

control harmful not only to bees, but also to other organisms that are beneficial to both agriculture and the environment.

A Newcastle University study recently confirmed the hazards of treating flowering crops with neonics and concluded that reducing use may be the only certain way to halt bee and pollinator decline. Last spring a group of Swedish scientists also found evidence that bees may actually be addicted to these toxic chemicals.

First steps

In response to a mounting body of scientific evidence, Finck-Haynes reported that federal agencies; state governments; local, regional and tribal governments; school districts, colleges and universities; nonprofits; businesses; investment advisors; wholesale

nurseries; and landscapers are currently taking an interest in pollinator protection strategies, policies and in what they can do to contribute to the conservation movement.

- In June 2014, President Obama issued a memorandum directing federal agencies to establish a task force to develop a strategy to protect pollinators. It focused on planting of millions of acres of federal land with pollinator-friendly plants and conducting more research on honeybee and monarch population decline.
- The Home Depot, Lowe's, Whole Foods Market and BJ's Wholesale Club have taken steps to eliminate the use of these pesticides in products they sell.

- The U.S. Fish & Wildlife Service announced it would phase out the use of neonics by 2016.
- The Council on Environmental Quality released an ordinance in October recommending federal facilities and lands refrain from using neonics or purchasing from nurseries still treating plants with the insecticide.
- Minnesota, New York and Oregon have placed restrictions on the use of neonics while Alaska, California, Massachusetts, Maryland, Vermont and Virginia are in the works. Local government bans can be found in the states of Colorado, North Carolina and Washington. ►



As this chart demonstrates, municipalities and other institutional purchasers can have an impact via service contracts on the type of pesticide used on the ingredients that constitute the products it uses. Which ones are you willing to buy? (Image provided)

Local government action plan

"In total, government agencies, educational institutions, businesses and private homeowners spend billions on landscaping and pest management each year," said Rebecca Calahan Klein, strategist for RPN. These activities use significant amounts of chemicals, including neonics. However, options exist that can make organizations' purchasing policies and practices more pollinator-friendly:

1. Know what pesticides are used in your operations and supply chain

- What pest control methods are your landscapers implementing?
- How many and what types of chemicals are being used?
- Map your supply chain at every purchasing level to pinpoint any chemical usage.

2. Articulate a vision for pollinator protection

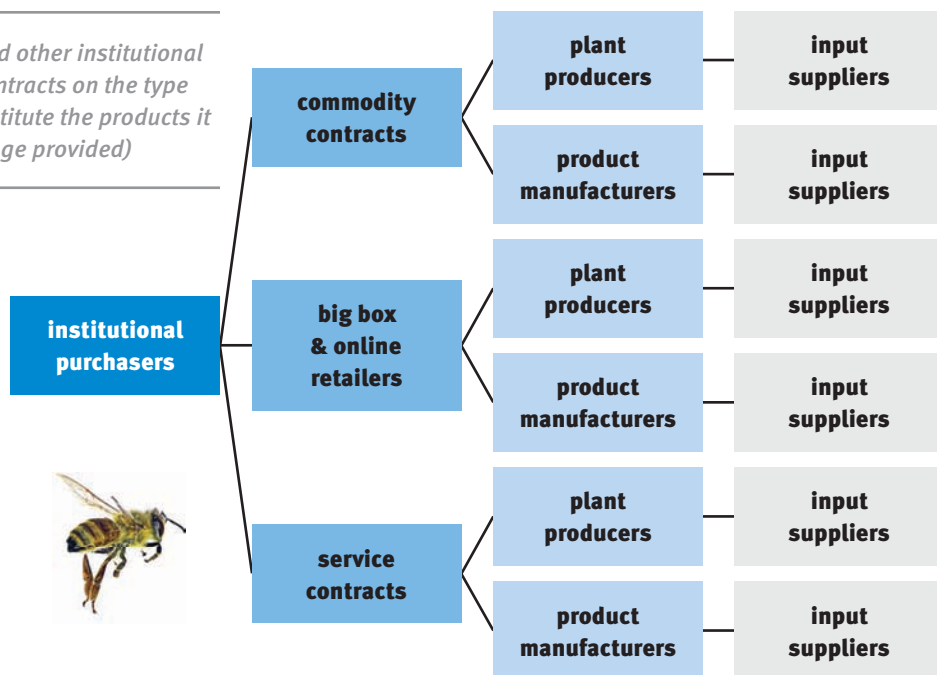
- Develop and incorporate bee-friendly specifications for landscaping and pest management contracts, including no neonicotinoid use in seeds, starts, plugs, plants, shrubs, trees or other products; or highly restrictive use and labeling of neonics.
- The encouragement of Integrated Pest Management practices.

3. Put policies in place

- Institute IPM as a substitute for pesticide usage.
- Put in place policies against the use of neonics.
- Establish policies that create and encourage bee-friendly habitats and restoration.

4. Educate employees and suppliers

- Perform ongoing training of employees and suppliers.




5. Encourage green contracts and spot purchases

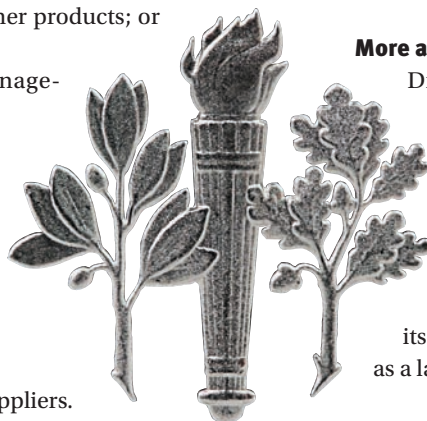
- Encourage employees to make purchases at bee-friendly retailers.

6. Measure and report results

- Publishing your findings helps to spread the message.
- The results will impact your future interactions with customers, suppliers and policy-makers.

More about IPM

Dr. Chris Geiger, entomologist and manager of the San Francisco green purchasing program, defines IPM as a decision-making process for managing an ecosystem that minimizes the harm from both pests and pesticides. The process involves identifying and learning about each pest and preventing its destruction via biological methods: removing its food, blocking its points of entry and using chemical controls only as a last resort. 



Additional resources

THE RESPONSIBLE PURCHASING NETWORK

An international organization based in Oakland, Calif., RPN is committed to sustainable purchasing and assisting government agencies, educational institutions and businesses in following its example. RPN offers a wide variety of tools and resources to help its members, including providing purchasing guides and model specifications, and developing contracts and policies.

