

UCLA

UCLA Previously Published Works

Title

California Policy Options 2022

Permalink

<https://escholarship.org/uc/item/3xt643s5>

Publication Date

2022



California Policy Options 2022

UCLA

Luskin
School of Public Affairs

2022

California

Policy

Options

Edited by Daniel J.B. Mitchell

California Policy Options 2022
Copyright 2022 by the UCLA Luskin School of Public Affairs

All rights reserved.

Except for use in any review, the reproduction or utilization of this work in whole or in part in any form by electronic, mechanical, or other means, now known or thereafter invented, including a retrieval system is forbidden without the permission of the UC Regents.

Published by the UCLA Luskin School of Public Affairs
UCLA Luskin School of Public Affairs, Box 951656
Los Angeles, California 90095-1656

Editor: Daniel J.B. Mitchell

Table of Contents

p. 2 Preface

p. 3 Introduction

p. 5 Chapter 1: The Economic Outlook for California: A View from Late Summer
Christopher Thornberg

**p. 25 Chapter 2: Like Nothing Anyone Could Recall: Evolution of
the California Budget for 2021-22**
Daniel J.B. Mitchell

**p. 63 Chapter 3: Strategies for Optimizing Regional Wildfire Prevention
and Mitigation in Southern California**
Leeza Arbatman, Michael Cohen, Shawna Strecker and Julia Stein

p. 91 Chapter 4: Behavioral Health in the Age of Telehealth
Eduardo Castillo, Ashley Etter, Isabelle Liu and Maggie Lui

p. 117 Chapter 5: Optimizing Digital Inclusion Strategies for Reducing the Digital Divide
Jonathan Hagman, Niuro-Azami Moriyasu, Norihisa Niuro and Eduardo Reyes

p. 145 Chapter 6: California's Growing Policy Crisis: Students Experiencing Homelessness
Joseph P. Bishop

p. 161 Chapter 7: Round 1: Yorty Versus Bradley
Daniel J.B. Mitchell

p. 189 Chapter 8: Interrupting the Cycle of Incarceration for Individuals with Mental Illness
Jess Bedit, Joshua Segui, Courtney B. Taylor and Rachel Vogt

Preface

The 2022 publication of *California Policy Options* represents a wide range of statewide and regional issues and those that affect cities, local communities and individuals. Once again, it features an in-depth analysis of California's budget and economic outlook for the state.

This year's collection also examines a variety of important and current topics including wildfire prevention and mitigation, education and the digital divide, behavioral health in the age of telehealth, student homelessness, incarceration and mental illness, and criminal justice issues.

UCLA Professor Daniel J.B. Mitchell has again brought together a timely collection of California-focused articles that add to a long list of important readings for policy and law makers and for students at the UCLA Luskin School of Public Affairs.

This edition of *California Policy Options* continues a long-established tradition of providing analysis of the state's public policy challenges from a variety of viewpoints as well as their political, economic and historic contexts. For more than two decades, *California Policy Options* remains an important resource for researchers and journalists, as well as leaders and lawmakers, with up-to-date research and public policy recommendations on issues and opportunities in the state.

Gary Segura

Dean, UCLA Luskin School of Public Affairs

Introduction

Since 1997, the UCLA Luskin School of Public Affairs has published annual editions of *California Policy Issues* featuring chapters on current policy concerns and lessons from California history. Our 2022 edition continues this tradition, featuring chapters on economic conditions, state fiscal policy, ecology, education, criminal justice issues, and more.

Leading off, Christopher Thornberg of Beacon Economics looks in the first chapter at the outlook for the state's economy. He sees threats coming at the macro level from economic overheating and inflation. California is tightly linked to the rest of the U.S., so these macro threats inevitably spill over into the state. And, of course, there is the uncertainty concerning the course of the coronavirus pandemic and policy responses.

Economic performance is normally a strong driver of state tax revenue. Hence, the pandemic-related downturn in 2020 might reasonably have been expected to produce a sharp revenue decline. As Daniel J.B. Mitchell points out in chapter 2, in its 2020-21 budgeting, California trimmed its expenditures anticipating just such a drop. But the drop didn't happen; state revenue is heavily dependent on the state personal income tax and income tax revenue – because it reflects the economic conditions of top bracket earners who were least affected by the pandemic – didn't fall. Thus, in budgeting for 2021-22, the state had ample reserves which were further reinforced by federal support.

If the pandemic was the immediate challenge faced by the state, climate change is the longer-term challenge – one which is already beginning to be felt in the form of destructive wildfires. In chapter 3, Leeza Arbatman, Michael Cohen, Shawna Strecker, and Julia Stein look at policies needed both to prevent such fires and to mitigate the consequences when they do occur. There are programs that could be adopted to encourage homeowners to “harden” their houses against the wildfire risk. A system of fees for those who build in risky areas might produce a revenue source to aid such hardening and also would discourage construction in high-risk areas.

There has been increasing concern on upgrading infrastructure, which nowadays includes internet access. In addition, concerns about all forms of health care delivery have increased, and so-called telemedicine has been boosted into prominence by the pandemic. In chapter 4, Eduardo Castillo, Ashley Etter, Isabelle Liu, and Maggie Liu examine the use of internet-based behavioral telehealth in Los Angeles County as well as the provision of such services using conventional telephones (audio only). Their report – based on an Applied Policy Project (APP) for the Luskin School's Master of Public Policy degree program – suggests that the County should push for adequate reimbursement for telephone consultations and for the widening of broadband access.

Apart from health-related services, the internet now provides a way for residents to communicate with their municipal governments. But in chapter 4, another APP team – Eduardo Reyes, Norihisa Niiri, Azami Moriasu, and Jonathan Hagman – find that there is a significant “digital divide” in terms of who has access to, and the equipment needed for, such communication. The authors look at the City of Long

Beach and find that while the City has made progress in use of technology, there remain issues of language ability and trust in government. They find that making the methods of contact with the City more widely known and more user-friendly is important to having a complete program of resident-City interaction.

Chapter 6 by Joseph P. Bishop points to a problem in the K-12 system in California which is not widely known. Attention is often focused at the K-12 on such issues as testing and curriculum content, but in fact the system services a surprisingly large number of homeless students. Such students have obvious disadvantages when such measures as absenteeism and graduation rates are examined. Bishop notes that the state's funding formula for K-12 is supposed to target disadvantaged students with additional resources but that its design could be made more directed toward homelessness.

We often think that current issues are unique to our times and thus neglect what lessons the past might provide. In earlier editions of *California Policy Options*, Daniel J.B. Mitchell has traced the rise of Sam Yorty from his initial election as mayor of Los Angeles in 1961. In his first election, Yorty used what might be termed today as "populist" tactics, attacking the downtown elite as personified by the *Los Angeles Times*. But when he came up for reelection in 1965, he had patched up his quarrel with the elites and received a *Times* endorsement. There then soon followed the Watts Riot, however, a shock to both the elites and to Yorty. As Mitchell describes in chapter 7, with his principal opponent in the 1969 election Tom Bradley, a city councilmember and former police officer, Yorty – as in 1961 – surprised elite opinion by winning a third term using racial attacks on his opponent. In short, modern tensions over race and populist political tactics are not new.

Social unrest, moreover, is certainly not new. Protests and disturbances following the George Floyd murder in 2020 also became political issues. Various jurisdictions within California – as well as the state legislature – became concerned about such matters as criminal justice reform. It has long been noted that county jails often end up housing individuals with major mental health problems. In chapter 8, the APP team of Jess Bendit, Joshua Segui, Courtney B. Taylor, and Rachel Vogt look at possibilities for the County of Los Angeles to divert individuals with such problems away from the criminal justice system. The County does have a Rapid Diversion Program for that purpose. However, the team provides various recommendations for making that program more effective. Part of the challenge, as the authors see it, is making the actors in the system – prosecutors, judges, law enforcement, and defense attorneys – more familiar with, and confident in, the diversion program.

Daniel J.B. Mitchell

Professor Emeritus, UCLA Anderson Graduate School of Management
and UCLA Luskin School of Public Affairs

Chapter 1

The Economic Outlook for California: A View from Late Summer 2021

Christopher Thornberg

Christopher Thornberg is the Founding Partner of Beacon Economics, LLC, an independent research and consulting firm. He is also Director of the UC-Riverside School of Business Center for Economic Forecasting and Development and an Adjunct Professor at the School.

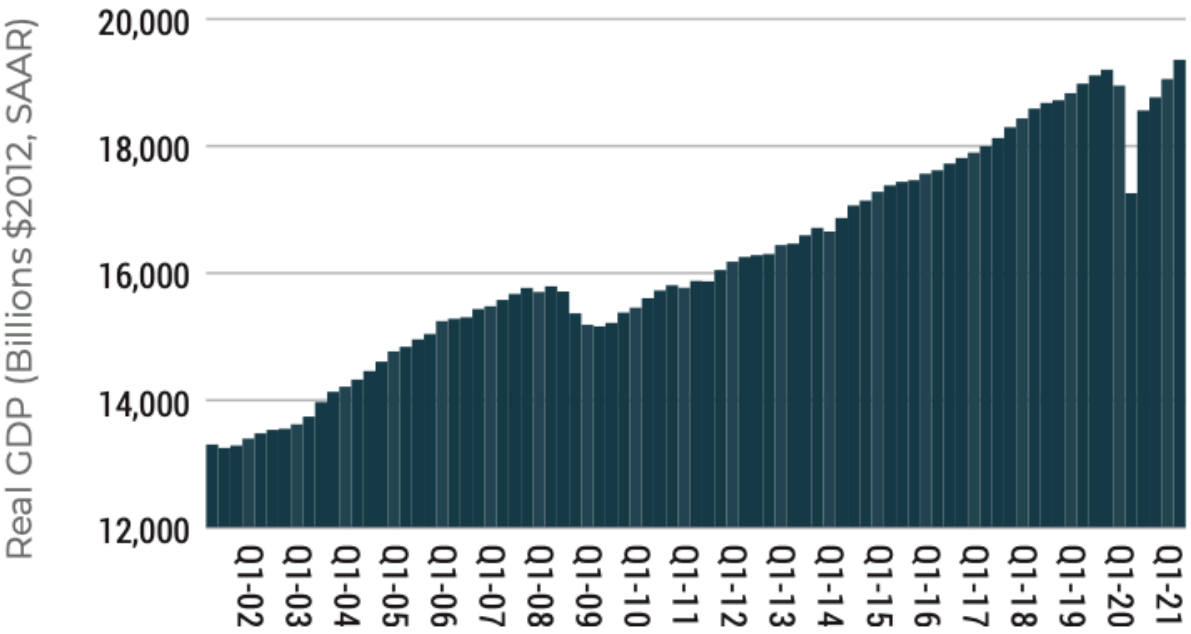
The pandemic-related economic downturn of 2020 and its aftermath presented a challenge to economic forecasters. Downturns (recessions) are usually linked to some imbalance in the economy. For example, the so-called Great Recession of 2008 was tied to a housing bubble and flaky mortgages. When the bubble burst, it created a negative demand shock to the general economy with California especially affected. In contrast, The recession of 2020 was linked to an external event, the spread of a highly infectious virus which led to government-imposed economic shutdowns. Whole sectors of the economy were either closed or highly restricted. Consumers, even if they had the resources and the will to spend in these sectors, could not do so.

Although the governmental response to the pandemic varied by state and locality, California is tightly interconnected with the rest of the U.S. So, a downturn nationally was bound to be reflected in California. Similarly, the national recovery that followed the most severe phase of the downturn was bound to be reflected in California. In the material that follows, the national outlook (as seen from data available as of late summer 2021) is first analyzed followed by the California outlook.

The U.S. Outlook

In the second quarter of 2021, the U.S. economy grew at a 6.5% annualized pace, pushing overall output to a level higher than where it was in the fourth quarter of 2019, just before the pandemic hit with such dramatic effect. The so-called V-shaped recovery shown on Figure 1 was officially complete at that point. However, a return to “normal” was still in the offing. The pandemic recession was the deepest in U.S. history, but also the shortest, running just two months, peak to trough. In contrast, the Great Recession was sometimes described as L-shaped: a major downturn and then a long drawn out recovery stage lasting about nine years.

Figure 1
U.S. REAL GDP, Q2-01 TO Q1-21



Source: U.S. Bureau of Economic Analysis; Analysis by Beacon Economics

A quick V-shaped recovery was to be expected given the nature of the shock the economic system sustained. This was a natural disaster type supply shock — and as tragic as that was for the population — it simply didn't have the same long run effects of a more traditional demand shock such as occurred in the Great Recession episode. With hindsight, we can say that the federal government's effort should have been largely focused on pandemic control with narrow economic mitigation efforts directed to the parts of the economy that suffered the most direct harm from temporary closures and restricted activity. However, instead of focusing on such hard hit sectors such as restaurants, hotels, and entertainment, federal support was applied across the board, more in the manner that might occur in response to a typical demand shock.

Unfortunately, this logic didn't stand a chance in the hyper-political world of 2020. The conspiracy driven right has viewed the entire episode as a coordinated effort to destroy the U.S. economy, while the left has viewed the event as an existential threat to the bottom 80% of the population. Headlines predicted an economic depression of the type experience in the 1930s. Even as late as summer 2021, news reports and commentary continued to refer to an economy 'at the brink', 'on the edge', or 'falling over a cliff.'

Ultimately, the federal government ended up hosing trillions of dollars in the form of monetary and fiscal stimulus across the entire economy. There was considerable pressure on federal,

state, and local political leaders and policy makers to show themselves as doing something. In the end, with the exception of the New York City area, most of the country avoided the kind of chaos that developed in Italy where hospitals were unable to keep pace with demand for beds.

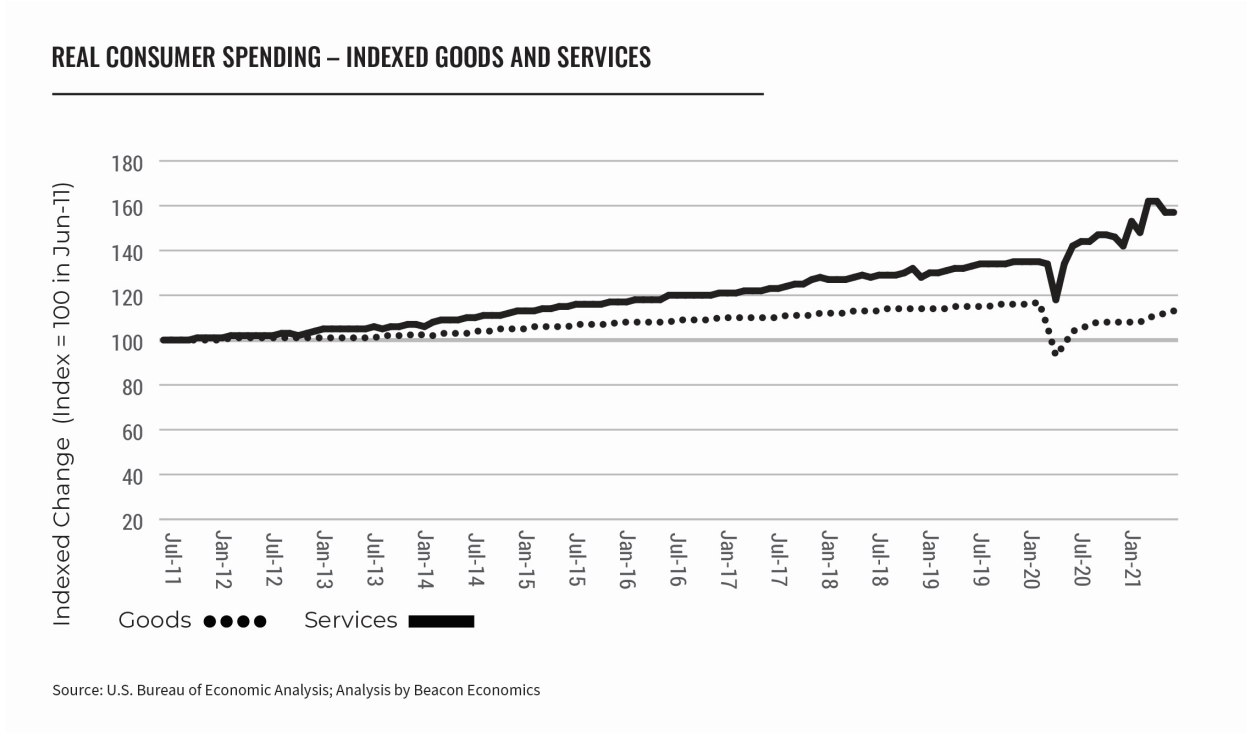
There is little doubt that the stimulus efforts have hastened the recovery and given plenty of politicians bragging rights for saving the U.S. economy (even though a more targeted and less ambitious response would have been sufficient). There may be a cost to pay in the future for the expansive response. The excesses of the response will likely introduce dangerous instabilities into the next expansion, such as inflation and asset bubbles.

