Managers Forum: Navigating the waters between State Pre-Emption and Local Government Control: Continuing the BIG Ideas Conversation
January 25th, 2018– Post Event Action & Discussion Guide

Presenters: Dr. David Swindell (Director, Center for Urban Innovation, Arizona State University), Daniel Ortiz-Hernandez (City Manager, City of Webster City, IA), Michael F. Sable (Director of Facilities Services, County of Hennepin, MN), David Finley (Project Manager, Town of Chapel Hill, NC), Moderator: Jack Tuttle (Former City Manager, City of Williamsburg)

“Navigating the waters between local autonomy and state preemption”
- (State government is taking too much decision-making authority away from local governments)
- Sanctuary cities, where cities are liable to have their local power taken away from the state.

(Fundamental Debate)
- Dillon rule allows state governments to curve local government
- Local Autonomy: Power of local government to act in a purposeful goal oriented fashion, without the need for a specific grant of power and the power of localities to act without fear of the oversight authority of higher ties of the state.
- Arguments for Dillon Rule: Allows states to protect individual rights that could too easily be trampled by the parochial nature of local communities.

State government is taking too much decision-making authority away from local governments

Disagree/SD 16.0%
Agree/SA 84.0%

County of Hennepin, MN: “Bathroom issue” (1 million residents)
- Not get into debate preemption
- The best way to provide public bathroom
- Taken authority away from the state, not build traditional bathroom, created shared bathrooms.
- Get creative by not allowing the state to create regulations.

Alliance for Innovation Calendar of Events: http://transformgov.org/en/calendar
Contact your Regional Director for more information or support: http://transformgov.org/en/about/staff_directory
**City of Webster City, Daniel Ortiz**
- Small community 8,000 residents, City employees have multiple duties
- State legislatives play monopoly on city utilities
- No positions for city representatives at the state legislative
- Small community best practice is strategic patience. To seek and inform, rely heavily on other cities (legal) for support. And receive support from councilman who served in city affairs.

### How local governments can act?

#### Request additional powers, workarounds, referendum, defiance and advocacy & voluntary efforts (Most likely to succeed) >>>
Refer to session recording and handout for full details!

<table>
<thead>
<tr>
<th>Type of Action</th>
<th>Type of state-local legal relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use legal powers and test the limits</strong></td>
<td></td>
</tr>
<tr>
<td>Locally initiated legal action within broad powers. Take advantage of home rule option if available</td>
<td>Locally initiated legal action within granted powers</td>
</tr>
<tr>
<td><strong>Request additional powers</strong></td>
<td></td>
</tr>
<tr>
<td>Seek broad authorization for all cities from legislature for previously un-granted power</td>
<td>Seek specific authorization from legislature for all local governments or request local bill to permit action</td>
</tr>
<tr>
<td><strong>“Workaround”</strong></td>
<td></td>
</tr>
<tr>
<td>Find method that is consistent with state law</td>
<td>Find method that complies with or circumvents restrictions</td>
</tr>
<tr>
<td><strong>Referendum</strong></td>
<td>Change state policies</td>
</tr>
<tr>
<td><strong>Defiance</strong></td>
<td>Resist preemption and limitations</td>
</tr>
<tr>
<td><strong>Advocacy &amp; voluntary efforts</strong></td>
<td>Awareness raising by the government and partnerships with nongovernmental organizations to promote preferred policy outcome</td>
</tr>
</tbody>
</table>
Listed below are some discussion topics and/or questions that you can use to initiate conversation with team members or stakeholders if you want to explore this idea further in your organization.

1. What strategies for collaboration building have you seen work? Have any of you used the framework that David used to help work through preemption issues?
   - Federal supreme court gave a lot of power in regard of use of domain. Private property control taken away. A lot of state power made a lot of limitation on cities domain on private properties. Here in AZ it is important that local cities are aware of state legislatures that are passed and learning how they may affect them. Local governments need to think strategically by thinking of better solutions.

2. Into the local government to improve systems and improve the government, how do you deal with the power struggles and the dividing seeming to form. Can you give some advice on how to deal with it on a day to day?
   - Just doing work to solve problems that is currently happening. Currently enjoy working with upcoming city managers and giving them the understanding that it is best to be equipped with information and focus on doing solutions. Innovation of Alliance likes to give a framework of solutions for the future.

3. Whose values do you pull on when trying to determine which way your local government should go when dealing with territory issues. Do you look at personal values or your council values?
   - Important to sit down with community council members to have a clear understanding on what they want in the community. Such as broad services and social services that need to be dealt with for improvement.