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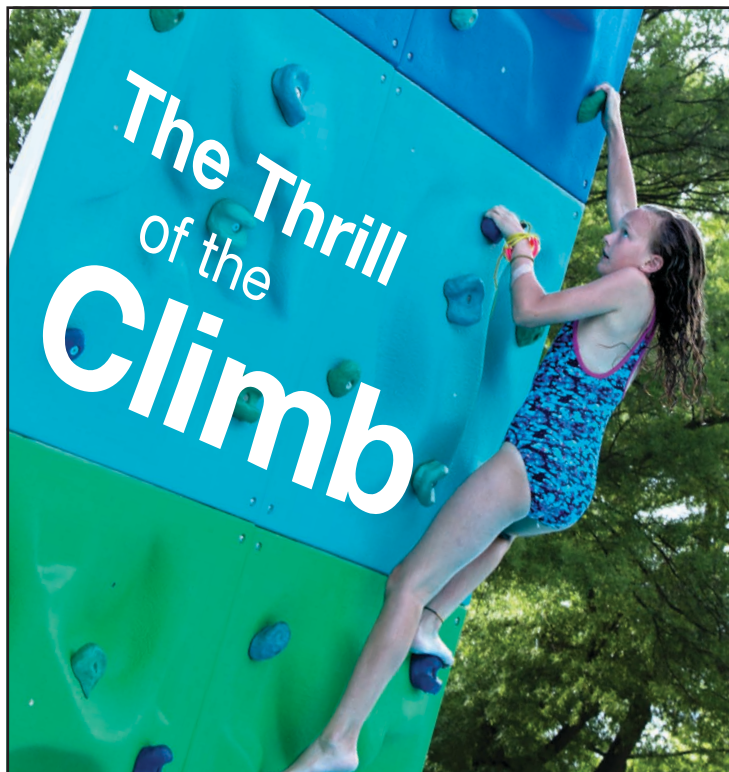


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Missouri cities fight to install use tax

By LAUREN CAGGIANO | The Municipal

The outcome of a vote regarding one particular tax has many Missouri municipalities worried about how to pay for basic services.

The state's communities have until November to receive voter approval to continue imposing a local sales tax on vehicles purchased by residents from out-of-state vendors. The controversy over the tax stems from a state Supreme Court ruling in 2012 that disallowed vehicle sales taxes from being collected by cities and counties when the purchase was made beyond state lines or from a person who doesn't own a business.

In the case, the court said Greene County could not charge local sales tax on a man who bought a boat from a dealer in Maryland. One significant outcome of the ruling was that it drew a distinction between sales taxes, which are collected from in-state retailers, and use taxes, which are levied on products

used in Missouri but bought either from an out-of-state retailer or from someone who does not run a business. The Supreme Court said Greene County could not tax the boat because it wasn't covered by the local sales

tax and county voters had not approved a local use tax.

A 2013 bill, SB 182, re-imposed local sales taxes on out-of-state sales and person-to-person sales of motor vehicles in the form of an administrative fee. According to a document from the Missouri League of Cities, this legislation has prevented the loss of approximately \$40 million in much-needed revenue for Missouri cities. ►

"If not now, then never."

Richard Sheets, deputy director of the Missouri Municipal League, said "no" votes on a use tax on out-of-state sales and person-to-person sales of motor vehicles in the state will directly impact citizens in the form of cuts to vital resources. (Photo provided)



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A 2012 Missouri Supreme Court Case said Greene County could not charge local sales tax to a man who bought a boat from a dealer in Maryland. The court said the county could not tax the boat because it wasn't covered by the local sales tax and voters had not approved a use tax. (Shutterstock photo)

Supporters on both sides of the use tax debate have maintained the issue in the forefront of political discussions since the state's sales tax on out-of-state sales and person-to-person sales of motor vehicles was struck down in 2012. (Shutterstock photo)



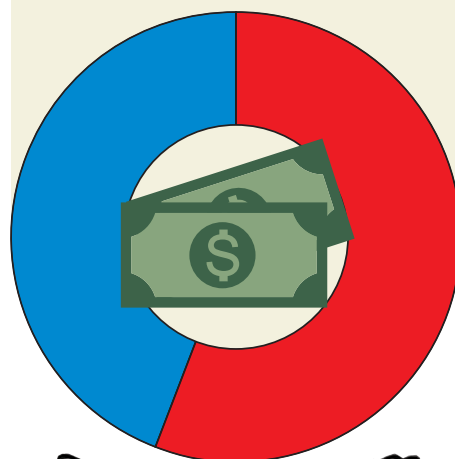
The legislation, however, requires cities that did not have a use tax in place prior to August of 2013 to receive voter approval to continue this administrative fee by November 2016. In common terms, a use tax is a tax applied to out-of-state purchases. It is applied at the same rate as the local sales tax. Proponents argue that it helps maintain a level playing field for local businesses because it discourages out-of-state purchases.

Similarly, supporters point out that it's local business – not out-of-state ones – that invest in their respective communities and provide employment for citizens. They also supports law enforcement and other city or county services by paying sales and property taxes.

Missouri cities that don't gain voter approval to continue the tax by November will lose the revenue stream after that date, which could prove detrimental.

Richard Sheets, deputy director of the Missouri Municipal League, said the vote really comes down to potential lost opportunity. A "no" vote would directly impact citizens in the form of cuts to vital resources. He called the tax a "tough sell" but stressed that the onus is on cities to explain the consequences of

Greene County voters shot down a proposed 1.25 percent use tax in November 2013. Of the 15,145 ballots cast, 56 percent voted against the measure, 44 percent voted in favor.



the vote to its citizens. They need to understand what is at stake.

Furthermore, the law does not provide a means to bring this issue back to the voters after November. In Sheets' words: "If not now, then never."

Among the municipalities that have already weighed in are Greene County. Its voters shot down a proposed 1.25 percent use tax at the polls in November 2013. Of the 15,145 ballots cast, 8,486 voters, or 56 percent, voted against the measure. About 44 percent of the voters, or 6,654, voted in favor of the ballot measure, dubbed Proposition A.

To date, six municipalities have voted in favor of the tax: Eminence, Hannibal, Liberal, Trenton, West Plains and Sedalia. In addition, Cape Girardeau, Dallas, Grundy, Howell, Polk, Reynolds, Shannon and Texas Counties and the Tri-County Ambulance District have received voter approval.

Political subdivisions that had a use tax in place prior to July 6, 2013, do not have to get voter approval to continue to receive that revenue stream. All other municipalities must seek voter approval, though, to continue to impose a local sales tax on purchases of vehicles, trailers and outboard motors from out-of-state or person-to-person sales. **M**

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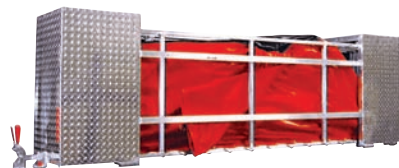
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The what, how and where of lift station assessment

By JODI MARLIN | The Municipal

Part 2 of 2

ONCE THE SITUATIONS AND equipment needing attention in each sewage lift station have been accurately assessed and recorded, solutions can be prioritized.

By way of example, Merat Zarreii, capacity, management, operation and maintenance coordinator for DeKalb County, Ga., detailed the experience of a station in Harmony Hills that had been affected by a flood in 2009. Even before the flood, an assessment of the station had revealed situations of concern.