Large federal deficits will deepen the nation's long-run fiscal budget challenges, and possibly lay the seeds for the next downturn. Just as significantly, political distractions have prevented policymakers from discussing, much less trying to solve, the critical long-run issues facing the United States and California. Indeed, governments at every level continue to operate in crisis mode even though the nation has largely moved beyond the crisis.

The New Economy

While aggregate output has recovered, the economy has changed since just before the pandemic, structurally, financially, and demographically. Structurally, parts of the economy that were materially affected by the pandemic have yet to recover fully. Consumer spending on services including healthcare, recreation, travel, and hospitality was still 3% below where it was pre-pandemic at this writing, as shown on Figure 2. Business investment in non-residential structures also remained depressed, as were U.S. exports, a result of the global economy catching up on vaccination.

Figure 2



But weakness in these sectors was more than offset by stronger than normal levels of activity in other parts of the economy, including consumer spending on goods, a booming housing market, and business investment in equipment and software. These sectors were bound to benefit at some level by the transfer in spending from sectors that were directly negatively affected by the pandemic. (Since we couldn't take the family to Disneyland, we instead bought bikes and tents for a wilderness adventure).

But the massive stimulus thrown at the economy heated these benefiting sectors to white hot levels, as anyone who has tried to buy a bicycle or a house in the last year can attest. The production part of the economy is struggling to keep up. Not only are these sectors dealing with the short-run issues of the pandemic, in some places they never had the capacity to deal with the extraordinary level of demand. Figure 3 illustrates the mix of sectoral responses through the second quarter of 2021.

The impact on input prices has been sharp, with commodity prices up 20% over the last year at this writing, the sharpest increase seen since the 1970s — a comparison that should not be ignored. These high input prices have not hurt earnings as corporate profits have risen to the highest level ever seen starting in the 3rd quarter of 2020. But, of course, real wages will fall if nominal wages do not keep up with inflation.

Figure 3
U.S. REAL GDP

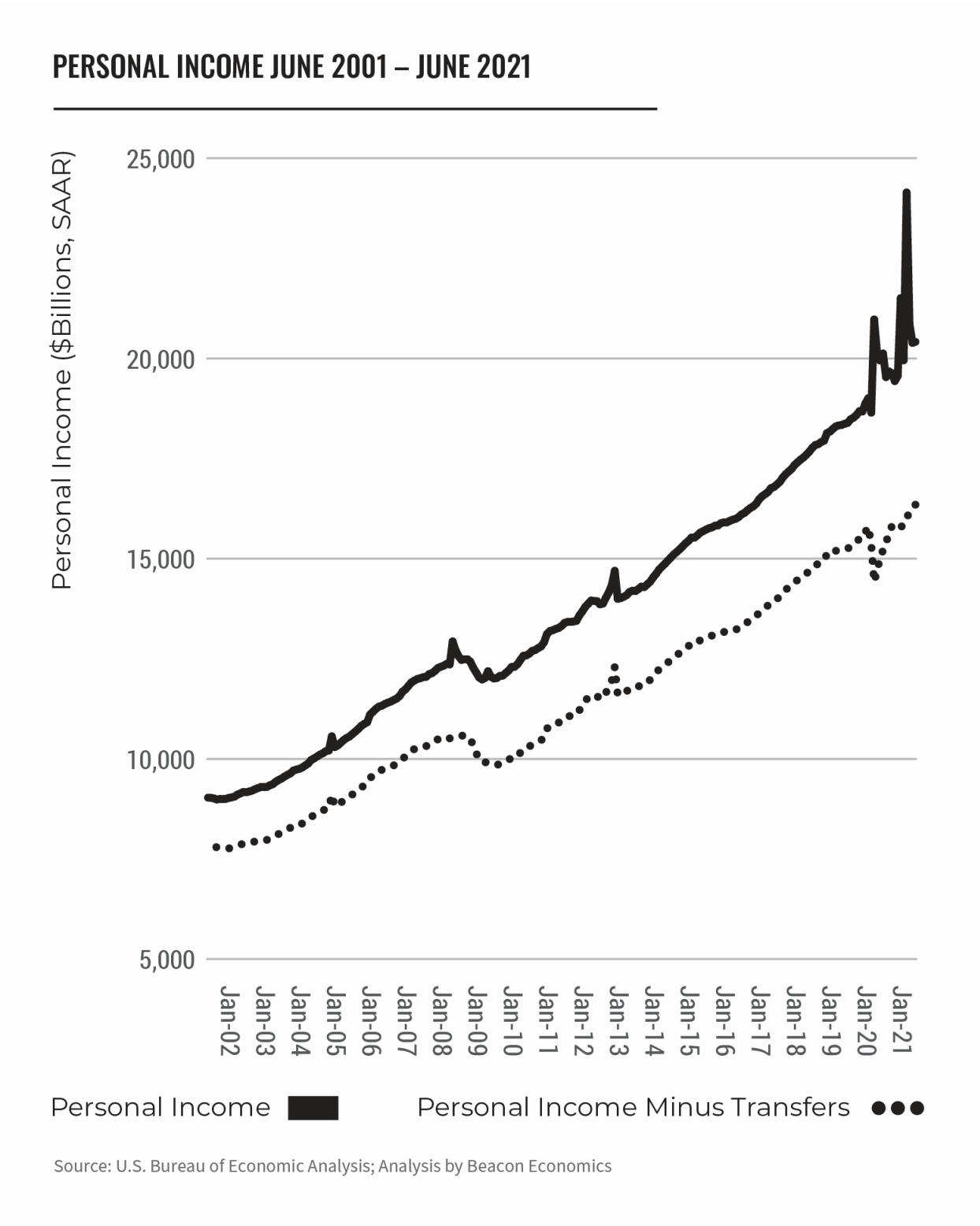
	Q2-21 LEVEL (SAAR)	Q4-19 TO Q2-21 (CHANGE)
GDP	19,358.2	0.8%
Consumption	13,659.3	3.1%
Durables	2,307.4	28.6%
Non-Durables	3,368.1	11.9%
Services	8,222.3	-3.3%
Investment	3,510.3	1.0%
Non Res Structures	453.9	-20.4%
Equipment	1,318.2	6.3%
IPP	1,119.9	9.0%
Residential	712.1	16.3%
Exports	2,295.6	-10.1%
Imports	3,554.7	4.5%
Government	3378	1.9%
Federal	1,357.6	4.6%
State and local	2,021.2	0.2%

Note: IPP = intellectual property products (such as software). Dollar figures are in billions.

And we can expect this level of excess demand to continue for at least the next year, if not longer. Personal income numbers suggests that over the course of the last year and a half, households suffered \$500 to \$700 billion in total earnings losses (including wages, proprietor profits, and returns on assets) while the federal government injected over \$5 trillion in debt-

financed 'stimulus' into the economy. And while earnings losses may well have been worse but for the massive stimulus, they were clearly using a cannon to kill a fly.

Figure 4



The key point is that most of the stimulus did very little for the economy during the pandemic recession. Stimulus is cash that should generate spending in the economy on locally produced goods and services. But a large portion of the pandemic-driven federal stimulus ended up in households whose primary problem was the inability to spend money because of restrictions on activity. The net result is \$3 trillion in excess bank deposits and well over \$2 trillion in excess household savings — cash that was used to pay down debt, invested, or saved.

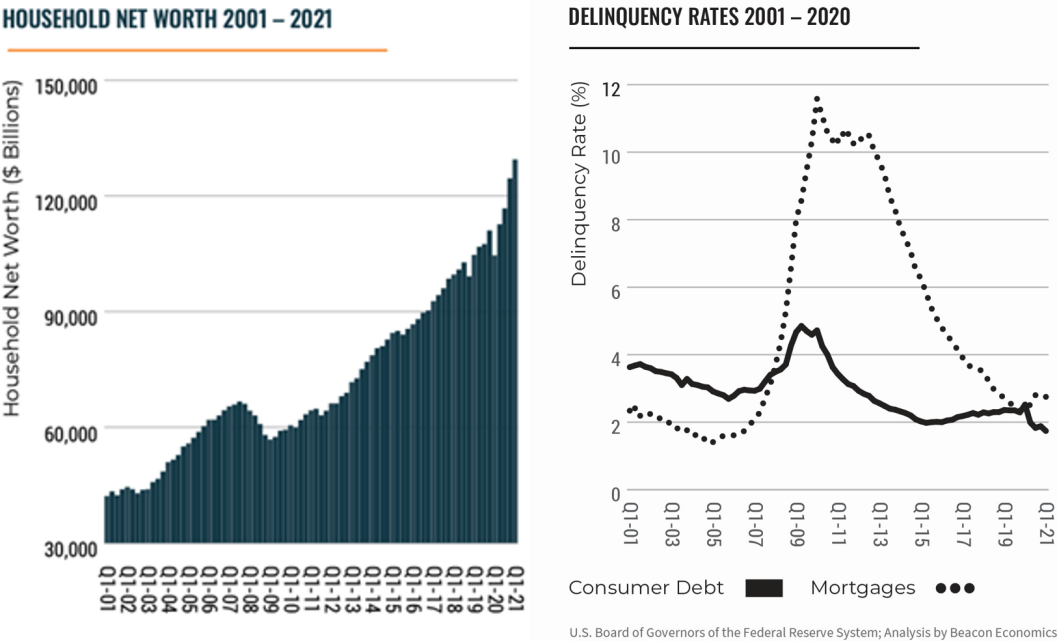
These savings will continue to drive consumer spending growth above normal levels in the months ahead, even though it has already returned to the path it was on prior to the pandemic. In short, all this stimulus will likely push economic activity in the U.S. above its long run sustainable growth path — an over-heated economy. High growth rates will likely continue in 2022 or longer, with any periodic surges of the COVID-19 virus playing a minimal role outside of pushing some growth into the following quarter.

It wasn't just the U.S. Congress that overreacted to the pandemic. The Federal Reserve, home to an army of economists and typically the more rational actor in the policy pantheon, also engaged in stimulus that was excessive. At the start of the Great Recession of 2008, under then Chairman Ben Bernanke, the Federal Reserve enacted far more aggressive stimulus than Congress, which was the right call given the scale of the problems facing the economy at that time.

But back then the Fed engaged in quantitative easing on a gradual basis, purchasing more bonds only as losses in the loan markets and declines in household wealth showed the need for an additional push to keep financial markets and the money supply steady. This time, in response to the pandemic-induced downturn, Fed Chairman Jerome Powell enacted \$3 trillion in quantitative easing as an opening move. There was no waiting to see how bad the damage to the economy would be.

As is apparent at this writing, the economy is not facing anything close to the challenges experienced during the Great Recession. Debt markets have suffered almost no pandemic-related distress as Figure 5 demonstrates. Delinquencies actually are down in some categories such as home mortgages. Aggregate household net worth has grown at its most rapid pace ever—23% year-over-year—due to booming home prices and a stock market that looks positively bubbly. As a result of fighting a war that doesn't exist, Powell's massive engagement in quantitative easing has caused one of the largest increases in the money supply ever seen in the United States.

Figure 5
Household Net Worth and Delinquency Rates



Chairman Powell at this writing has been quite adamant that the inflation seen so far is a largely transitory situation, driven by tight supply chains and the overall economic recovery. Beacon Economics agrees, but this in no way suggests that long-run monetary inflation isn't still a huge risk for the economy. The economy is in the process of overheating because of the monetary and fiscal stimulus. Inflation risk is the highest it has been in decades. The Fed appears to be overly responsive to political pressure in the view of Beacon Economics and needs to focus on economic risks.

The Labor Market Paradox

Most commentators who suggest that the U.S. economy is still suffering from the COVID-19 crisis point to the one area of the aggregate statistics that show the nation is still way behind where it was pre-pandemic—the labor market. Indeed, at this writing there are still 6.75 million or 4.5% fewer jobs in the United States than there were before the pandemic. Most pundits and politicians have leapt to the conclusion that this lower number implies the economy is still weak. While that is one interpretation, we have to appreciate that the number of jobs in the economy at a specific point in time represents a labor market equilibrium, and equilibriums have multiple drivers that can cause them to shift.

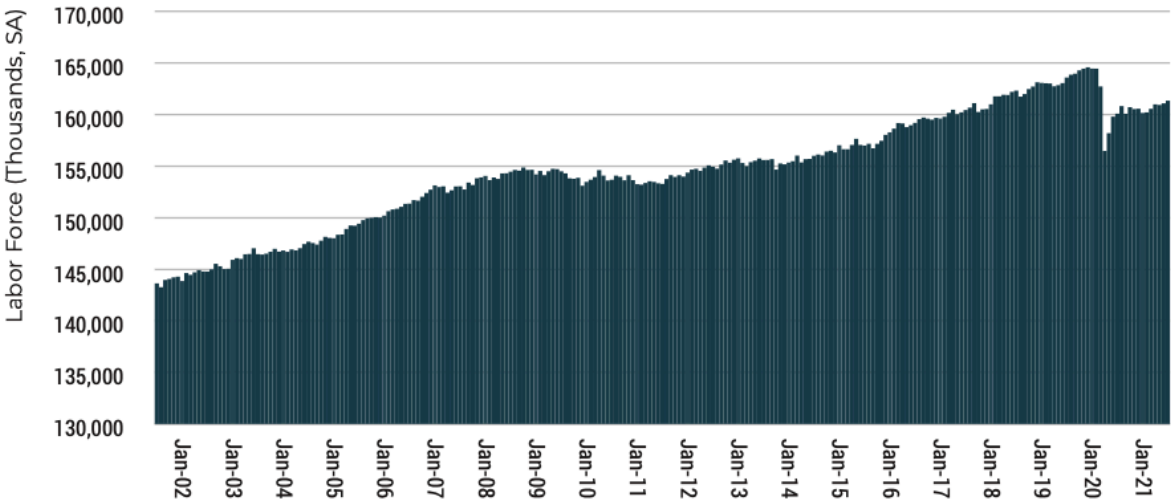
Typically, there are fewer jobs following an economic downturn than prior to it due to weak labor demand in the recovery period. There were fewer jobs in 2010 than in 2007 for that very reason. But it isn't necessarily the case in the aftermath of the pandemic-induced downturn. Job openings (vacancies) have been higher than in the pre-pandemic period. This phenomenon

indicates that the nation is not facing a labor demand problem, but rather a labor supply problem. The labor supply problem also leads to there being fewer jobs, but with completely different implications for worker incomes and general inequality.

One of the biggest shocks to the U.S. economy has been the decline in the labor force. Some of these folks may fear or have experienced significant health issues stemming from the pandemic. Others may be constrained by family or personal needs. But the large majority have left the labor force voluntarily. Most have decided to retire while others may simply not be interested in finding a job given that they are financially secure due to the hot financial markets and massive excess reserves of savings.

This supply problem is at the heart of the labor market decline experienced after the pandemic-induced recession. The United States was already facing a labor supply dilemma due to demographics—baby boomers, the largest generation ever, are transitioning into retirement on a massive scale. The problem has been intensified by the decline in birth rates over the past five decades and, more recently, by the sharp slowing of international migration into the nation.

Figure 6
U.S. LABOR FORCE



Source: U.S. Bureau of Labor Statistics; Analysis by Beacon Economics

“Weak” labor markets are bad for workers. “Tight” ones are tough on employers. Today’s tight labor market has induced a record number of workers to quit their jobs, as they feel empowered to search for better employment opportunities. This searching means that the higher-than-normal unemployment rate is being driven in part by selective workers rather than selective employers.

Those folks worried about income inequality should applaud accelerating earnings growth, particularly among low skilled workers. For those concerned about wage fueled inflation, these trends should be setting off inflation warning sirens. Businesses will have to readjust their prices to reflect higher labor costs even as they scramble to find labor saving technologies. So much for the ‘robots are stealing our jobs’ panic seen over the last few years!

The Law of Gravity

Economies can only stay overheated when there is a fuel source fanning the flames. While Beacon Economics sees little sign of a balanced federal budget coming out of Washington, DC anytime soon, the nation’s current spending binge is clearly unsustainable. Eventually the United States will be forced to back off on its borrowing-fueled fiscal stimulus. Bank accounts will start to shrink back towards normal levels and the nation will experience sharply slowing growth rates.

The interaction between excessive monetary and fiscal stimulus is of serious concern. One reason the federal government has not yet suffered the consequences of its borrowing binge is because the cost of borrowing has remained remarkably low. Interest rates are low despite the inflation surge seen in the last few months or the huge buildup in the money supply, which suggests more inflation to come. But history tells us that bond markets are shockingly slow in reacting to inflation, and generally don’t fully respond until the market is being pummeled by inflation driven losses.

Will this be enough to set off another recession not unlike the early 1980s when then-Fed Chair Paul Volker waged his fight against inflation? Very possibly, but much will depend on the path that policymakers take in the coming months. The near-term forecast boils down to this: expect a great run over the next couple of years, with the major constraint being the ability to find the workforce needed to manage demand. Still, there are storm clouds on the horizon, and everyone should prepare for the worst if the maelstrom hits.

California Economic Outlook: Output Up, Workforce Down

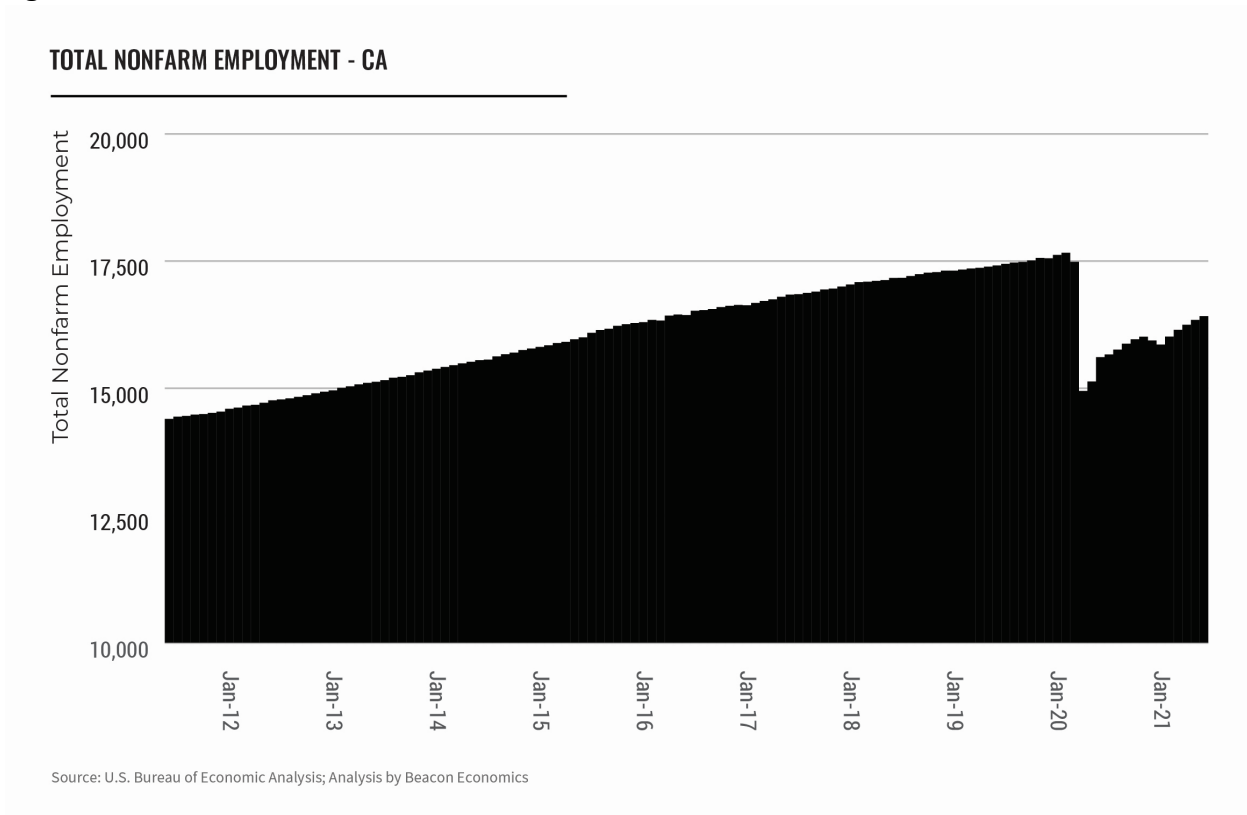
As with the national economy, many aspects of California’s economy have recovered to their pre-pandemic levels and, in some cases, have returned to their pre-pandemic trend. Real output fell by about 10% from the fourth quarter of 2019 to the second quarter of 2020. But by the first quarter of 2021 (the most recent period for which data are available at this writing) economic output in the state had recovered to within 1% of pre-pandemic levels. Given the growth that occurred in second quarter 2021 output nationally, where the economy grew by 6.5%, it’s safe to assume that California’s economy was likely producing as much output as it did prior to the pandemic.

One of the most intriguing features of the pandemic economy, as noted in the national outlook, is the extent to which the recovery of the labor market has lagged the recovery in output. There were still about 1.2 million fewer people employed in the state compared to pre-pandemic

levels or around 8% fewer jobs at this writing. (See Figure 7.) Supply-side factors have been a major feature of the labor market’s slower recovery. There were around half million fewer workers in the state’s labor force than there were prior to the pandemic. School closures, leading some parents to drop out of the labor force, fears of contracting COVID-19, and enhanced unemployment benefits have taken a toll on labor force participation in the state.

It is also worth underscoring that California was able to produce pre-pandemic levels of output with those 1.2 million fewer workers. In other words, the state’s economy is producing the same level of output with many fewer workers. In addition to supply-side dynamics, productivity gains have clearly replaced many thousands of jobs in the state. In the fourth quarter of 2019, each worker in the state produced \$162,000 of real output (in 2012 dollars), compared to \$176,000 in the first quarter of 2021. While in the short-term, productivity gains can replace jobs, productivity growth is the lifeblood of economic expansion over time.

Figure 7



NOTE: Figures in thousands.

As shown on Figure 8, as of June 2021, the Transportation, Warehousing and Utilities classification was the only sector in California that had seen employment growth since February 2020, the last pre-pandemic data point. Two-thirds of all job losses sustained during the pandemic occurred in just three sectors: Leisure and Hospitality, Government, and Other Services (which includes hair and nail salons). Leisure and Hospitality and Other Services are largely made up of relatively low paying jobs and the core functions of these businesses rely almost exclusively on person-to-person contact. The continued losses in these two sectors were likely due to a combination of reduced demand for their services because of fears surrounding COVID-19, as well as supply-side constraints driven by labor shortages.

With respect to labor supply in these industries, the unemployment rate in California at this writing stood at 7.7%, still double pre-pandemic levels. The unemployed are defined as those who are officially looking for employment but are not working. Under normal circumstances, the high number of unemployed workers in the state would equate to slack in the labor market for the industries just noted. However, this interpretation was not accurate in the pandemic.

Since February 2020, the number of unemployed workers in the state increased by 600,000 at this writing. Some of these 600,000 unemployed workers may have been holding out for a different type of job than they held prior to the pandemic (e.g., a better paying job). It is also possible that enhanced unemployment benefits paid better than pre-pandemic wages for these workers, so that they were slow in returning to employment. Notably, there is some evidence that a hiring boom has not yet occurred in states that cut enhanced unemployment benefits earlier than California.¹ That fact suggests that labor shortages have not been driven by these benefits.

¹Greg Iacurci, "26 states ended federal unemployment benefits early. Data suggests it's not getting people back to work," *CNBC*, August 4, 2021. Available at <https://www.cnbc.com/2021/08/04/early-end-to-federal-unemployment-pay-in-26-states-not-getting-people-to-work.html>.

Figure 8
Employment By Industry, California

Industry	Jun-21	YoY Change (#)	YoY Change (%)
Total Nonfarm	16,416,600	-1,244,300	-7.0
Leisure & Hospitality	1,575,500	-482,700	-23.5
Government	2,412,600	-202,700	-7.8
Other Services	478,200	-115,100	-19.4
Administrative Support	1,085,200	-73,600	-6.4
Retail Trade	1,577,300	-71,200	-4.3
Manufacturing	1,260,800	-67,000	-5.0
Educational Services	336,900	-51,100	-13.2
Information	539,100	-42,000	-7.2
Wholesale Trade	647,500	-38,800	-5.7
Construction	876,800	-36,500	-4.0
Health Care & Social Assistance	2,442,000	-32,500	-1.3
Real Estate	277,000	-29,000	-9.5
Professional, Scientific & Technical Services	1,345,400	-12,700	-0.9
Management	242,500	-11,900	-4.7
Finance & Insurance	533,100	-9,700	-1.8
Mining and Logging	18,500	-3,800	-17.0
Transportation, Warehousing & Utilities	768,200	36,000	4.9

NOTE: YoY = year over year.

Uneven Regional Recovery

Geographically, in relative terms, the largest job losses at this writing have occurred in Santa Cruz and San Luis Obispo. (See Figure 9.) Local universities play an important role in the economies of both regions, and online instruction has led to fewer students spending money locally. The communities of the Central Valley, as well as of the Inland Empire, have been the most resilient with respect to labor market performance. The Inland Empire has been boosted by the performance of the Transportation and Warehousing sector, which has a strong presence in the region. For Central Valley communities, the importance of the Agriculture sector has likely sheltered the region's local economies from significant job losses since the state continued to grow crops during the pandemic.

Figure 9
Employment By MSA, California

MSA	Jun-21	YoY Change	YoY Change (%)
Stockton-Lodi MSA	248,000	-4,600	-1.8
Redding MSA	66,900	-1,500	-2.2
Riverside-San Bernardino-Ontario MSA	1,529,400	-59,600	-3.8
Merced MSA	68,200	-2,700	-3.8
Madera MSA	39,100	-1,700	-4.2
Modesto MSA	175,300	-8,400	-4.6
Fresno MSA	351,900	-18,100	-4.9
Sacramento--Roseville--Arden-Arcade MSA	985,400	-51,800	-5.0
Yuba City MSA	45,400	-2,800	-5.8
Visalia-Porterville MSA	123,700	-7,900	-6.0
Hanford-Corcoran MSA	38,900	-2,600	-6.3
El Centro MSA	50,800	-3,400	-6.3
Santa Maria-Santa Barbara MSA	183,900	-13,100	-6.6
Oxnard-Thousand Oaks-Ventura MSA	295,700	-21,300	-6.7
Vallejo-Fairfield MSA	134,400	-9,900	-6.9
Anaheim-Santa Ana-Irvine Metro Div	1,570,600	-118,100	-7.0
San Jose-Sunnyvale-Santa Clara MSA	1,085,100	-81,600	-7.0
Bakersfield MSA	259,500	-20,500	-7.3
San Rafael MD	108,200	-8,900	-7.6
Chico MSA	74,400	-6,200	-7.7
San Diego-Carlsbad MSA	1,402,800	-120,000	-7.9
Salinas MSA	133,300	-12,500	-8.6
Oakland-Hayward-Berkeley Metro Div	1,097,300	-103,800	-8.6
Santa Rosa MSA	192,500	-18,700	-8.9
Los Angeles-Long Beach-Glendale Metro Div	4,193,800	-429,000	-9.3
San Francisco-Redwood City-South San Francisco Metro Div	1,086,200	-112,000	-9.3
Napa MSA	67,400	-7,400	-9.9
San Luis Obispo-Paso Robles-Arroyo Grande MSA	106,300	-13,800	-11.5
Santa Cruz-Watsonville MSA	90,700	-13,200	-12.7

NOTE: MSA = metropolitan statistical area. YoY = year over year.