“The operators were talking about pumps being rebuilt every year.”

The summary of recommendations generated by the condition assessment fell into four categories. The first was reliability: The generator was destroyed by floodwater and no backup system was in place. A high degree of redundancy, placed above the previous flood level, was a priority; as was real-time data on the flow, to reduce the need for time-consuming drawdown testing and on the pressure in the forcemain.

Also on the mind of managers was the high pump failure rate they had been dealing with due to hydraulic issues.

“The operators were talking about pumps being rebuilt every year, and just having a lot of difficulties, so the hydraulic issues were something we were going to look at and fix,” Zarreii said. “And of course, we wanted to get all the data that we could ▶



sent back to the operator controls back at the plant and our SCADA system.”

Traditionally, three options exist to provide redundancy for the pumping system: a permanent or portable emergency generator, dual utility source and the more modern permanent standby with engine-driven backup pumps.

Permanent emergency generators prevent spills due to utility loss of power but require an automatic transfer switch that is susceptible to transient voltage surges from lightning or sudden line voltage increases, so they depend on TVS suppressors. Portable emergency generators also provide power to existing pumps in case of utility loss of power and may prevent spills due to loss of power, but these require transport from the warehouse to jobsite and must

While several options exist for providing emergency power to sewer lift station pumps, such as a backup generator, a permanent standby engine-driven backup pump system will handle spill incidents resulting from any cause — not just utility loss of power. (Shutterstock photo)

“It’s basically like having another little pump station sitting there.”



be wired and connected.

The lift station must already have connections available.

Dual utility power sources provide power to existing pump systems in case of utility loss of power from one source, and they prevent spills due to loss of power if the second

source is live. But the capital cost of dual utility power sources may be high, depending on the distance between the second source and the station. Additionally, they require automatic controls to switch back and forth.

“And then we get to my favorite, the permanent standby engine-driven backup pump systems,” said Zarreii. “What it does is that it is an autonomous, self-priming pump system,” not dependent on the source power or ATS but capable of providing 100 percent redundancy to the lift station.

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There are a number of different tools that can be used to detect hydraulic issues and provide an effective PPM, said Capacity, Management, Operation and Maintenance Coordinator Merat Zarreii of DeKalb County, Ga. The cost for mag meters and alternative devices range from \$500 to \$1,000.



It has its own controls and piping, which are in the wet well and perform the same work as the lift station, without a direct connection to the power utility service line entering the station.

Permanent standby engine-driven backup pumps will also prevent spills due to almost any kind of failure. "It's basically like having another little pump station sitting there."

Once the generator question is settled, the next one has to do with pressure and flow data. "How do we get away from doing all those drawdown testings?" Zarreii asked.

If pressure and flow data on the forcemain can be provided another way, then drawdowns become largely unnecessary.

In Harmony Hills, a lack of manpower dictated that twice-yearly drawdown testings became annual. Once the same data was available electronically, drawdowns were necessary only when they wanted to double-check, or if there was a problem with the mag meter.

If pressure and flow data on the forcemain can be provided another way, such as electronically, then drawdowns become largely unnecessary. (Shutterstock photos)

Once the baseline is established, a placard noting the horsepower and type of pump is posted. Below it, the gallons per minute at the given increment of pressure is noted and PSI is added: such as "80 GPM at 28 PSI system pressure" and "150 GPM at 30 PSI with STBY pump," noting the same information as generated by the standby pump. The information is hung on the pump so it's easily referenced by operators.

When designing a standby engine-driven pump, one of the most important considerations is velocity.

"At 2.5 feet per second, we achieve self-cleaning velocity in the forcemain. Unfortunately, a lot of our old lift stations we designed for 2.5 feet per second. They were built by developers who wanted to get away with the smallest amount of money to spend ... ►

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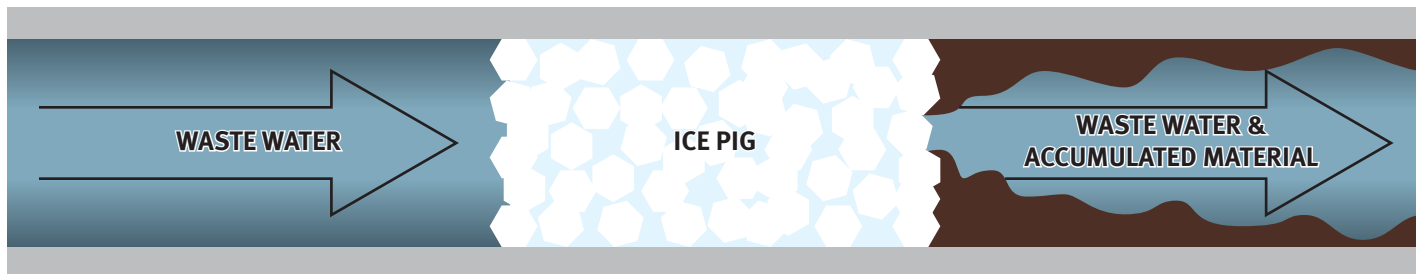
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(But) real life is different than theoretical life,” Zarrei warned. Debris on top will enter the main, slowing the velocity down to below 2.5 fps and allowing deposits, further slowing the velocity and creating a vicious cycle that will eventually result in an overflow. A pump set for 3.5 to 5.5 fps is preferred to allow for this scenario, plan for reduced velocities due to pump parts wearing out and becoming less capable of producing original flow conditions.

Hydraulic issues can include the air release valves. An ARV maintenance program will extend the life of the forcemain while ensuring efficient operation of the system. At a minimum, each ARV must be inspected every two years for proper operation and preventive maintenance performed.

ABOVE: No longer just a European method, ice pigging is proving to be effective at loosening caked-on debris in sewer pipes in U.S. cities as well. (Diagram by Richard Aguirre)

RIGHT: Hydrojetting is currently the most common way to loosen buildup and reduce pressure in sewer pipes. (Shutterstock photo)

When replacing ARVs, consider new technologies and materials. Both stainless steel and composite plastic are more resistant to corrosion than the cast iron of yesterday’s ARVs.

New Harmony wound up replacing all of its ARVs recently but still experienced too much pressure and not enough flow. The solution was to clean the forcemain using “pigging,” a variation on the process commonly used on gravity pipes but now also effective on forcemains



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“DeKalb County lift stations were built by developers who wanted to get away with the smallest amount of money to spend... (But) real life is different than theoretical life.”

due to the incorporation of new technology. EPA permits are not required, said Zarreii.

Ice pigging is newer still. It requires only a 1- to 2-inch connection to the forcemain, which can be the ARV connection.

“It’s very cost effective for smaller lines. There is a large amount of ice that needs to go into the forcemain: typically they like to put in 25 percent of the length they’re cleaning filled with ice before they’ll start pushing it through it.” The city needed to clean 4,000 feet of main, which it did in two 2,000-foot segments.