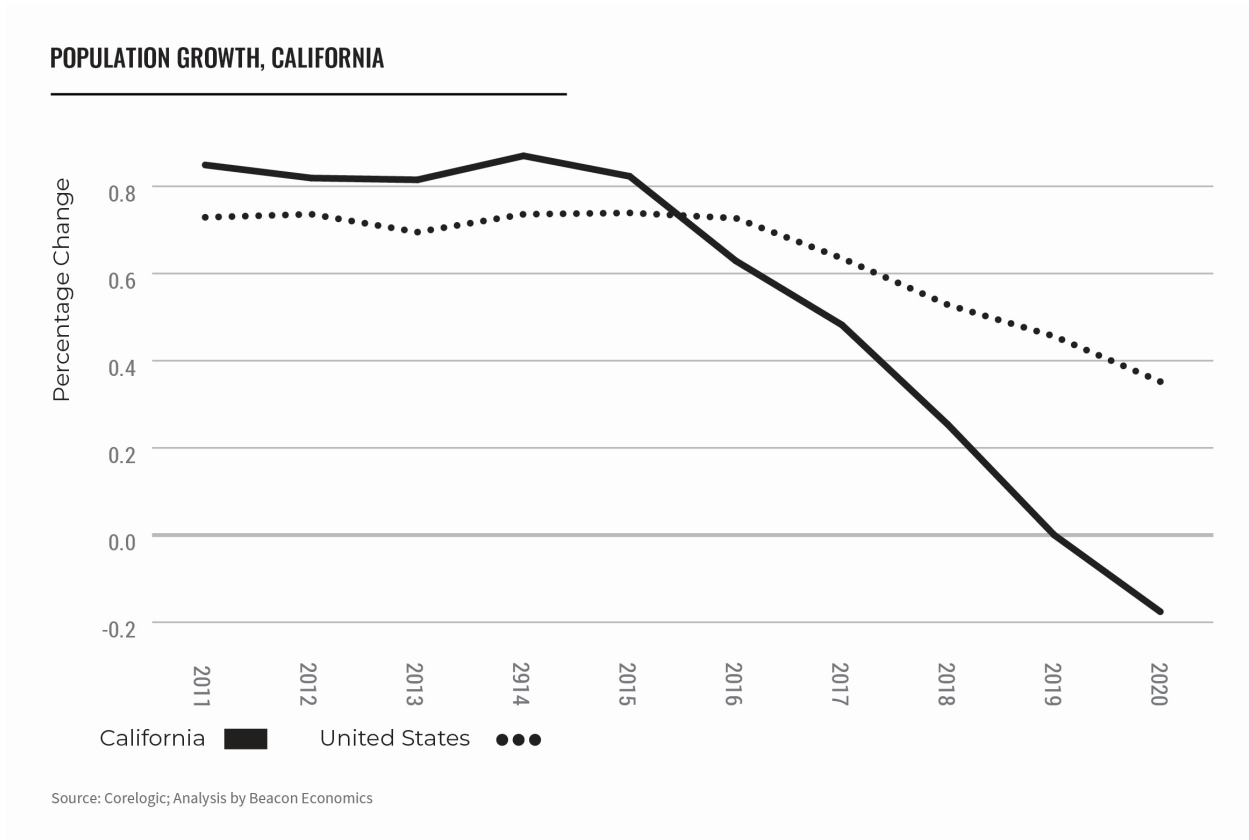
Wage Strength Amid Worker Shortage

By the fourth quarter of 2020, at the heart of the second wave of the virus, wages in the state had increased by 18% on a year-over-year basis. While such wage growth is intriguing in many ways, pandemic effects were clearly at play. For example, the largest wage growth of any sector was seen in Leisure and Hospitality, the sector most affected by job losses during the pandemic. Wages for Leisure and hospitality workers grew by 34% on a year-over-year basis, growth that was likely driven by compositional effects: part-time workers were laid off, while managers, the better paying workers in the sector, were least likely to have been laid off. In other words, the

mix of workers who retained employment in the sector were found in higher paying occupations.

That said, there should be sustained upward pressure on wage rates (as opposed to the average wage in the sector), at least in the short-term, given labor market shortages. These shortages, while amplified, were certainly not caused solely by the pandemic. As shown on Figure 10, since 2016, population growth in California has been slower than the national average, and population growth turned negative in the state in 2020. There are a variety of reasons for California’s slow population growth rate, including housing supply and costs, as well as stringent immigration policies under the Trump administration, which disproportionately affected California. The immediate effect of these trends was a labor shortage places upward pressure on wages.

Figure 10
Population Growth, California



Housing Market: Inventory, Inventory, Inventory

The performance of the housing market has been by far the most impressive aspect of the state's economy at this writing. After home sales collapsed in the second quarter of 2020 due to the fallout from the pandemic, the rebound since that time has returned home sales to their pre-pandemic trend. At the same time, home prices have surged during that period, growing by more than 18% in the state, on average, through the first quarter of 2021. (See Figure 11.) Although this level of price growth is not sustainable and should subside, house price growth in some parts of the state has been truly staggering, with prices growing by nearly 25% in Monterey and Santa Barbara.

Figure 11
Regional Home Prices, California

Region	Q1-21	YoY Change (%)
California	607,391	18.2
East Bay	903,912	17.6
Fresno MSA	326,926	19.0
Los Angeles	800,357	17.8
Marin	1,423,243	12.5
Monterey	796,266	23.0
Napa	755,953	9.9
Orange	931,745	12.2
Riverside	492,833	21.4
Sacramento MSA	496,309	17.0
San Bernardino	406,341	18.2
San Diego	760,031	15.4
San Francisco MD	1,540,538	4.8
San Luis Obispo	703,619	12.7
Santa Barbara	691,145	24.2
Santa Clara MSA	1,333,996	8.4
Santa Cruz MSA	904,559	11.3
Solano	502,315	13.0
Sonoma	651,842	3.0
Ventura	740,578	13.5
Visalia MSA	271,330	15.4

NOTE: YoY = year over year.

The strength in the demand for housing is well understood. Low interest rates, increased savings for the wealthy, and a labor market fallout from which high-wage earners were largely sheltered, are key drivers of the strong demand. On the supply-side of the market, housing inventory has fallen to unprecedented levels. At this writing, as shown on Figure 12, there were only 1.8 months of housing inventory available in California.

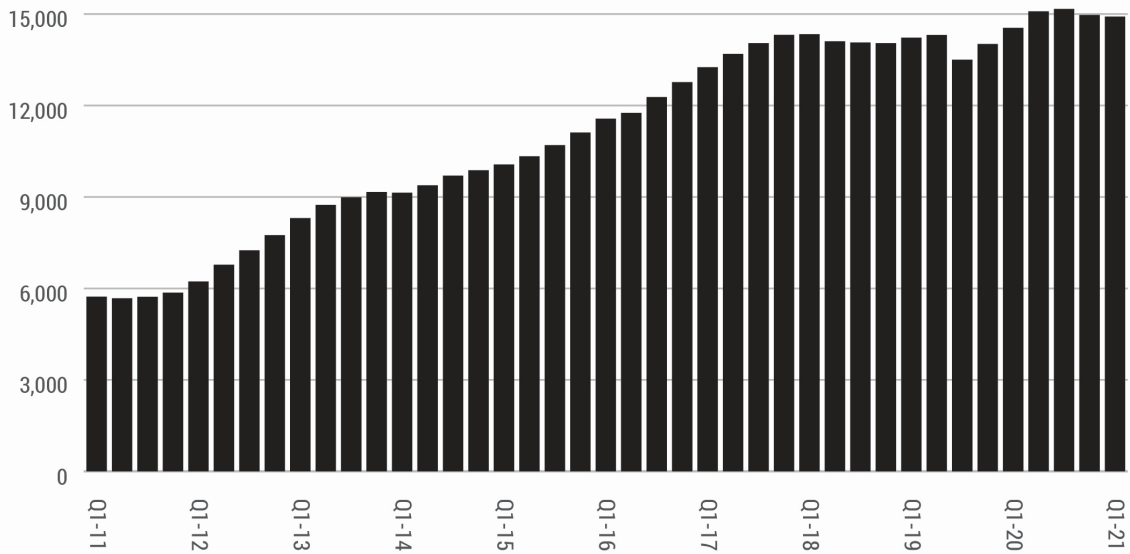
Figure 12
Regional Housing Supply, California (months)
Unsold Inventory of Existing Homes

	Jun-21
California	1.8
Alameda	1.3
Contra Costa	1.2
Fresno	1.9
Kern	1.8
Kings	1.7
Los Angeles	1.9
Merced	1.7
Monterey	2.1
Napa	2.3
Orange	1.5
Placer	1.4
Riverside	1.9
Sacramento	1.4
San Benito	1.9
San Bernardino	2.0
San Diego	1.6
San Francisco	1.8
San Joaquin	1.7
San Luis Obispo	2.0
San Mateo	1.5
Santa Barbara	1.8
Santa Clara	1.4
Santa Cruz	1.8
Solano	1.3
Sonoma	1.9
Tulare	1.9
Ventura	1.7

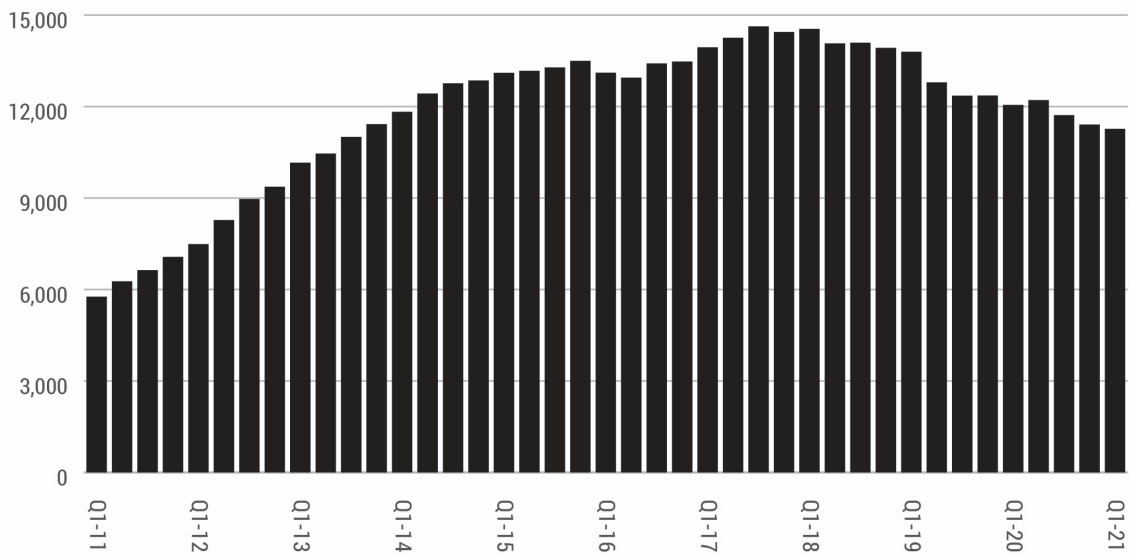
Housing inventory refers to the number of months it would take for the current inventory of homes on the market to sell given the current pace of sales. A balanced housing market is usually one in which there is about six months of inventory. A surge in inventory, however, seems unlikely at this writing since the number of building permits issued for multi-family housing units has declined, while the number of single-family permits issued has remained constant. (See Figure 13.) In other words, there were no indications that supply constraints in the short-term would be resolved by the construction of new housing.

Figure 13
Residential Building Permits, California

RESIDENTIAL BUILDING PERMITS, CALIFORNIA



Single Family



Multi-Family

Source: Corelogic; Analysis by Beacon Economics

Coronavirus Clouds and National Clouds

While many aspects of California's economy were back on track at this writing, there remain concerns surrounding the resurgence of COVID-19. Even with vaccines, new variants create the threat of infections, although the vaccines seem to help avert severe symptoms, hospitalizations, and deaths. Still, the spread of the virus seems unlikely to have the same impact on the California economy as it did in 2020.

In the state at this writing, 53% of the population had been fully vaccinated compared to 50% nationally. Rather than business closures, which seem unlikely given high rates of vaccination and a better understanding of how to manage the spread of the virus, the biggest impact of continued spread could be on labor supply. If school closures reoccur, or if parents are reticent to send children to school, parental obligations will again place a constraint on labor supply. Additionally, some workers in industries that have a high degree of person-to-person contact could withdraw from (or remain out of) the labor market in the short-term, further exacerbating labor supply issues.

Pandemics are not normal economic variables that can be plugged into economic models, since they are rare. The last comparable pandemic in the U.S. occurred at the end of World War I when there were no vaccines and viruses were little understood. Political uncertainties also cloud the future, with congressional elections coming up in 2022 and the next presidential election in 2024. It is clear, however, that whatever forces shape the national economy will be strongly felt in California. If the imbalances described in the national section of this chapter ultimately produce a recession at some point, California will not escape. On the other hand, the impact of the short-term fiscal and monetary stimulus at the national level will also likely drive the state's economy forward in the more immediate future.

Chapter 2

Like Nothing Anyone Could Recall: *Evolution of the California Budget for 2021-22*

Daniel J.B Mitchell

Professor-Emeritus, UCLA Anderson School of Management
and UCLA Luskin School of Public Affairs

“Is that fun?” (Jimmy) Kimmel asked (Governor Gavin) Newsom about his job. “You’re asking me if being governor of California is fun? This last year?” the governor replied. “It’s been a helluva lot of fun.”

Sacramento Bee¹

In normal times, one California state budget follows another, generally without major controversy. During a downturn or economic slump, the fiscal challenge becomes more difficult as tax revenue drops and budget cuts – often politically painful – land on the agenda. During recoveries, revenues begin to return, and past spending cuts are often undone.

Fiscal year 2019-20 began as a boom year back in July 2019. Halfway through in January 2020, when the governor made his initial proposal for 2020-21, the outlook was still looking bright. Yes, there were reports of a viral disease in China which was beginning to spread outside that country. Some disturbing news about the disease was coming from Italy, where hospitals were beginning to be overwhelmed with cases. But the California unemployment rate was a little over four percent, quite low by historical standards, so what could possibly go wrong closer to home? As it turned out, the answer was just about everything.

By March 2020, Governor Gavin Newsom effectively shut down the state (and major parts of its economy) to deal with the spreading coronavirus (COVID-19) and to avoid an Italy-type situation from developing in California. Across the country in the New York City area, a major health crisis resembling that in Italy was already developing. By April, the official unemployment rate in California hit sixteen percent.

Schools, restaurants, and other entities in the state were closed or left to operate at low levels. While vaccines already were in development, none would become available until late 2020, and the general public would not have access to them until well into 2021. California, largely through emergency executive orders of the governor, experimented with various degrees of openings and closings, and experienced waves of disease incidence until vaccines came along and brought about a general reopening in June 2021. By the following July, however, the case count began to rise again including some “break-through” infections of individuals who were vaccinated.

Despite the virus and its ups and downs, the state’s budget process had to go on. When the initial shutdown occurred, the old budget proposal for 2020-21 that the governor had made in January 2020 was essentially scrapped. A new proposal was submitted by the governor in May 2020 for fiscal year 2020-21. Cuts in revenue compared to fiscal year 2019-20 were expected and a budget was enacted with reduced expenditures based on those pessimistic tax assumptions.

But then, the expected didn’t happen. Revenues came in above expectations, in fact well above. Moreover, with the change in Washington, DC from the Trump administration to the Biden administration, unanticipated aid came from the federal government. That fiscal/political shift was the background for budget enactment for the 2021-22 fiscal year. Also in the background, and increasingly in the foreground, was a recall effort to remove Governor Gavin Newsom from office before the regularly election of November 2022. A recall election was scheduled for mid-September 2021.

¹“Gavin Newsom, Live!” Capitol Alert of *Sacramento Bee*, May 31, 2021. Available at <https://www.sacbee.com/news/politics-government/capitol-alert/article251732138.html>.

In this chapter, we examine California’s state budget-making process in these unprecedented circumstances, taking the story through July 2021 when the 2021-22 budget-making cycle ended.

Budget 101

“‘When I use a word,’ Humpty Dumpty said in rather a scornful tone, ‘it means just what I choose it to mean — neither more nor less.’”

Through the Looking Glass²

While it is true that the same word can have different meanings and be defined in different ways, when it comes to budget accounting, terminology is best used consistently. Unfortunately, when it comes to state and local finance, including in California, loose language is the rule. Words and phrases such as “surplus,” “deficit,” and “balanced budget” are often used with varying meanings and without clear definitions. When officials use fuzzy terminology, news reports rarely go into detail as to what is meant by the terms they use. More typically, journalists simply report what is said without asking for precision or providing their audiences with definitions.

Flows and Stocks

It is important, despite the sloppy language often used, to have basic definitions so that when you read further on in this chapter that the state budget was in surplus or deficit (or balance) in a particular period, you will understand what is meant by the terminology. The first thing to understand is that fiscal accounting can be seen either as occurring over a period or, alternatively, at a moment in time. That is, there is a distinction between *stocks* and *flows*.