The process cleaned out buildup and debris that had to have been sitting in the pipes for decades, Zarreii surmised. Once ice pigging was completed, operations returned to normal and the power bill dropped by half: all for a cost of \$10,000. **M**


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Weather Capital of the World: *Punxsutawney, Pa.*



“WEATHER CAPITAL OF the World” may sound a bit presumptuous for a town of fewer than 6,000 residents.

But judging from the swarm of visitors who descend on Punxsutawney, Pa., every Groundhog Day and the weather-related attractions spawned from the town’s popularity, the moniker may be appropriate after all.

Every Feb. 2 since 1887, Punxsutawney Phil, the famed four-legged prognosticator, emerges from his burrow and predicts either the early onset of spring or a six-week prolongation of winter.

The theory, of course, is that if Phil sees his shadow—an eventuality that has occurred on more than 100 of the groundhog’s 129 forecasts—six more weeks of winter will ensue. Surprisingly, the critter has “proven” the theory with an 80 percent accuracy.

Groundhog Day derives from the millennium-old Christian celebration of Candlemas, also on Feb. 2. The counterintuitive weather forecast brought to America by European

settlers was the same, as noted in the ancient Scottish poem:

*“If Candlemas Day be fair and bright
Winter will have another fight.
If Candlemas Day brings cloud and rain,
Winter will not come again.”*

Upwards of 25,000 visitors have swarmed Punxsutawney for the annual event that actually occurs at Gobbler’s Knob, a small hollow on a wooded hilltop a couple miles outside of town. Crowds dwindled significantly in the 1970s but surged after the 1993 release of Bill Murray’s comedy movie “Groundhog Day,” even though the movie was filmed more than 500 miles away in Woodstock, Ill.

Devotees of the annual daybreak ritual stand in line at the burrow all night. At 3 a.m. a bonfire is built to warm them somewhat.

The Pennsylvania Tourism Bureau estimates the tourists yield as much as \$5 million to the local economy. The 2,600 hotel rooms in Jefferson County

Punxsutawney Phil is held aloft and presented to the crowd by handler John Griffiths just before Punxsutawney’s annual Groundhog Day prediction. Phil is placed on the stump at the left side of the photo, where he will either see his shadow or not. (Photo provided)

and its contiguous counties are booked solid. Some Punxsutawney restaurants enjoy quintuple their normal business.

Phil’s famed yearly appearance belies his continuous presence in Punxsutawney in the form of several dozen bronze, plywood and fiberglass likenesses dotting the town. The real Phil lives in the “Groundhog Zoo,” an oversized terrarium built into the outside wall of the library on the town square, so passersby can view the famous critter.

The town has seized upon his popularity to entice visitors year-round.

The Weather Discovery Center opened downtown in 2001 in the former post office and is promoted as “a place where the science and folklore of weather collide.” Targeted






ABOVE AND BELOW: A crowd gathers at Gobbler's Knob in Punxsutawney, Pa., awaiting the annual prediction of when winter will end. Below, three revelers sport unique headwear for the event that gave Punxsutawney its claim to fame. Some devotees have attended every year for decades. (Photos provided)

especially toward children, the interactive museum includes tornado and lightning simulators, a "weather lore" section featuring a jar of forecasting leeches, a space shuttle thermometer and a green screen where visitors can play weather forecasters on camera. Visitors can also create their own thunderstorm, watch movies in the Catastrophic Theater and learn about the science behind extreme weather.

As the lifespan of a groundhog in captivity ranges from nine to 14 years, many rodents have filled the role of the iconic critter.

But don't tell that to the Punxsutawney Groundhog Club, which insists: "There has been only one Punxsutawney Phil. Punxsutawney Phil gets his longevity from drinking 'groundhog punch' (a secret recipe). One sip, which is administered every summer at the Groundhog Picnic, gives him seven more years of life."

The club further assures: "Punxsutawney Phil's forecasts are not made in advance by the Inner Circle (the cadre of top-hatted gentlemen who administrate the annual tradition and are charged with Phil's care throughout the year). After Phil emerges from his burrow... he speaks to the Groundhog Club President in Groundhogese. His proclamation is then translated for the world." 



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JANUARY

Jan. 15–16 Piedmont Fire Expo
Twin City Quarter, Salem, N.C.
www.forsythcountyfire-rescue.com/expo.php

Jan. 17–22 National Recreation & Parks Association Event Management School
Oglebay Resort & Conference Center, Wheeling, W.Va.
www.nrpa.org/event-school

Jan. 18–20 Fire Department Safety Officers Association 2015 Apparatus Specification & Vehicle Maintenance Symposium
Chaparral Suites Hotel & Conference Center, Scottsdale, Ariz.
www.fdsao.org/events/2016-apparatus-symposium

Jan. 20–22 U.S. Conference of Mayors 84th Winter Meeting
Washington, D.C.
usmayors.org/meetings

Jan. 22–27 American Correctional Association Winter Conference
New Orleans, La.
register.aca.org

Jan. 20–23 Fire-Rescue EAST 2016
Ocean Center, Daytona Beach, Fla.
www.ffca.org

Jan. 25–28 Heavy Duty Aftermarket Week '16
The Mirage, Las Vegas, Nev.
www.hdaw.org/HDAW2015

Jan. 26–28 Aircraft Rescue & Firefighting Chiefs & Leadership School
Wyndham Hotel I-Drive, Orlando, Fla.
arffwg.org/conferences/2016-arff-chiefs-leadership

Jan. 27–28 Conex 2016
Wisconsin Exposition Center at State Fair Park, West Allis, Wis.
www.advancedexpos.com

Jan. 27–30 National Pavement Expo 2016
Charlotte Convention Center, Charlotte, N.C.
www.nationalpavementexpo.com

Jan. 29–Feb. 2 ATSSA Annual Convention & Traffic Expo
Ernest N. Morial Convention Center, New Orleans, La.
expo.atssa.com

Jan. 31–Feb. 4 Firehouse World
San Diego Convention Center, San Diego, Calif.
firehouseworld.com

Jan. 31–Feb. 5 National Recreation & Park Association Maintenance Management School
Oglebay Resort & Conference Center, Wheeling, W.Va.
www.nrpa.org/Professional-Development/Conferences-and-Schools/Park-and-Recreation-Maintenance-Management-School

FEBRUARY

Feb. 1–5 World of Concrete
Las Vegas Convention Center, Las Vegas, Nev.
www.worldofconcrete.com

Feb. 3–4 Underground Construction Technology International Conference & Exhibition
Georgia World Congress Center, Atlanta, Ga.
uctonline.com

Feb. 8 Electric Light & Power Executive Conference
Hyatt Regency Orlando, Orlando, Fla.
www.elppconference.com/conference.html

Feb. 11 Beyond Safety Reliability Conference & Expo
Avalon Manor, Merrillville, Ind.
beyondsafetyexpo.com

Feb. 17–20 Water & Wastewater Equipment Treatment & Transport Show
Indiana Convention Center, Indianapolis, Ind.
www.wettshow.com

Feb. 23–26 Missouri Park & Recreation Association Conference
Columbia, Mo.
www.mopark.org/mpraconference2016.html

FEBRUARY

Feb. 25–27 EMS Today/JEMS Conference & Exhibition
Baltimore Convention Center, Baltimore, Md.
www.emstoday.com

Feb. 29–March 3 2016 Technology & Maintenance Council annual meeting & Transportation Technology Exhibition
Music City Center, Nashville, Tenn.
www.trucking.org

March 1–4 Green Truck Summit & NTEA Work Truck Show
Indiana Convention Center, Indianapolis, Ind.
www.ntea.com/worktruckshow

MARCH

March 5–9 National League of Cities Congressional City Conference
Washington, D.C.
www.nlc.org

March 6–9 Disaster Recovery Institute 2016
Hyatt Regency Atlanta, Atlanta, Ga.
driconference.org

March 8–10 International Association of Fire Chiefs Wildland-Urban Interface Conference
Reno, Nev.
www.iafc.org/wui

March 10–12 National Utility Contractors Association National Convention
El Conquistador Resort, Fajardo, Puerto Rico
www.nuca.com/convention2016

March 13–18 Facility Managers' Revenue Development & Management School
Oglebay Resort & Conference Center, Wheeling, W.Va.
www.oglebay-resort.com/conferences/schools.html

March 14–15 Tennessee Municipal League Legislative Conference
DoubleTree Hotel, Nashville, Tenn.
www.tml1.org

MARCH

March 14–17 Mid-South Transportation & Parking Association
Historic Brown Hotel, Louisville, Ky.
www.mstpa.org/2016_Annual_Conference.html

March 20–24 NASTT No-Dig Show
Gaylord Texan Hotel & Convention Center, Dallas, Texas
www.nodigshow.com

March 21–25 International Wireless Communications Expo
Las Vegas Convention Center, Las Vegas, Nev.
www.iwceexpo.com

March 22–23 Michigan Municipal League 2016 Capital Conference
Lansing Center, Mich.
blogs.mml.org/wp/cc

March 30–31 New England Parking Council
Seaport Hotel, Boston, Mass.
www.newenglandparkingcouncil.org/events

March 31–April 2 Mid-America Trucking Show
Kentucky Expo Center, Louisville, Ky.
www.truckingshow.com

April 1–2 GovSec Conference & Expo
Washington, D.C.
govsecinfo.com

APRIL

April 17–19 Fire Department Training Network Live-Fire Training Camp
Indianapolis, Ind.
www.fdttraining.com

April 18–22 NAFA 2016 Institute & Expo
Austin Convention Center, Austin, Texas
www.nafainstitute.org

April 18–23 Fire Department Instructors Conference 2016
Indiana Convention Center/Lucas Oil Stadium, Indianapolis, Ind.
www.fdic.com

April 24–27 NGWA Groundwater Summit
Denver, Colo.
www.groundwatersummit.org

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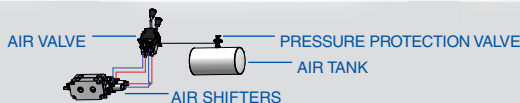
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Water & Wastewater Equipment, Treatment & Transport Show



A record crowd packed the Water & Wastewater Equipment, Treatment & Transport Show Feb. 23–26, 2015 at the Indianapolis Convention Center. The gathering did not disappoint: Attendees enjoyed plentiful technical education sessions, networking events and displays targeted to the industry. (Photo by Chris Smith)

WWETT Show Feb. 17–20

Indiana Convention Center,
Indianapolis, Ind.
wwettshow.com

Environmental services professionals know the most educational and enjoyable three days of the year happen at the annual Water & Wastewater Equipment, Treatment & Transport Show, taking place Feb. 17–20.


The hub of new equipment and exciting new processes, formerly known as the Pumper & Cleaner Environmental Expo International, lands again this year at the Indiana Convention Center, Indianapolis, Ind. Among the exciting new events scheduled are a WWETT Show Kickoff party at Lucas Oil Stadium, which will happen on both the first and second nights of the conference.

More than 600 companies will exhibit and dozens of educational professionals will attend the three days, offering information and industry-oriented sessions about sewer and drain cleaning; plumbing, heating and cooling; hydroexcavation; dewatering and separation; project engineering and much more. Live demonstrations, such as the ones that took place last year on sewer and stormwater liner installation and pipe bursting, will be scheduled throughout the duration.

Many states approve WWETT education sessions for required continuing education units or professional development hours, so

don't forget to check with your director or clerk before you go: Education sessions take place Feb. 17–19, and the exhibit hall opens Feb. 18 and closes Feb. 20.

After the hard work is done, not to be missed is the conference's first Wastewater Brewing Contest. Home brewers and professional brewers who incorporated treated wastewater into their process will be judged in separate categories on the aroma and flavor of their craft beer concoctions.

In addition, the popular Industry Appreciation and Networking Party returns Friday night, Feb. 19. Country music star Jerrod Niemann will perform. So if you aren't registered yet, do it now at wwettshow.com. 



ABOVE: GPS Insight employees welcomed guests to the WWETT exposition floor at last year's conference (Photo by Chris Smith)

BELOW: Pre-register by Jan. 22 to save and attend the largest trade show for dewatering, separation, heating, plumbing, septic, disposal, waterblasting, engineering, hydroexcavation, and water and wastewater professionals. (Photo by Chris Smith)



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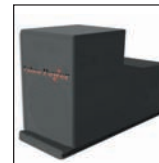
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Joseph McCarty:

Aurora, Ill.



Joseph McCarty and his brother, Samuel, settled the Aurora, Ill., area, after building a mill on the Fox River. No photos are known to exist of Joseph.

(illustration by Richard Aguirre)

During this nation's childhood, many adventurous souls migrated from the eastern states in search of self-sufficient freedom and fortune. Most simply pointed themselves and their worldly possessions westward and hoped for the best.

Joseph McCarty, founder of Aurora, Ill., was different.

Carrying the map he had meticulously studied, the 24-year-old millwright and his travel companion, Jeffry Beardslee, set out from Elmira, N.Y., on Nov. 25, 1833, along a predetermined route, knowing the exact spot they wanted to settle.

They worked their way to the headwaters of the Allegheny River, constructed a suitable dugout watercraft and pushed on toward the Mississippi River, ultimately destined for the head of the Illinois River, where McCarty surmised he would find excellent waterpower for mill-work.

The trip was arduous. The pair of travelers wintered in Cape Girardeau, Mo., where they picked up odd jobs to pay their keep until spring. They arrived at their intended destination only to find the place had been claimed a few weeks earlier.