As we (properly) use the term “surplus” here, it means that during a specified period – usually a fiscal year – more money came into (flowed into) an account than went (flowed) out of it. “Deficit” means the opposite: less money came in than went out. (And, thus, a “balanced budget” is the knife-edge condition when the money coming in equals the money going out.) Note that all of these definitions involve *flows over time*, that is, it takes time for money to flow in or out.

In contrast to flow concepts, there are also *stock* concepts – definitions that apply to a moment in time, often the date marking the beginning or the end of a fiscal year. At that point, a given account could have assets in it or be in debt. But assets – a stock concept – are not the same thing as a surplus – a flow concept. And debt – which is a stock concept – is not the same thing as deficit – a flow concept.

Simple Example

The best way to understand these concepts and their differences is to use an example of a hypothetical standard checking account. A typical household will use its checking account to receive income from wages and other sources. It will then pay its day-to-day expenses from that checking account. In that sense, a household checking account is analogous to what is referred to in state and local finance as a “general fund” – the account a government uses to pay its ordinary ongoing expenses such as the salaries of civil service workers.

²Lewis Carroll, *Through the Looking Glass and What Alice Found There* (1871), Chapter 6. Available at <https://www.alice-in-wonderland.net/resources/chapters-script/through-the-looking-glass/chapter-6/>.

Suppose on January 1 of a given calendar year, you had \$1,000 in your checking account. Suppose at the end of the year you had \$700 in your account. For that change to have occurred, you must have spent a net of \$300 more than you received during that year. So, you had a deficit of \$300 during the year (outflows > inflows), even though you still had positive assets at the end of the year. Calling the remaining \$700 a surplus would be very misleading, particularly if it led you to believe that you could go on indefinitely with your spending habit. If you went on for three years with a deficit of \$300 in each, by the end of the fourth year, your checking account would be overdrawn by \$200, i.e., you would owe the bank \$200 (debt).

Now suppose you started the year with \$1,000 in your checking account and ended the year with \$1,100. In that case, you would have run a surplus of \$100 during the year. In both these examples, you can calculate your surplus or deficit by looking at what we might call the reserve in your account at the beginning of the year and again at the end of the year, and then subtracting the latter from the former.

Adding a Savings Account

We can complicate these two examples by adding a savings account to the mix. Suppose you had a savings account at the same bank with a directive to the bank to divert \$10 a month (\$120 a year) from the checking account (your “general fund”) to your savings account. You might think of the savings account as a “rainy day” fund, i.e., a reserve you would like to keep handy in case of some emergency, say, a job loss.

Suppose again that you started the year with \$1,000 and ended with \$700. Looking just at your checking account, you ran a deficit of \$300. But now we have to consider the fact that assets in your savings account were building up to the tune of \$120. So, your total net deficit – counting both your checking account and your savings account - is only \$180. In the second example, where your checking account was running a surplus of \$200, you would have a total net surplus of \$320.

As we will see, the actual California general fund – the state’s checking account for day-to-day expenses – in fact is associated with various savings accounts. Thus, as in the example above, to get a picture of the state’s fiscal affairs, you have to look at a combination of the general fund and the special savings accounts that are associated with the general fund. However, before we get to actual state budget numbers, there is one more complication to consider.

Cash and Accrual (and Creativity)

Most households focus on cash flowing in and out and on the cash (or debt) they have on hand. Businesses, however, often adjust their financial reports using “accrual” accounting. Accrual accounting is meant to give those who evaluate the business, say, the shareholders or potential lenders, a more accurate financial picture of how the business is faring.

Let’s go back to our initial example in which your checking account started with \$1,000 and ended with \$700. Imagine, however, that toward the end of the year, you had done some work on the side as an independent contractor and were owed \$400 at the end of the year but had not yet been paid. That \$400 which you are owed is an asset to you. Suppose in addition, that to do your independent contracting, you had used your credit card to buy \$75 of necessary supplies but the payment on the card wasn’t due until after the calendar year (so you have incurred a debt of \$75 but not yet paid it off). On an accrual basis you have accumulated net assets of \$325 (\$400 - \$75) which have not yet been

reflected on a cash basis in your checking account. Thus, on a cash basis, you had a deficit of \$300 but on an accrual basis you had a surplus of \$25.

Accrual accounting is supposed to give a more accurate picture of your financial situation than cash accounting since it removes accidents of payment timing. State and local governments typically use some version of accrual accounting when they enact and publish their budgets. In theory, it should be the case that you are able – as in our example above – to reconcile the accrual statements with the cash statements. California does present cash accounts as well as budgetary accrual accounts. But there is no real attempt by the state to publish a reconciliation of the two. And, as a further complication, cash statements of state revenue issued by the Department of Finance do not precisely agree with cash statements of revenue issued by the state controller.³

There is an additional problem with regard to accrual accounting as actually practiced by the state. Precise budgetary methodology for presenting state accounts is in the hands of the legislature. Thus, there is a certain “flexibility” in state accounting that might be frowned upon in the private sector. (Of course, creativity in accounting in the private sector also sometimes occurs.) In the next section, we will look at actual budgetary data for the State of California as applied to fiscal 2020-21 and fiscal 2021-22. Then, having reviewed the numbers, we will back up and look at the background history of the budget as it evolved during the very strange 2020-21 fiscal year and into early 2021-22.

The Actual State Budget

“I never knew it could be like this.”

Actress Deborah Kerr in the film “From Here to Eternity”⁴

Let’s start with a look at the state’s cash accounts for the general fund. Figure 1 shows cumulative receipts of cash in fiscal year 2020-21 as compared to the prior year and as compared to two forecasts for 2020-21. One projection was made in June 2020 when the fiscal year’s budget was enacted. The second was made in January 2021 as an adjunct to the governor’s proposal for the next year (2021-22).

More Cash Arriving

It’s not surprising that cash receipts in 2020-21 exceeded that of the prior year because the state deferred the due date for income and other taxes from mid-April to mid-July. (This shift in the due date affected cash accounts but not accrual accounts.) More importantly, actual cash receipts for 2020-21 ran well ahead of the pessimistic projections of June 2020. They even ran ahead of the January 2021 projections which were made at a time when it was becoming apparent that the earlier projections had been too pessimistic.

³For fiscal 2020-21, the Department of Finance’s reported cash revenue inflow exceeded the state controller’s estimate by a little over \$1 billion. See the July 2021 Department of Finance’s *Finance Bulletin*, available at https://dof.ca.gov/Forecasting/Economics/Economic_and_Revenue_Updates/documents/2021/Jul-21.pdf and the June 2021 state controller’s monthly cash statement at <https://sco.ca.gov/Files-ARD/CASH/JUNE2021StatementofGeneralFundCashReceiptsandDisbursements.pdf>. Both publications refer to the full fiscal year.

⁴Beach kiss scene: <https://www.youtube.com/watch?v=nvbRdxVLC7I>.

Spending Developments

Figure 2 shows actual cumulative spending (disbursements) in 2020-21 compared with forecasts of such spending made in June 2020 and January 2021. It also shows actual cumulative spending in the prior year, 2019-20. Because expected revenues for 2020-21 were originally projected on pessimistic assumptions, expected disbursements were cut relative to the prior year. But as good news on revenues arrived the level of spending was raised. In fact, spending was projected in January 2021 to rise *above* the prior year. But as it turned out, the enacting of spending plans was not the same as getting the money out the door. Implementing programs is harder than creating them. In the end, actual spending in 2020-21 was about the same in nominal terms as what occurred the year before.

Cash on Hand

The general fund, like your checking account, at any point in time shows some amount of money as a reserve. A positive amount can be viewed as a reserve available to be spent. As we will discuss in the next section, there are various state “savings” accounts apart from that reserve that are associated with the general fund which also provide a cushion of resources. But the state also maintains accounts outside the general fund for earmarked purposes designated by the legislature. The most familiar are trust funds for transportation into which flow receipts from gasoline and other transportation-related taxes. These funds finance roads and other forms of transit. Beyond these transportation-related accounts are myriad other earmarked accounts, all of which contain some cash for purposes deemed worthy by the legislature.

If necessary, the state can borrow from these outside funds to finance its general fund. Typically, such borrowing only occurs *within* a fiscal year. But on rare occasions of budgetary stress, it can cross from one fiscal year to another. Figure 3 shows that the total of all resources that were available and unused for such internal borrowing during fiscal 2020-21 floated around \$50 billion. Month-by-month, the level was well above the prior year and above what was initially forecast for 2020-21 in June 2020. It even finished the fiscal year well above the less pessimistic forecast made in January 2021. In short, there was a great deal of state cash on hand by the end of 2020-21, more than had been anticipated.

Evolution of the 2020-21 Budget Seen in Accrual Terms

As noted earlier, the governor and legislature enact a budget in accrual, not cash, terms. There are various dates at which a budget is analyzed, starting with its actual enactment. As Table 1 shows, the expectation back in June 2020 when the budget for fiscal 2020-21 was enacted was that there would be general fund revenues of about \$138 billion and spending of about \$134 billion. By itself, those estimates would produce a budget surplus of about \$4 billion, i.e., the reserve in the general fund would rise by about that amount.

However, there are various auxiliary savings accounts linked to the general fund whose reserves might rise or fall, depending on whether net revenue was fed into those accounts or whether those accounts were pulled down. These outside accounts are the Public School, Safety Net, and Budget Stabilization accounts, also shown on Table 1. When we add all of the starting reserves at the beginning of the year (July 1, 2020) and subtract the ending reserves (June 30, 2021), we can calculate the surpluses or deficits in each of these savings accounts.

When we sum them all together with the reserve in the general fund, we can calculate the overall surplus or deficit, which – as shown on Table 1 – was originally expected to be a deficit of about \$4.5 billion. Even with that deficit, total reserves would still be about \$15 billion at the end of the year in the original June 2020 projections, equivalent to about 11% of expenditures. Eleven percent is not bad by historical standards.

In November, the Legislative Analyst’s Office (LAO) re-estimated what was occurring in the 2020-21 budget and found that revenues and transfers were likely to be almost \$36 billion higher than originally forecast. It also estimated that spending would be almost \$13 billion higher than the original projection. However, when the governor released his own (really the Department of Finance’s) estimates for 2020-21 in January 2021, he was more conservative on revenues than the LAO, although he had higher estimates of spending.

Governor Newsom forecast in January 2021 that 2020-21 revenues would “only” be about \$25 billion higher than the original estimate. Spending would be higher by almost \$22 billion. But the net effect – taking accounts of changes in total reserves – would be a surplus of over \$3 billion instead of the original \$4.5 billion deficit, leaving total reserves at the end of the year at about 17% of expenditures.

By May 2021, the governor’s estimates of revenues and transfers into the general fund had risen further; by then he had projected they would be over \$49 billion higher than originally enacted. Spending would be up by over \$31 billion than originally planned. When the various state savings accounts were factored in, the estimated surplus for the year was about \$19 billion. State Democratic legislative leaders made a separate estimate that was closely aligned with the governor’s figures in June 2021. And when the budget for the next year (2021-22) was enacted, the governor’s estimates for the now-ended 2020-21 year was a surplus approaching \$20 billion. Reserves closed out the year at almost 26% of expenditures.

Such a swing in a given year’s budget over an eleven month period was unprecedented. It meant that there was substantial room in the 2021-22 budget for deficit spending since even a large deficit – *assuming it wouldn’t repeat indefinitely* - would not pull down reserves into some danger zone. Of course, the numbers by themselves do not explain why 2020-21 turned out so much better than expected, despite the slump caused by the coronavirus. What explained the large change?

Table 2 provides one factor in the better-than-anticipated results. The UCLA Anderson Forecast provides estimates of the state’s future economy on a quarterly basis. As can be seen on Table 2, the UCLA Forecast’s estimates of unemployment – one measure of economic performance - for fiscal 2020-21 were quite pessimistic as of June 2020. But by December 2020 (around the time the governor’s January 2021 estimates were being put together), its outlook for California had brightened. In the end (June 2021), it turned out that the Forecast had been a little too optimistic in December 2020. Even so, things were working out better than when the original budget for 2020-21 was enacted.

The aggregate economy, however, is not the whole story. State revenue to the general fund is heavily dependent on the personal income tax. And the California personal income tax is highly progressive and depends heavily on the top earners. The coronavirus slump had much less negative impact on those top earners – many of whom could work from home and did not lose their jobs – than it did on those with lower incomes. Moreover, top earner taxable incomes often come from financial markets. But the stock

market in particular, after an initial shudder, did well despite the slump. Also, additional, funds arrived from the federal government for coronavirus relief and for general economic stimulus.

Evolution of the 2021-22 Budget from Proposal to Enactment

The story of the budget proposal for 2021-22 is closely linked to the tale of the re-estimates of the 2020-21 budget. Back in November 2020, the LAO prepared what is sometimes termed a “workload” budget, an estimate of what the 2021-22 budget would be if no changes were made in taxes and programs. Table 3 shows the result. Although LAO did not provide estimates for the Public School account, it estimated that overall, the budget would be roughly balanced, although revenues and transfers would be below its estimates for 2020-21. The governor in January upped both revenue and spending estimates but still emerged with a roughly balanced budget.

While presenting a budget in January is mandatory for the governor under the state constitution, there is a long tradition of a second presentation in mid-May, the “May Revise,” which incorporates more recent economic and budgetary data. By May 2021, the governor’s proposals for spending had been ramped up substantially, as were his revenue and transfer estimates. Spending rose by more, so that his proposal for 2021-22 now included a deficit of roughly \$15 billion in total. But note that his estimate for 2020-21 included a surplus of over \$19 billion. Legislative Democrats came back with a modified proposal that differed in components but in macro terms was similar. Compromises were reached and the final product, which ended up emerging in bits and pieces in June and July 2021, remained in the vicinity of the May Revise.

With the overall numbers now in place, we go back through the timeline during fiscal 2020-21 and trace events that surrounded the evolution of the 2021-22 budget in the sections below.

Timeline: Summer of Discontent

“Californians are rightfully confused by the rapid, even erratic, changes of course that Gov. Gavin Newsom has steered in recent weeks after drawing praise for his early and straightforward actions in the first days of the public health crisis. Newsom’s regular... webcasts on COVID-19 have evolved into repetitive talkathons resembling those annoying public television fundraising breaks. At one he will boast of the state’s progress in slowing the infection rate, and at another chastise Californians for not wearing their masks and threaten a crackdown.”

Columnist Dan Walters, June 2020⁵

The enactment of the 2020-21 budget took place amidst a wave of coronavirus infections, shown on Figure 4, generally attributed at the time to a too-early reopening of the economy at the end of May 2020 along with crowds that gathered at protests over the George Floyd murder. For the governor, the pandemic had created a no-win situation. Public patience was wearing thin about the initial lockdown, even though it was heralded at the time as keeping California from experiencing an Italy-type situation of overwhelmed hospitals or the somewhat less severe situation that occurred in the New York City area.

⁵Dan Walters, “Newsom’s confusing COVID-19 decrees,” *CalMatters*, June 29, 2020. Available <https://calmatters.org/commentary/dan-walters/2020/06/california-newsoms-confusing-covid-19-reopening/>.

When the 2020-21 budget was enacted in June 2020, there was no vaccine in sight. And although much was made of “listening to the science,” there were too many unknowns to answer questions about exactly what the trade-off was between a relaxation of this or that restriction and resulting infections. Also unclear was how any particular relaxation would link to economic performance. The governor appointed a large task force of business and other leaders to advise him on the subject, but the task force was unwieldy, and it was never clear what role, if any, it was playing in decision making.