Hearing of an opportune site for a mill on the Fox River, they hired a prospector. The trio arrived at a small Indian village just north of the present site of Aurora, pop. 199,963, on April 1, 1834. McCarty immediately laid claim to 360 acres on the river's east side and built a 10-by-12 log cabin. To capture the rights to the waterpower, he claimed 100 acres on the west side of the Fox River.

McCarty then sent for his younger brother, Samuel, who arrived in October 1834. By June 1835 the settlement's eight inhabitants had completed the sawmill.

Drawn by the area's natural beauty and the fertility of the virgin soil, scores of settlers arrived over the next several years. The McCarty brothers constructed more mills, and the residents of McCarty's Mill, as the town was first known, built a school, post office, library, hotel, several bridges and a road to neighboring Naperville.

In 1839, Joseph McCarty took ill while working in the field. His health steadily declined, and on advice of his doctor, he moved to a more congenial climate. He died in Alabama the following year at the age of 31. ☐



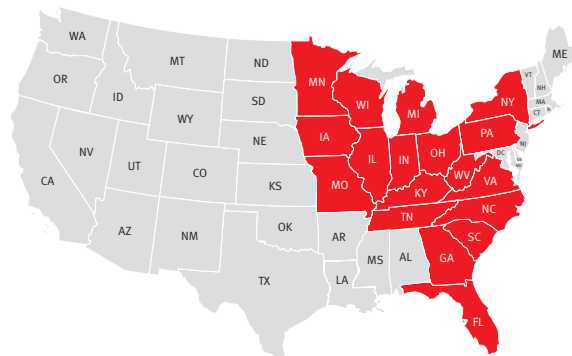
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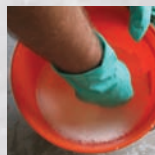
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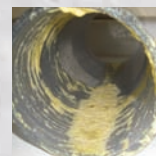


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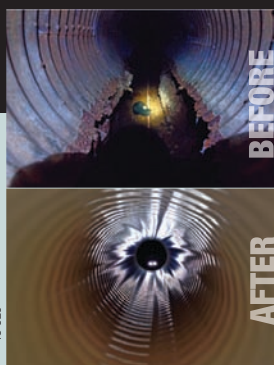


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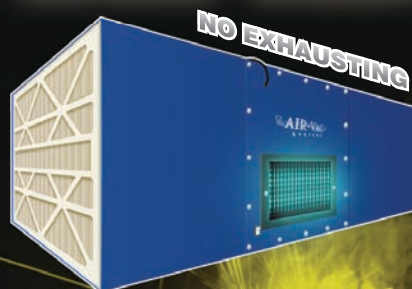
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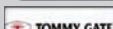
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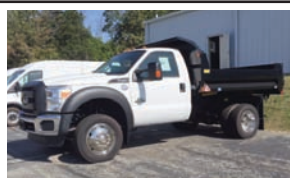


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FARMINGTON HILLS, MICH. — The Work Truck Show

2016 will feature a unified educational schedule, allowing Work Truck Show and Green Truck Summit attendees to learn about a wider range of topics affecting their organizations. By selecting an educational package for either event, registrants can attend any Work Truck Show or Green Truck Summit-related concurrent session.

The combined conference is North America's largest work truck event. Produced annually by NTEA, The Association for the Work Truck Industry, the 2016 show will be held March 1-4 at the Indiana Convention Center in Indianapolis, Ind. Educational sessions and the Green Truck Summit begin March 1, with exhibits opening March 2.

Registration is available at worktruckshow.com. Join the Work Truck Show conversation on Facebook at [facebook.com/TheWorkTruckShow](https://www.facebook.com/TheWorkTruckShow) and on Twitter at @WorkTruckShow with the official Work Truck Show and Green Truck Summit hashtags: #worktrucks16 and #greentrucks16.

ATSSA expo: Free admission for transportation employees, others



FREDERICKSBURG, VA. — Trans-

portation employees, law enforcement officers and emergency responders are invited to attend, free of charge, the American Traffic Safety Services Association's 46th annual Convention & Traffic Expo and workshops from 8:30 a.m. to 1 p.m. Tuesday, Feb. 2, at the Ernest N. Morial Convention Center. ATSSA's Traffic Expo features 500 exhibit booths, displaying innovative roadway safety products and a variety of roadway safety equipment on 200,000-square-foot of the exhibit hall floor. Traffic Expo is the largest trade show for roadway safety products and services in North America.

The free invitation includes admission to the exhibition floor and a wide variety roadway safety workshops. A complete schedule is available on ATSSA's website, www.atssa.com, at the "Events" tab.

Transportation officials can access ATSSA's 46th annual Convention & Traffic Expo by presenting their official identification at the registration desk beginning at 8:30 a.m. ▶

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Municipalities face greater burden to justify regulation of speech under recent U.S. Supreme Court decision



By **JOHN YOUNG JR.**
and **NEAL GRIFFIN**



Content-based or content-neutral

Under First Amendment judicial review, any law regulating speech is subject to either intermediate or strict scrutiny. Strict scrutiny applies to laws that regulate based on the content of the speech and almost guarantees a law will be found unconstitutional. Intermediate scrutiny applies to laws regulating other features of speech — typically its time, place or manner — and is substantially easier to survive because courts are more deferential to legislatures when performing this level of review.

When deciding which review applies, courts ask whether a statute or ordinance is content-based. Before *Reed*, most judges analyzed this issue by asking whether the government had adopted a regulation of speech because of disagreement with the message conveyed. Laws with a legitimate purpose, like aesthetics or safety, and not aimed at a particular idea or to censor a specific message typically came under intermediate scrutiny, even if the law picked out a topic like “directional signs.” Following *Reed*, these non-censorial ordinances are likely subject to strict scrutiny.

The Supreme Court clarified that a statute or ordinance is content-based under the First Amendment if it “applies to particular speech because of the topic discussed or the idea or message expressed.” Strictly interpreted, this includes any type of message, even mundane ones like communicating directions. As a simple rule of thumb, a law is content-based and subject to strict scrutiny after *Reed* if, to enforce it, the police officer or other government agent needs to know the content of the sign or person’s speech in order to determine whether that speaker or sign violates the law.

Reed applies to more than signs

Since the *Reed* decision was handed down, the Supreme Court and lower courts have applied it to other laws, including panhandling ordinances, a prohibition against political robocalls and a ban on posting photographs of election ballots on social media. In fact, courts interpreting *Reed* have not yet placed any limits on its reach, except as to commercial speech. At this point, then, it appears that all laws impacting speech, other than possibly commercial speech, fall under *Reed*.