The Implementation Problem

Moreover, there was a temptation for Governor Newsom, at the lengthy “talkathons” referenced in the quote above, to promise new programs to deal with the virus situation that actually were slow in implementation. A major problem, which had become increasingly evident, was in the processing of unemployment insurance claims by the Employment Development Department (EDD). The volume of conventional claims, i.e., payroll employees laid off due to the coronavirus, had far exceeded what might be experienced in a normal economic downturn. And, in addition, EDD was expected to handle claims by “gig” workers – independent contractors such as Uber drivers – who normally were not eligible for unemployment compensation and for whom normal records of pay did not exist.

For those gig workers, EDD was supposed to rely largely on assertions by applicants, a process that caused a problem of vast fraud, with payouts that ended up going to prisoners and other con artists that were valued in the billions. Since those payments were outside the normal unemployment benefit program, the costs were borne by the federal government. Still, although other states faced similar problems, California seemed to outdo the others in paying out fraudulent claims.

At the same time, legitimate claimants were often unable to file claims or to receive assistance from EDD by phone. Large backlogs of claims developed, even for those persons who were able to file. Eventually, a “strike force” was created somehow to fix EDD’s problems, although it didn’t seem to have much effect.⁶

While individuals, particularly in politically conservative areas of the state, were increasingly resisting the various pandemic rules, there was one group of people who had little opportunity to engage in social distancing – state and local prisoners. In one case, prisoners from one prison where an outbreak had occurred were transferred to another facility, thus spreading the virus. But releasing prisoners carried both political and social risks, yet another dilemma for the governor not readily resolvable by “listening to the science.”

The closure of K-12 schools was initially seen as a necessity, and remote instruction by Zoom and other means was attempted, often without great success. And over the summer of 2020, the issue of whether schools could be reopened temporarily receded. Still, the issue of what might happen in the fall of 2020

⁶The unemployment insurance program had two elements, regular eligibility for payments (which are not particularly high in California), and pandemic supplements funded by the federal government. The regular payments are ultimately paid for through payroll taxes on employers. Eventually, the large volume of regular unemployment payments experienced in California will require increased taxes on California employers when what the state borrowed from the federal government to make the regular payments has to be paid back. Such payments are outside the state budget and the general fund. The other payments to gig workers and the pandemic supplements were federally-funded as noted in the text and were not part of the borrowing from the federal government.

hung in the air. Rules such as maintaining six feet distances between students were not going to work in buildings and classrooms not constructed for such purposes. In any case, there were still shortages reported of personal protective equipment (PPE) for schools. And although in the absence of vaccines, wholesale testing was seen as the appropriate public health strategy, capacity to do such testing and – importantly – report back the result on a timely basis was still lacking.

Continued Budget-in-Distress Perceptions

Since the perception was that the state budget was surely in distress, various public sector unions in state government had agreed to furloughs to save money. For those unions that didn't agree, the governor could in any case order furloughs.⁷ Governor Newsom said he would temporarily cut his own pay, but when journalists inquired, the promised cut turned out not to have happened. His cut was quickly implemented when the news came out, and the delay was attributed to an error. In any case, the various negotiated pay cut deals for state workers – reflecting an assumption of a budget crisis that turned out not to exist – remained in effect until July 1, 2021. (New deals undoing the cuts were then implemented.)

Meanwhile, desperate for more money, based on the same still-pessimistic budget crisis assumptions, some legislative Democrats dreamed up a plan to give taxpayers an incentive to pay their taxes early via discounts on taxation – in effect a complicated and expensive approach that amounted to borrowing. The plan, in the end, never was implemented. In any event, there was always the prospect or hope of more federal money, particularly for raging wildfires that had developed in California. Governor Newsom's strategy in that regard was to say nice things about the aid the Trump administration was providing for wildfire relief. Indeed, a clip of Newsom saying those nice things was aired at the Republican presidential convention.⁸

Apart from that clip of a Californian saying something nice about President Trump at the Republican convention, there was the spectacle of the governor's ex-wife, Kimberly Guilfoyle, saying nasty things about the state at the same event. She proclaimed that "*Democrats turned (California) into a land of discarded heroin needles in parks, riots in streets and blackouts in homes.*"⁹ The latter was a reference to electrical blackouts implemented during a heat wave that taxed the capacity of the state's power system.

In short, the summer of 2020 was a season of things going wrong and the initial impression being erased of a state effectively meeting the challenge of a pandemic. But as Figure 4 shows, in fact the wave of infections that developed early on in the summer peaked sometime in July and started to recede. The fall was expected to be a calmer period, at least measured by coronavirus cases. But there were other surprises coming.

⁷There had been – in the aftermath of the Great Recession of 2008 – a court ruling that the governor couldn't order furloughs without legislative approval. But in the coronavirus case, the legislative authorization of emergency powers for the governor was deemed to be the necessary authority.

⁸Available at <https://www.youtube.com/watch?v=KGfBALYs5n0>.

⁹Quoted in David Lightman, "Gavin Newsom's ex-wife takes on California in Republican National Convention speech," Capitol Alert of *Sacramento Bee*, August 24, 2020. Available at <https://www.sacbee.com/news/politics-government/capitol-alert/article245228045.html>.

Throughout the summer, the basic budget assumptions went largely unquestioned. The virus-induced slump surely would cut into state revenue dramatically. And the spending reductions that were enacted in June were assumed warranted by that assumption. But there were signs that more revenue was coming in than originally forecast. The cash statements of the state controller – see Figure 1 – showed that cumulative receipts were coming in above projections. But since the numbers might be a temporary fluke or blip, a wholesale reconsideration of the state’s fiscal situation was not undertaken during the summer despite these early revenue reports.

Timeline: The Troubles of the Fall

“Gov. Gavin Newsom dramatized the chasm that divides California – more severely than North versus South or inland versus the coast. Flouting his own guidelines and exhortations to Californians to avoid socializing, Governor Newsom and his wife joined a birthday celebration for a friend – and prominent lobbyist – at the luxurious French Laundry restaurant in the Napa Valley. It is hard to say which was more astounding, the hypocrisy or the hubris.”

Columnist Miriam Pawel, November 2020¹⁰

The acceptance of the original budget assumptions continued into the fall. The Legislative Analyst’s Office as late as early October, for example, issued a report that simply analyzed what the enacted budget had done without challenging its underlying projections.¹¹ It wasn’t until another month had elapsed that the LAO began to describe a “windfall” that might be arising and that would benefit the next budget year.¹² At that point, the Democratic leadership in the legislature began calling for reversing the previously enacted cuts in light of the good fiscal news.

Bills and Announcements

With the focus only beginning to turn to the budget and the possibility that revenue projections had been too pessimistic, other topics came to the fore – in part because the governor chose to emphasize them. Governor Newsom announced a policy of ending gasoline-powered cars in California by 2035, provoking an angry response from the Trump administration. He signed a bill aimed at reducing plastic waste. Thus, environmentalism was highlighted. In addition, he signed a bill that would enable the state to contract with drug manufacturers to produce common medications such as insulin at lower cost to consumers and another bill requiring “equal pay” reports from employers. Newsom signed a bill restricting local governments from switching employees from defined benefit pensions under CalPERS to defined contribution plans.

Although he had signed a bill requiring ethnic studies courses at CSU, he vetoed one requiring such courses in K-12 schools and called for further revisions of the plan. He also vetoed a bill that would have restricted police response to journalists to citations for such actions as failure to disperse and another providing certain protections for domestic workers. With his varied signings and vetoes, Newsom

¹⁰Miriam Pawel, “Gavin Newsom, What Were You Thinking?” *New York Times*, November 25, 2020. Available at <https://www.nytimes.com/2020/11/25/opinion/gavin-newsom-french-laundry-california.html>.

¹¹Legislative Analyst’s Office, *The 2020-21 Budget: Overview of the California Spending Plan*, October 7, 2020. Available at <https://lao.ca.gov/reports/2020/4263/spending-plan-2020.pdf>.

¹²Legislative Analyst’s Office, *The 2021-22 Budget: California’s Fiscal Outlook*, November 2020. Available at <https://lao.ca.gov/reports/2020/4297/fiscal-outlook-111820.pdf>.

seemed to be following what had been dubbed the “canoe theory” of California politics of his predecessor, Jerry Brown: paddling to the left, paddling to the right, and going down the middle.¹³

However, it’s hard to please everyone, even by following the canoe approach. The Disney CEO, Bob Iger, quit the economic recovery task force that Newsom had been created as it became clear that his membership wasn’t a ticket to getting his theme park reopened any time soon. The EDD problems persisted into the fall (and beyond) including a complaint by the state auditor that EDD was exposing claimants of ID theft by mailing out forms containing Social Security numbers. EDD’s director announced she would be retiring after being unable to undo the backlog of unprocessed unemployment benefit claims. (A new director was later brought in from the private sector, but the problems of unanswered phone calls and case backlogs continued.)

Dirty Laundry

And then, in mid-November, came the French Laundry affair. Newsom was photographed attending a dinner for a lobbyist at an extremely expensive restaurant, The French Laundry, in the Napa Valley. The presence of the governor and his wife at the dinner occurred at a time that Californians were being cautioned about socializing. Although the dinner may have been in accord with local health regulations, the spirit of the pandemic rules that the governor himself had been promoting in his many (too many?) video news conferences was clearly violated. In addition, dining at an extremely expensive restaurant when many state residents were in economic distress was political poison.

Newsom’s predecessor, Jerry Brown had always maintained an image of frugality and claimed in a subsequent interview that while he had heard tell of the French Laundry, he had been confused about it and thought it was in fact a laundry.¹⁴ The French Laundry affair was a gift to recall proponents. Later, they ran a weekly radio program in Los Angeles entitled “Friday Night at the French Laundry.”¹⁵

As it turned out, other public officials also were caught in similar circumstances. And it also was revealed that executives of the California Medical Association were at the same infamous dinner that the governor and his wife had attended. But somehow the governor’s French Laundry misbehavior remained in the public consciousness whereas memories regarding the dining foibles of others seemed to fade.

An apology by the governor in which he termed his dinner attendance a “bad mistake” did not put an end to the issue.¹⁶ Newsom issued a new “ethics memo” that was supposed to regulate relations with

¹³“Jerry Brown’s Canoe Theory,” *NBC Los Angeles*, July 19, 2011. Available at <https://www.nbclosangeles.com/news/national-international/jerry-brown-and-the-art-of-canoe-paddling/1886144/>.

¹⁴Brown interviewed about the recall at <https://archive.org/details/vaccine-lottery-prize-7-1-21/Brown+on+recall.mp4>.

¹⁵An episode is available at <https://archive.org/details/vaccine-lottery-prize-7-1-21/Friday+Night+at+the+French+Laundry+7-9-21.wmv>.

¹⁶Quoted in Sophia Bollag, “One of Gov. Gavin Newsom’s children quarantining after COVID-19 exposure,” *Capitol Alert of Sacramento Bee*, November 20, 2020. Available at <https://www.sacbee.com/news/politics-government/capitol-alert/article247337799.html>. The apology can be seen at the governor’s news conference of November 16, 2020 available at <https://archive.org/details/newsom-11-9-20/newsom+11-16-20.mp4> (minute 39:40) or direct to <https://www.youtube.com/watch?v=NafEJfGJqaQ>.

lobbyists. However, it was unclear that his memo would affect the lobbyist at the heart of the French Laundry affair.

Not surprisingly, as noted, the French Laundry dinner was cited by those who later succeeded in putting a recall election on the state ballot.¹⁷ Part of the reason was that, as shown in Figure 4, the coronavirus case rate was rising rapidly to a level that eventually far exceeded the surge in infections of the previous summer. The new surge led to the governor calling for another lockdown only a few days after the French Laundry affair hit the headlines and then disbanding his economic recovery task force.

Another factor perpetuating the memory of the French Laundry revelation was that the governor's children were found to be attending a private school which featured in-person instruction in contrast to the often-unsatisfactory remote offerings of most public schools. Parents in some public school systems were becoming increasingly concerned about inadequate Zoom classes. A lawsuit against the state was filed asserting that California was failing in its duties to provide an education under the state constitution.

Later, the City of San Francisco filed a similar suit against its own local school district. As time went on, there were threats of recalls against elected school boards over the reopening issue. But as the New Year approached, Governor Newsom hinted there would be financial incentives from the state to school districts to reopen in spring.

Another Lockdown

The new lockdown was a blow to small businesses that had survived the earlier lockdown. Given the better-than expected cash position of the state that was becoming apparent (Figure 3), Newsom allowed small businesses to defer transferring sales tax receipts that they had collected to the state for three months. In effect, the deferral program was a temporary interest-free loan. He also promised to work with the legislature to come up with other forms of assistance to small business.

As it turned out, what seemed to be the ultimate remedy for small business, for students, and for everyone else was coming into view: vaccines under the federal government's Operation Warp Speed program. The state began to fashion a priority list for vaccination based on such factors as occupation and age. In the end, however, as more and more vaccine became available, the need for rationing ceased. At this writing, everyone aged 12 and over is eligible for easily accessible and free vaccinations, and there is a possibility that approval will be granted for younger children to be vaccinated.

National Election Results

Given the oddities of the Electoral College process, neither Trump nor Biden campaigned in California since it was certain to go for Biden, although both candidates used the state for fundraising. Nonetheless, there was much public focus within the state in the presidential outcome. The national

¹⁷The French Laundry affair was reported to have a positive impact on the lobbyist involved, perhaps because it suggested that he had special influence with the governor. See Alexei Koseff, "His French Laundry birthday party with Newsom became infamous. Then his lobbying firm's revenue boomed," *San Francisco Chronicle*, May 19, 2021. Available at <https://www.sfchronicle.com/politics/article/After-French-Laundry-dinner-a-lobbying-boom-for-16186958.php>.

outcome competed for attention with the numerous state ballot measures on the same November 2020 ballot – shown on Table 4 – that were being posed to California voters.

The most significant budgetary item on the ballot was Prop 15, the split-roll initiative that would have raised local property taxes on commercial businesses, but it was defeated.¹⁸ Prop 19, was promoted as a property tax *break* for seniors, but actually was a mix of senior-related provisions that net *raised* money. Voters did approve Prop 19 and also voted for a new state bond issue to finance stem cell research under Prop 14. Eventually, the debt service for those stem cell bonds would have to come from future general fund expenditures.

The year 2020 closed with both a new budget for 2021-22 about to be put forward and a new external political configuration in the offing, thanks to the victory of Joe Biden for president. On the budget, as has been noted, the incoming news by then was better than originally expected in terms of state revenues. While we don't know for sure what forecasts the state Department of Finance was looking at when preparing the governor's budget proposals, we can see the change in the forecasting atmosphere from the UCLA Anderson Forecast shown on Table 2 to which we referred earlier.

UCLA-Anderson's June 2020 forecast for fiscal year 2021-22 put the average California unemployment rate at around 7.5 percent. (We are averaging the quarterly rates shown on Table 2.) But its December 2020 forecast for the same period put average unemployment for 2021-22 at a bit under 6 percent. In short, both the underlying state economy – particularly with vaccines coming online – and the revenue generating potential of that economy, looked much improved. The governor could look forward to presenting good budgetary news after the winter case surge began to abate.