How municipalities should respond

What should a municipality do after *Reed*? Consider the folks in Tidyville. As explained by the Supreme Court, Tidyville could pass a similar sign regulation and still avoid strict scrutiny, by avoiding regulation using descriptions like “temporary directional” or “political” signs. Instead, Tidyville should focus on non-speech

IMAGINE A TOWN, TIDYVILLE, WHERE THE CITIZENS ARE EVER-vigilant about the beauty and safety of its streets and sidewalks. A small church, new to the area, begins holding weekly services at various temporary locations throughout the city. The church puts up signs along the streets near that week’s location, announcing the time for its services and directions to the site. The signs are poorly made, with cardboard and permanent marker, and are over 7 feet tall, blocking drivers’ views of the road. The church continually forgets to remove the signs, requiring the city’s waste services to do so. Following a large uproar from Tidyville’s constituents, the municipality passes a sign ordinance limiting “temporary directional signs” like the church’s to 6 square feet and a 48-hour maximum duration. Tidyville is allowed to do this under the U.S. Constitution, right?

In *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), the U.S. Supreme Court’s answer was no: Municipalities cannot regulate signs in this way without satisfying strict scrutiny, a high legal burden that is nearly impossible to meet. The Supreme Court in *Reed* had before it an ordinance similar to that described above, which also regulated “ideological signs” and “political signs,” among other classifications. Citing its First Amendment precedent protecting free speech, the Supreme Court held that such a sign ordinance was subject to strict scrutiny because it regulated signs based on “the topic discussed or the idea or message expressed.” The problem was not the regulation of a sign’s size or the durational limit. Instead, it was the ordinance’s picking out “temporary directional signs” for specific regulation, while leaving signs covering other topics of communication unregulated or regulated differently.

The *Reed* decision significantly expands the number of laws subject to strict scrutiny, rendering ordinances previously thought to be on safe First Amendment ground vulnerable to a successful free speech challenge and greatly complicating the task of writing laws impacting speech. Following *Reed*, municipalities need to review ordinances already on the books to check for any content-specific language and be careful to avoid such language when crafting ordinances going forward.



NTEA welcomes senior director of technical services

FARMINGTON HILLS, MICH. — NTEA, The Association for the Work Truck Industry, recently appointed Susan Dehne as senior director of technical services. NTEA selected Dehne for this newly created role based on her extensive industry knowledge and engineering expertise. She brings approximately 30 years of original equipment manufacturer engineering and management experience and will lead the Technical Services Department as the association continues to expand those offerings on behalf of its membership and the industry as a whole.

During her career Dehne has held various leadership positions at Ford Motor Company and Chrysler. At both companies she led teams in the creation and implementation of vehicle and system processes and designed new organizations.

At Ford she gained insight into multistage commercial vehicles supporting the Econoline van platform. She also served as chief nameplate engineer for the Super Duty vehicle line and was responsible for the production launch of 6.0- and 7.3-liter Power Stroke diesel engines into the Econoline and F-Series. She continued to build on her automotive expertise while serving as director of advance vehicle engineering at Chrysler: In this role she was responsible for vehicle packaging, studio engineering, human machine interface and ergonomics, and advance engineering studies.



Lifesaving roadway safety devices, new inventions at ATSSA expo

FREDERICKSBURG, VA. — The American Traffic Safety Services Association's 46th annual Convention & Traffic Expo, North America's largest trade show for roadway safety products and services, kicks off Jan. 31 at the Ernest N. Morial Convention Center in New Orleans, La.

Nearly 3,000 roadway safety professionals from 52 countries will display and demonstrate lifesaving roadway safety products on 200,000 square feet of exhibit hall. Products include bright reflective signs, roadway striping, lighting, reflective garments and work zone safety equipment.

Traffic Expo is scheduled from noon to 5:30 p.m. Sunday, Jan. 31; 11:30 a.m. to 5 p.m. Monday, Feb. 1; and 10 a.m. to 1 p.m. Tuesday, Feb. 2. In addition to Traffic Expo, visit the New Products Showcase Event at the convention center from 7:30 a.m. to 9 a.m. Sunday, Jan. 31. With a limit of no more than 20 ATSSA Traffic Expo exhibitors, the New Products Showcase Event features the newest and most innovative products and services to attendees.

For more information, visit www.atssa.com. ▶

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“Following Reed, many ordinances and statutes already on the books will be considered content-based, subject to strict scrutiny and, thus, on extremely shaky constitutional ground.”

aspects, like the sign's size, building materials, lighting, moving parts and portability, to remain content-neutral. Although a statute or ordinance reviewed under intermediate scrutiny is not guaranteed to be found valid, as there are other hurdles that need to be overcome to survive intermediate review, the chances of a court finding a law constitutional under intermediate scrutiny are exponentially better than strict scrutiny.

Outside the context of signs, imagine that Tidyville had two additional problems involving speech: people aggressively asking for money from tourists in a booming sector of Tidyville's downtown, causing some not to visit Tidyville again out of fear for their safety, and local groups, including sports teams, activists and charities, entering Tidyville's roadways to request donations or to pass out political literature to vehicle occupants, which the town finds to be a dangerous activity. ▶



It is already clear that Tidyville should not pass an ordinance prohibiting “panhandlers” from requesting immediate donations of money. A federal court of appeals has already applied Reed to such an ordinance and found it to be content-based, thus, subjecting it to strict scrutiny. *Norton v. City of Springfield*, 612 Fed.Appx. 386 (7th Cir. 2015). Even a complete ban on “panhandling” — one covering requests for money immediately or later on — may not avoid strict scrutiny. This is because a “request for money or other things of value” may be considered a message or topic, leaving unregulated other messages, like requests for directions to the nearest public bathroom or church groups asking others to join their Sunday service.

What might a “neutral” ordinance governing these situations look like? One possible example is an ordinance regulating in-roadway distribution considered by the U.S. Court of Appeals prior to Reed. The ordinance in *Traditionalist American Knights of the Ku Klux Klan v. City of Desloge*, 775 F.3d 969 (8th Cir. 2014), prohibits persons from standing in or entering upon the roadways “for the purpose of distributing anything to the occupant of any vehicle,” but leaves open distribution on the sidewalks, in public parks and other public spaces. This distribution regulation impacts speech because it restricts individuals, like the imagined activists in Tidyville,

from distributing literature, political or otherwise, to vehicle occupants while standing in the roadways. But, on its face, it also impacts non-speech distribution — the handing of a cup of coffee, candy or anything else to someone in a vehicle. The ordinance in the city of Desloge does not single out a particular message or topic for special regulation; it is neutral as to the message’s content and a police officer would not need to know the message conveyed, or if a message was conveyed at all, to enforce it.

Review already-existing laws

Following Reed, many ordinances and statutes already on the books will be considered content-based, subject to strict scrutiny and, thus, on extremely shaky constitutional ground. To avoid this, municipalities should review existing ordinances and regulations impacting speech and take the necessary steps to remove references to messages, topics or ideas and then follow these principles when passing new laws. A proactive, well-planned review and revision of vulnerable ordinances by a constitutional law expert should allow the municipality to avoid getting bogged down in a manpower and legal expense drain on its resources in the event of a legal challenge. **M**



John Young Jr. is a partner in Stinson Leonard Street’s St. Louis office. He has been trying cases for 40 years in courtrooms across the United States, representing clients in First Amendment, complex business, financial and real estate disputes.