On the political front, a series of vacancies developed. Once Joe Biden took his new office in January 2021, so, too, did his vice presidential running mate, California Senator Kamala Harris. The resulting U.S. Senate vacancy allowed Newsom to appoint California's Secretary of State Alex Padilla to fill that spot as the first Latinx California senator. In turn, the vacancy created by Padilla's elevation to the U.S. Senate allowed Newsom to fill the Secretary of State spot with Assemblymember Shirley Weber, the first African American in that role.¹⁹

In addition, California Attorney General Xavier Becerra was chosen by Biden to be U.S. Secretary of Health and Human Services. His new appointment created yet another state vacancy for Newsom to fill. Newsom appointed Assemblymember Rob Bonta as attorney general, a man of Filipino descent. The governor was thus able to appeal to diverse constituencies with his appointments although there was some grumbling over who got what.

The Recall Develops

The ability to fill three state slots that are normally elective was a plus for Newsom. But his emergency powers related to the coronavirus pandemic was a more mixed blessing. Rules such as the new winter lockdown regulations were unpopular with many folks in the business community and increasingly an

¹⁸Under Proposition 13 of 1978, residential and commercial properties are taxed under the same rules, essentially 1% of the purchase price plus an inflation adjustment of up to 2% per annum in the assessed value. Under a "split roll," commercial properties would have been taxed at an actual market valuation.

¹⁹It might be noted that March Fong Eu of Chinese descent was California's secretary of state for many years (1975-1994). She followed Jerry Brown in that role.

annoyance to others. By late 2020, the above-mentioned gubernatorial recall petition seemed increasingly likely to succeed. The effort, unlike earlier tries at a recall which had failed, was initially sponsored by a motley crew of gadflies but increasingly was supported by big GOP donors and other Republican politicians.

Normally, petitions for recalls and initiatives are gathered by professional signature gathering firms, essentially by persuading people coming in and out of supermarkets and other public places to sign. With a lockdown, however, there was less public circulation available for signature gathering. However, a court decision gave the recall proponents extra time to solicit support in light of the unusual pandemic situation.

Oddly, Democrats did not file an appeal of this extension decision. If such an appeal had succeeded in blocking the extra time, it might well have killed the recall effort.²⁰ But absent a reversal of the allowance of extra time, sufficient signatures were obtained.

The failure to appeal was not the only sloppy legal work on behalf of the governor. When he had to file his own papers as part of the recall process, someone forgot to indicate on the appropriate form that Newsom was a Democrat. The secretary of state (recently appointed by Newsom!) refused to correct the omission and a court declined to order her to do so. Since Newsom's anti-recall campaign sought to emphasize the idea that the recall was a Republican coup, lack of a Democratic designation next to Newsom's name was seen as a detriment to this effort.

Complaints of those supporting the recall and signing the petitions included pandemic-related grievances (school closings, limits on religious gathering, mask rules, etc.) as well as an uptick in crime and homeless encampments. Thus, some of the issues were pre-pandemic while others related directly to the pandemic regulations. And, of course, there was the French Laundry affair to stoke the recall campaign. Newsom dissuaded any notable Democrats from filing to be on the ballot. Thus, if the recall succeeded, his replacement would likely be a Republican and quite possibly one with far less support than Newsom's.

Timeline: Winter Winds

"We are on a much better fiscal footing than anyone could have imagined even a few months ago."

Governor Gavin Newsom at his January 2021 budget presentation²¹

"The state drew up an elaborate game plan for [vaccine] dissemination, with phases and tiers... But instead of a clear pecking order, the result was confusion and a sluggish rollout... State officials acknowledged the process was probably too methodical. [State Health and Human Services Agency

²⁰A lawsuit was filed by a private citizen in May 2021 arguing that the recall proponents should not have been given extra time. But it failed to stop the process. See John Howard, "Newsom recall challenged in California appeals court," *Capitol Weekly*, May 10, 2021. Available at <https://capitolweekly.net/newsom-recall-challenged-in-california-appeals-court/>.

²¹Quoted in Sophia Bollag, Lara Korte, and Hannah Wiley, "After a painful 2020, California's next budget will have far more cash than anticipated," *Capitol Alert of Sacramento Bee*, January 9, 2021. Available at <https://www.sacbee.com/news/politics-government/capitol-alert/article248383210.html>. The budget presentation can be seen at <https://archive.org/details/newsom-1-4-21/newsom+1-8-21+budget.mp4>.

Secretary Mark] Ghaly told reporters... that the state's approach 'has led to some delays in getting vaccine out into our communities.'"

Sacramento Bee, January 2021²²

January 2021 was a good news/bad news month. On one hand, the budget outlook had shifted dramatically for the better. The governor was able, first to leak, and then officially to announce in his budget message, a variety of new programs involving aid for small business, payments to individuals, encouragement of electric cars, and a variety of miscellaneous endeavors such as encouraging free college textbooks. Moreover, once the Biden administration took office, more federal aid and fewer clashes with the federal government were sure to be forthcoming.

On the other hand, there was the recall, which was becoming increasingly likely. In a complicated way, the January 6th insurrection in the Capitol building - in which Trump supporters tried to stop the process of confirming the Biden election - provided a talking point for Newsom. The recall could be painted as another effort by extremists to overturn an election, in this case, the November 2018 gubernatorial election that had put Newsom in office.²³ However, Newsom initially would speak about the recall only if reporters questioned him about it. He characterized the idea that he was relaxing some of the lockdown rules because of the recall threat as "complete utter nonsense."²⁴

===



Governor Newsom presents his January 2021 budget proposal on Facebook.

===

²²Dale Kasler, Sophia Bollag, Alexandra Yoon-Hendricks, Jason Pohl, and Tony Bizjak, "California lags far behind the rest of U.S. in COVID vaccinations. What went wrong," *Sacramento Bee*, January 15, 2021. Available at <https://www.sacbee.com/news/coronavirus/article248492950.html>.

²³An anti-recall campaign ad to this effect can be seen at <https://archive.org/details/dont-miss-your-shot-california-governors-want-you-to-get-the-covid-19-vaccine/Election+Rejection+6-17-21.mp4>.

²⁴News conference of January 25, 2021. Response available at https://www.youtube.com/watch?v=iQFy5diti_A. Full conference available at <https://archive.org/details/newsom-1-4-21/newsom+1-25-21.mp4>.

Slow Vaccines

The advent of vaccines beginning to flow from the federal government at the tail end of the Trump administration was eventually good news for Newsom. But as the flow began, the state fumbled the initial vaccine rollout. Initially, of course, there was not enough vaccine available to provide shots for everyone aged 18 and over (and later 12 and over at this writing). However, the complicated administrative apparatus and priorities for rationing that the state had created led to a backlog in getting out the limited vaccine that was on hand. Even for those technically eligible, finding where vaccinations could be had was a challenge.

===



Cars line up at Los Angeles County's mass vaccination site at the Inglewood Forum in mid-February 2021.

===

Compared with other states, California did poorly in distribution early in the vaccine rollout, even to the point of being satirized on "Saturday Night Live."²⁵ The state created a website – MyTurn – that was supposed to assist in finding available appointments, but it often proved to be unhelpful. The website program also seemed to promise that volunteers to assist in the vaccination effort would receive early shots, but only a handful of people were given assignments.

Blue Shield was enlisted by the governor to coordinate the lagging distribution program, but local governments complained adding a new administrator simply added a level of complexity to the process.

²⁵Available at <https://www.youtube.com/watch?v=B5rXK8HCL1Y>.

McKinsey & Company, a consulting firm, was brought in to help Blue Shield. Similar problems were reported in the Central Valley where another outside entity was brought in and also led to complaints by local authorities.

Meanwhile, there were more challenges from local governments to the pandemic lockdown rules. San Diego County challenged the shutdown of restaurants and had some success at the Superior Court level. However, on appeal, the state's position on restaurants was upheld. The U.S. Supreme Court, in contrast, upheld a challenge to the state's limits on indoor religious services.

The Unfixed EDD

The chronic EDD problems persisted. It was determined, as noted earlier, that payments had been made as the result of scams devised by out-of-state prisoners. At the same time, legitimate claimants continued to have payments denied or accounts improperly frozen. The use of various consultants brought in to help EDD seemed not to remedy the problems. And, with additional federal assistance for displaced workers being provided by the new Biden administration, the challenges of operating the system increased. A report issued in mid-March 2021 by UCLA's California Policy Lab indicated that 47 percent of the California workforce had applied for unemployment benefits at some point in the pandemic.²⁶ Pre-existing EDD deficiencies were being exacerbated by the large volume of claims and the new programs.

Unopened Schools

The drama surrounding reopening of K-12 schools also continued. Governor Newsom, although pushing rhetorically for school reopening, was unwilling to impose a mandate which would have put him in conflict with teachers' unions. Instead, he continued with a strategy of offering funding incentives to districts that did reopen and of prioritizing teachers and school employees for vaccinations as "essential workers."

Nevertheless, the incentive approach failed with the larger districts such as Los Angeles Unified and San Francisco (Newsom's home city). In the latter case, the district's elected school board fell to quarreling among themselves about matters such as renaming schools while failing to provide basic in-person instruction, even after the local coronavirus case rate dropped.²⁷ The district eventually provided what was derisively described as "Zoom in a room," whereby students were placed in a school classroom but were instructed via Zoom by a teacher located somewhere else. Tensions also appeared nearby in the smaller Berkeley school district where a group of parents videoed the head of the local teachers' union dropping his child off at an in-person private preschool.

²⁶Alex Bell, Thomas J. Hedin, Roozbeh Moghadam, Geoffrey Schnorr, and Till von Wachter, "An Analysis of Unemployment Insurance Claims in California During the COVID-19 Pandemic," UCLA California Policy Lab, March 18, 2021. Available at <https://www.capolicylab.org/wp-content/uploads/2021/03/March-18th-Analysis-of-CA-UI-Claims-during-the-COVID-19-Pandemic.pdf>.

²⁷The San Francisco school board removed one of its members as vice president due to anti-Asian tweets she had authored. She had said in 2016 that Asians were guilty of white supremacist thinking. Even before the pandemic, the San Francisco school board had been involved in a controversy that received national attention over removing or covering up a Great Depression-era school mural whose message the board members seemed to misunderstand.

State of the State

Normally, the governor’s January budget message and his State of the State address are close in timing and tend to emphasize similar themes. The budget message’s timing is constitutionally mandated and so could not be delayed. However, the State of the State’s timing is at the governor’s discretion. Coronavirus case numbers were topping off in January (Figure 4) and so a speech – which typically heralds achievements – might not have been well-suited for delivery early in the new year. The governor delayed the address until March 9, putting it between the January and May Revise budget proposal. In a way, therefore, the State of the State message provided a peek into thinking about the May Revise budget.

===



Governor Newsom delivers State of the State address, March 9, 2021, in Dodger Stadium.

===

By that time, three things were becoming evident. First, the fiscal situation of the state was continuing to outperform past forecasts. Second, a friendly Biden administration would indeed be providing additional assistance to California at both the state and local levels.²⁸ Third, it was becoming very likely that there would be a gubernatorial recall; recall organizers were already claiming they had sufficient signatures.

Thus, the State of the State speech – presented in an empty Dodger Stadium, also the location of a mass vaccination site – emphasized achievements in vaccine delivery while acknowledging that more speed would have been desirable. It emphasized the theme that the economy was “roaring back” (an assertion, however, that depended on which economic indicators one selected). And it alluded to the recall: “*So to the California critics, who are promoting partisan power grabs and outdated prejudices,*

²⁸Federal grants to California counties and cities are listed at <https://www.californiacitynews.org/2021/03/here%E2%80%99s-what-your-city-will-get-covid-relief-bill.html>.

and rejecting everything that makes California great, we say this: we will not be distracted from getting shots in arms and our economy booming again.”²⁹

Timeline: Prelude to the May Revise

“Am I worried about it. Of course, I’m worried about it. The nature of these things, the up or down question, the zero-sum nature of the question is challenging... so we’re taking it seriously.”

Governor Gavin Newsom on the impending recall, March 2021³⁰

In late March, the California Department of Public Health followed the federal Centers for Disease Control and Prevention (CDC) recommendation and indicated that the distance between school desks in K-12 in-person learning could be reduced to three feet (instead of six). In principle, this change made possible a general school reopening. It was clear that the governor wanted to induce a reopening through financial incentives instead of a mandate, but it was also evident that union opposition in big city districts was not going to be overcome by offering rewards. Over half of public school students in California were in remote learning at least part-time as of the end of April 2021, with affluent schools more likely than others to provide genuine full-time in-person instruction.³¹

Still, it was becoming clear that parental anger over continued remote learning was not being directed at the governor (or state legislators), but instead was mainly focused on local school district officials, unions, and elected school boards. And parental attitudes were diffused, with some parents preferring the remote approach while others wanted a return to normal. Thus, to the extent that the recall was putting pressure on the governor, the school issue was not developing as a major factor for him. Nonetheless, he continued to insist that there should be “*no more Zoom schools*” in the fall of 2021.³²

Recall Mechanics

One of the oddities of a recall is its two-part process. Voters in a gubernatorial recall election are offered two questions: 1) Should the governor be removed? and 2) Which candidate from a menu should replace him *if* a majority vote for removal. Question #1 is not a normal election with rival candidates and so there are no campaign contribution limits, allowing unrestricted fundraising (in this case by Newsom).

²⁹The 2021 State of the State address is available at <https://www.gov.ca.gov/2021/03/09/governor-newsom-delivers-state-of-the-state-address-charting-californias-path-to-a-brighter-future/> (text) and <https://archive.org/details/newsom-3-1-21/newsom+3-9-21+state+of+state.mp4> (video).

³⁰Quoted in Meg Cunningham, "California Gov. Gavin Newsom says he's 'worried' about recall effort," *ABC News*, March 16, 2021. Available at <https://abcnews.go.com/Politics/california-gov-gavin-newsom-worried-recall-effort/story>.

³¹Daniel J. Willis and John Fensterwald, "Over half of California public schools remain in distance learning," *EdSource*, May 5, 2021. Available at <https://edsources.org/2021/new-data-55-of-california-public-school-students-remain-in-distance-learning/653848>.

³²The governor called for “no more Zoom schools” on July 26, 2021, as part of a vaccine or test mandate for state workers and health care workers. See <https://www.youtube.com/watch?v=KMKrm94Lt2M>. The Zoom school reference is at minute 7:30.

On the other hand, question #2 involves a choice *between* alternative candidates as in a regular election, so the usual legal fundraising limits apply.³³

Candidates in a recall are running against each other although they all have a joint interest in removing the incumbent governor. Thus, they have a complicated messaging problem. Note that another anomalous element of recalls is that the incumbent governor can receive more votes than an alternative candidate and yet be replaced by the alternate. For example, a governor receiving 49 percent support for remaining in office would be removed under question #1. But the alternative candidate with the most votes under question #2 who would then take office might nonetheless have fewer votes than 49 percent.³⁴

As noted earlier, one thing that Newsom was able to insist on was that other prominent Democrats *not* run. The only prominent Democrat who made any public moves to be a candidate was billionaire Tom Steyer and he was quickly dissuaded by poor polling results. As a result, any alternative candidates with even a remote chance would either be Republicans or independents. Thus, as noted, ads for the governor could thus target the entire recall as a kind of Republican coup attempt, a mini-version of the January 6th, 2021 insurrection in Washington, DC by Trump supporters.³⁵

Moreover, as a practical matter, if any candidate did succeed in replacing Newsom in the recall, whoever it was would only serve until January 2023 when Newsom's term would normally expire, not a lot of time to accomplish much, particularly when facing what would surely be a hostile legislature. To serve beyond that date would require winning a further term in the November 2022 general election. No Republican has won a statewide office in California since 2006.