Neal Griffin is also an attorney in Stinson Leonard Street’s St. Louis office. He has represented clients before state and federal courts in business and commercial litigation, First Amendment, estate litigation and product liability matters.

Recently, Young and Griffin defended the city of Desloge, Mo., in a First Amendment challenge filed by the Ku Klux Klan to one of its ordinances prohibiting distribution by a pedestrian in the roadways. The Eighth Circuit U.S. Court of Appeals validated the constitutionality of the city’s ordinance provision.



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Record number of New Green Truck Summit educational opportunities

FARMINGTON HILLS, MICH. — The Green Truck Summit, the premier alternative fuels and advanced technology conference held annually in conjunction with The Work Truck Show, features a more comprehensive educational program for 2016. The event includes a full day of in-depth general sessions on cutting-edge innovations for vocational trucks on March 1. Attendees can also choose from more than 30 Green Truck Summit and Work Truck Show concurrent sessions covering a range of topics March 2-3.

Produced by NTEA, the Green Truck Summit takes place at the Indiana Convention Center in Indianapolis, Ind. It kicks off March 1 at 8:30 a.m. with opening remarks and a keynote address, followed by general sessions that run through 5 p.m. Lunch and a networking reception at 5:15 p.m. are included. Work Truck Show exhibits are open March 2-4.

At the summit, representatives from leading fleets will share insights about their real-world experiences selecting and deploying new truck technologies. Attendees can take part in concurrent sessions on new developments in greenhouse gas regulations or the latest advancements in vehicle lightweighting, or select from a range of other Work Truck Show-related topics. For a complete schedule of Green Truck Summit general sessions, visit ntea.com/greentrucksummit/schedule. 

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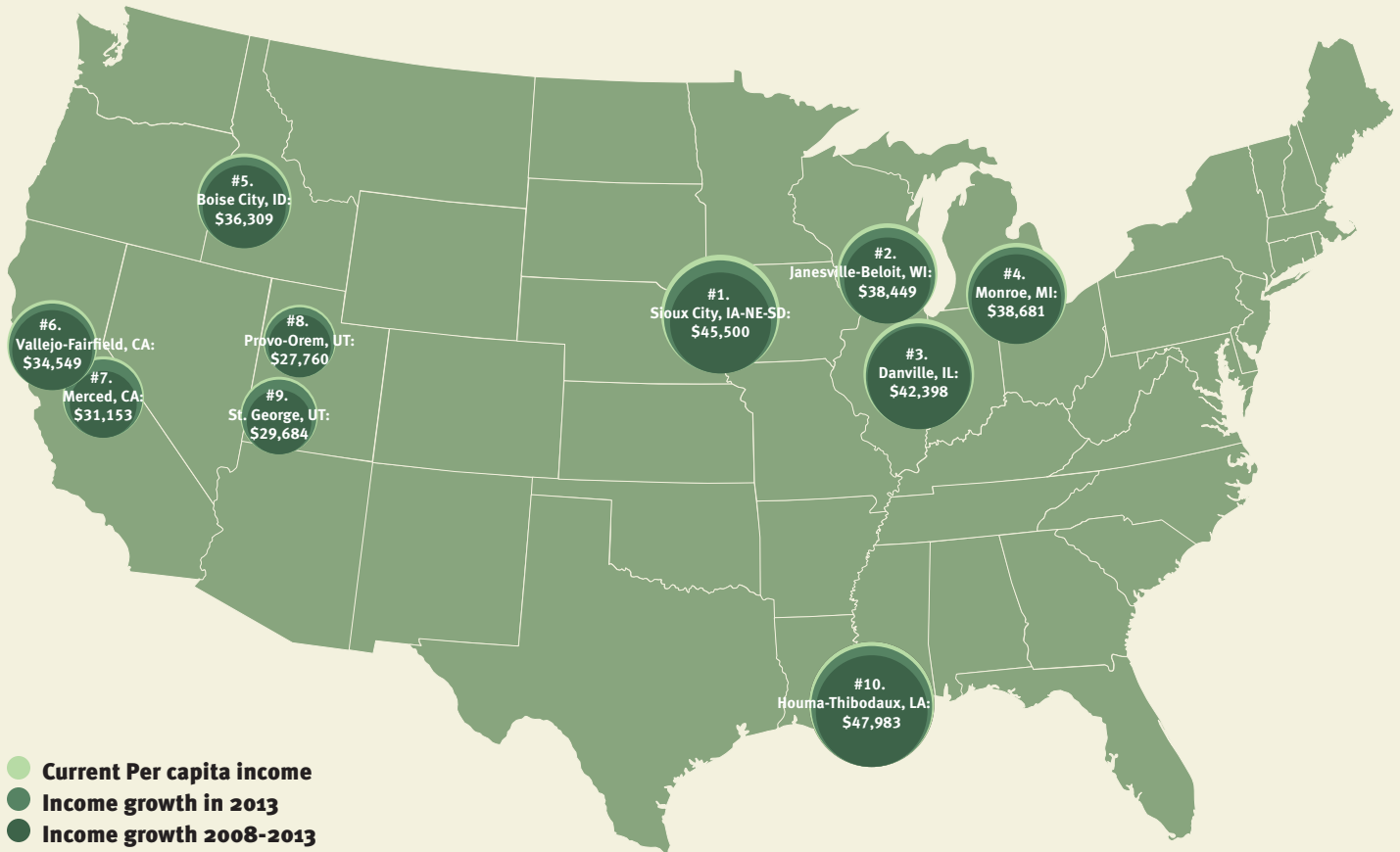
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Cities where incomes are growing the fastest



As an average, personal incomes have inched up each year since the end of the recession. Some metropolitan areas contribute to their residents' growth; although in 100 urban regions, personal incomes have actually seen declines.

24/7 Wall St. reviewed metropolitan statistical areas with the largest personal income growths and the greatest declines. Above are the ones to be commended, where incomes are growing the fastest.

According to 24/7 Wall St., growth rates were calculated based on total real personal income—including compensation and income from property, minus contributions to the government—for all people in each city. Since growth rates were based on aggregate incomes, an increase in a city's working-age population was often a major driver of growth.

More of the explanation for such documented growth reads, in part: "Income growth is also

strongly associated with economic expansion. Often, activity within a particular industry accounted for the bulk of the changes in total income generated in the area. With the exception of Danville, Ill., the economies of all of the top 10 metro areas for income growth expanded faster than the nation's 2013 GDP growth rate of 1.7 percent. The opposite was generally true for the cities with declining incomes." [M](#)

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