In any case, recalling an elected official is in theory based on the idea that a replacement would have done a better job. It was easy to find criticisms of Governor Newsom in the context of the coronavirus crisis. Apart from the French Laundry scandal, there was the problem of EDD and the issuing of unemployment checks to scammers while legitimate claimants had trouble filing for benefits. Nonetheless, given the stresses of being in charge during a major health and economic crisis, the notion that someone else would have done better is easy to assert but impossible to prove.

Vaccines as an Issue

Vaccine distribution could have become a recall election issue had California continued to lag in that area. But gradually the lag was reduced and by the summer California was doing well in comparison to other states in both distribution and in low infection rates. Newsom was careful not to be seen as jumping the queue and did not get his personal shot until late March 2021 when individuals over age 50 became eligible. He then got the Johnson & Johnson one-shot vaccine.

³³Alternative candidates were required to submit five years of income tax returns under a law that had originally been aimed at Donald Trump in the 2020 California presidential primary. Trump refused to make his returns public in both the 2016 and 2020 elections. The Trump/primary component was voided in a court decision, but the requirement remained for other offices.

³⁴Such a perverse result did not occur in the 2003 recall of incumbent governor Gray Davis. Davis received about 45 percent support and his replacement, Arnold Schwarzenegger, received 49 percent.

³⁵See the pro-Newsom ad "Election Rejection" at <https://archive.org/details/jenner-recall-5-4-21/Election+Rejection+6-17-21.mp4>.

By early April, Newsom was promising that the California economy would be reopening in June. With the improving budget situation, new programs could be announced such as new wildfire prevention and suppression funding. The governor announced that with regard to the pandemic, he could see “*a bright light at the end of the tunnel.*”³⁶

Water and Population

One piece of impending bad news was a developing drought. There was pressure to declare an emergency and to impose mandated water restrictions, pressure which Newsom resisted. Even as late as in early July 2021, Newsom, while asking for a statewide 15 percent cut in water use, made his request voluntary. However, there were other continuing issues that could be held against Newsom in the recall. Census Bureau estimates indicated that California’s population growth had come to a halt. In fact, the state’s Department of Finance estimated that the California population had actually *fallen* in 2020.

In fact, the state – which had outpaced the national population growth rate from the mid-19th century until around 1990 – had exhibited average or subaverage growth thereafter. When the Cold War ended, and with it the infusion of federal military and aerospace spending, California lost its supernormal trend. But in the context of the twenty-first century, this loss was seen as tied to a lack of affordable housing and even to homelessness. In political terms, California was slated to lose one of its congressional seats as population growth ground to a halt. And, in the context of the recall, the issues of affordable housing and homeless encampments were fodder for any plausible recall candidates that might emerge.

The idea was that because of unaffordable housing, people were being displaced to the streets or had to leave the state for areas where the cost of living was lower. A rather pointless debate developed as to whether the population slowdown and even decline represented an “exodus,” a word with Biblical connotations. There were assertions that most California residents weren’t planning to move out. But it was of course true that 39 million people hadn’t suddenly started packing their bags. Economic trends generally take place at the margin and not at the average. The cost of living and lack of affordable housing in California were issues, but whether a recall of the governor was the solution was another matter.

Timeline: From May Revise to Enacted Budget

“It’s a remarkable turnaround. California is not coming back; California is going to come roaring back.”

Governor Gavin Newsom shortly after May Revise budget was unveiled³⁷

“As was the case in 2003, the list of candidates [in the recall] included a wide cross-section of Californians, including pastors, YouTubers, a Calaveras County bail bondsman, a veteran TV character actor, a Libertarian rapper, a self-described socialist who previously ran for mayor of Irvine, an entertainer who gives tours of sites related to the O.J. Simpson murder trial in a 1994 Ford Bronco and a Home Shopping Network jewelry expert.”

³⁶Quoted in “Nearly halfway there,” *CalMatters/Whatmatters*, April 16, 2021. Available at <https://calmatters.org/newsletters/whatmatters/2021/04/california-hits-vaccine-milestone/>.

³⁷Quoted in Sophia Bollag, “Californians would get COVID stimulus money in Newsom plan,” *Sacramento Bee*, May 10, 2021. Available at <https://www.sacbee.com/news/politics-government/capitol-alert/article251283814.html>.

The presentation of the May Revise budget came at a point when the final stages of determining whether there would be a recall election were occurring. In theory, opponents had an official interval when they could try to persuade those voters who had signed the recall petition to unsign. But after a half-hearted effort in that endeavor was mounted, it became apparent that there was no chance of removing sufficient signatures to make a difference. On the other hand, the May Revise itself could make a difference in the outcome of the recall since it presented an opportunity to announce popular programs and general good news about the budget.

===



Governor Gavin Newsom presents his May Revise budget proposal, May 14, 2021.

===

Sloppy Fiscal Language

There was a meaningless controversy about whether what was mislabeled the “surplus” was \$75 or \$76 billion – governor’s headline figure - or only \$38 billion, the Legislative Analyst’s Office adjustment. As we have noted, there is a tendency to misuse the word “surplus” in ways that deviate from the simple idea of a surplus being the difference between inflows and outflows. What seemed to be involved was that “surplus” was being used to mean something like a surprise or a windfall amount of state money that could be prudently spent in the governor’s opinion or in somebody else’s opinion.

³⁸Excerpt from Seema Mehta and Julia Wick, “As list of recall candidates takes shape, Jenner’s in Australia for a TV show,” *Los Angeles Times*, July 16, 2021. Available at <https://www.latimes.com/politics/story/2021-07-16/deadline-candidates-recall>.

If you look at the revenue originally expected for fiscal 2020-21 and what was estimated in the May (2021) Revise, you get about \$50 billion. (Table 1) If you look at the revenue projections made by LAO for the 2021-22 budget back in November 2020 and compare them to the May (2021) Revise, you get roughly another \$25 billion (Table 3), so you could say you had \$75 billion total of surprise money. But LAO argued that you had to subtract off the additional mandatory spending that had to accompany the revenue surprise and arrived at \$38 billion.

In contrast, the governor sometimes chose to add another \$25 billion or so as surprise money from the Biden administration for a nice round \$100 billion. Journalists reported the difference between the numbers in a he-said/she-said manner that emphasized the conflict rather than the question of whether any of these numbers assisted in promoting an understanding of the budget situation. And, in reality, neither number was of any importance. Both were examples of chronic sloppy budget language.

Getting It Done: Piece by Piece

The legislature enacted a “budget” by the mid-June constitutional deadline, but in fact budget negotiations between legislative Democrats and the governor continued thereafter. A budget was then enacted in pieces through various legislation – so-called trailer bills that continued to flow out until late July. The last trailer bill provided for a significant expansion of Medi-Cal coverage to residents (regardless of immigration status) aged 50 and over. There was in fact a *pot pourri* of new and expanded programs.

If you examine the 2021-22 budget in detail, you will find such programs as pre-K education, student housing at UC and CSU, continuation of “Project Roomkey” for the homeless, various expansions of the state’s Medi-Cal (Medicaid) program, wildfire prevention programs, anti-drought programs, promotion of clean energy, expansion of broadband, etc., as well as programs specific to the pandemic. All of the new programs were proposed and enacted against the background of the impending recall election.

The Recall and the Pandemic

Polling data suggested in late July that the governor would survive the recall but that the outcome could depend on turnout. Republicans – supporting the recall – appeared more likely to turn out than Democrats.³⁹ Although many alternative candidates qualified for the ballot, only a handful had any name recognition. But Republicans seemed more interested in removing Newsom from office than in the question of who would succeed him if he were to be removed. Clearly, removal would be a Big Deal. On the other hand, a failure to remove the governor could be a Last Hurrah for the Republican Party in California whose support in the state has been in a long-term decline.

Coronavirus cases were rising again as the budget cycle ended, mainly among the unvaccinated. Nevertheless, “break-through” cases of vaccinated individuals attributed to a virus variant were also occurring, raising the specter of new lockdowns. Governor Newsom issued an order that all state workers and health care workers either be vaccinated or submit to weekly testing.

A new mini-scandal arose when it appeared that two of the governor’s children were attending a summer camp that was ignoring a mask mandate. The children were withdrawn, and it was said that the governor was unaware of an email from the camp that announced the no-mask policy. Thus, the budget

³⁹Berkeley-IGS poll, July 27, 2021. Available at <https://mailchi.mp/berkeley.edu/berkeley-igs-poll-2021-1185580>.

cycle for enacting the 2021-22 budget ended with uncertainty about the short-term future of the state's economy, the coronavirus situation, the recall election, as well as national political developments.

Where Do We Go from Here?

"People that have been directly impacted by this pandemic... we will pay 100% of your rent going back to April of last year... and going forward to Sept. 30 of this year. One hundred percent of your rent... And you say, 'That's great, but I've got this water bill, I've got this electric bill.' We will pay 100% of those bills as well."

Governor Gavin Newsom, July 2021⁴⁰

"The state is now spending money; it's not sustainable. We need a more frugal, sustainable, more prudent way of doing business. I would predict that certainly within two years, we're going to see fiscal stress."

Former Governor Jerry Brown, July 2021⁴¹

California – through a variety of very unusual circumstances – was able to enact a series of ambitious programs that even had the coronavirus pandemic not occurred, would have been hard to foresee only a few years ago. As the quote from former governor Jerry Brown above indicates, there is a question about what happens in the future. Have we created public expectations of, and demands for, state services that will not be sustainable in some coming downturn?

Short Term vs. Long Term

Jerry Brown in the quote above referred to “fiscal stress” within two years, i.e., a relatively short time horizon. Much can happen in the next two years or so, both in economic and political terms, and at the national as well as the state level. The future course of the pandemic is also a question. At this writing, new variants of the original virus are proving especially contagious, even affecting vaccinated individuals (although the unvaccinated remain especially vulnerable to serious and even fatal outcomes). First the University of California, then the governor with regard to state workers and health care workers, and then the California State University system, mandated vaccination in response.⁴²

But what about a longer perspective, even beyond the pandemic? California grew in population from the end of World War II until 1990 – the end of the Cold War – at a bit over 2.6 percent per annum, a relatively rapid pace and notably faster than the nation as a whole. Apart from natural increase (births > deaths), California was a net importer of people, both from abroad and from the rest of the U.S. in that period. There is a tendency now to look back at that 1945-1990 period as something of a lost Golden Age and to look for state policy changes that could somehow bring it back.

⁴⁰“Newsom Promotes Cash Payments,” *CalMatters/WhatMatters*, July 14, 2021. Available at <https://us11.campaign-archive.com/?e=cd8ca92ba1&u=5f4af3af825368013c58e4547&id=dc4d19f866>.

⁴¹Eric Ting, “Jerry Brown criticizes Gavin Newsom, California Legislature for spending spree, stimulus checks,” *SFGATE*, July 14, 2021. Available at <https://www.sfgate.com/gavin-newsom-recall/article/Jerry-Brown-California-budget-stimulus-check-spend-16314169.php>.

⁴²The governor's mandate was for vaccination or weekly testing. See <https://www.youtube.com/watch?v=KMKrm94Lt2M>.

After 1990, California's population growth was no longer above the U.S. average and there was little growth at all toward the end of the 2010s. Over the entire 1990-2020 period, the state grew in population about 1 percent per annum, about the same rate as the U.S. as a whole. Similar trend shifts were evident in employment as well as total population. Often cited as a cause for this loss of California's supernormal growth was the state's high cost of living, particularly in housing. There was a sense that if only we could fix the housing cost situation, the Golden Age would return.

As Figure 5 indicates, there was a housing price bubble which burst during the Great Recession of 2008. But after a decline, prices resumed their upward march. The high cost of owner-occupied housing was matched with increasing rents. All kinds of solutions were put forth, many involving relaxing local zoning standards and building permit requirements (such as parking), perhaps through a state mandate, to increase population density. But even assuming the validity of such arguments, the question is always "how big an effect would such policy changes produce?" Would those changes return California to its old Golden Age growth path?

If the goal is to return to the Golden Age pace of growth, or even a more moderate pace, the challenge surely goes beyond zoning, housing construction standards, and density. Figure 6 shows three alternative scenarios of California population growth. The lower continuous line shows the actual trend from 1990 to 2020 and then projections of population for 2030 and 2040 from the California Department of Finance (DOF). If the prior period 1945-1990 was a Golden Age, the years after 1990 are a kind of Paradise Lost and DOF essentially assumes continued sluggish population growth into the future.

More People; More Costs of Support

Suppose we could go back to 1990, wave a magic wand, and retroactively continue the pace of Golden Age growth. By 2020, instead of a bit under 40 million people, California under the continued Golden Age scenario would have had a population of over 65 million. Not only would those extra roughly 15 million people have needed housing, but they would also have needed water, power, transportation, schools, university slots, etc. And by 2040, under California's hypothetical continued Golden Age, the state population would be approaching 110 million. Where would those people be living? *How* would they be living? Would they have generated the budgetary revenue through taxes, both state and local, to produce that needed infrastructure and support?

If traveling back in time and restarting the Golden Age seems unrealistic, what if we had a lesser magic wand that simply could have restarted the pace of Golden Age growth in 2020 and could have continued it thereafter. That is, suppose we let the past be what it actually was but then suddenly adopted some path-breaking new policies that would produce Golden Age expansion again.

Compared to the DOF projection for 2030, there would be an extra 10 million folks in California with those same infrastructure and support needs cited earlier. And by 2040, there would be well over 20 million more than DOF projects. In short, if the target is to return to the Golden Age growth in some form, California would face budgetary pressures which might well be beyond its capacity.

Note that the Golden Age took place during a period when environmental concerns were at a lower level than they are today. And, going forward, climate change may render obsolete some of the

infrastructure we have today, especially with regard to water. Where will the money for adapting that infrastructure come from for the existing population?

The point is that even if a more moderate rate of growth is the goal, the same fiscal questions arise. More growth and more people mean more infrastructure costs, even apart from the cost that climate change seems to be imposing. You can defer such costs to the future through borrowing, as is often done with long-lived bond-financed infrastructure. But eventually someone must pay.

Identifying the Villain

As noted, the Golden Age ended when the Cold War ended and with it the inflow of federal dollars for the state's aerospace and related military industries. So, if you are looking for a villain that killed off the Golden Age, zoning by itself seems a poor choice. Zoning in California wasn't much different before and after the Cold War ended. But the break from the past that occurred circa 1990 was sharp.

In 1990, California entered a multi-year state budget crisis when the decline of aerospace and other related industries led to a revenue slump. Californians, who were used to an ever-increasing budget "pot" suddenly were faced with a situation – more typical of other states – in which if you want to spend more on program X, you either decrease spending on Y or you raise taxes. With an expanding fiscal pot reflecting supernormal economic growth, the trade-offs are not so stark.

There were subperiods within the post-1990 era in which it seemed that the old days had returned. The dot-com boom in the late 1990s poured money into state coffers. But it was followed by the dot-com bust and another budget crisis. The housing bubble/boom of the mid-2000s similarly provided revenue that went away during the housing bust, producing yet another state fiscal crisis. But the long run trend - averaging out the booms and busts - became slow growth. If you want to return to a situation in which there is rapid population growth on average, someone is going to have to pay for the necessary support system. The degree to which it will be the federal government is at best uncertain.

Diminishing Returns

Put another way, there are likely to be budgetary diminishing returns to growth in the future, something that the end of the Cold War previewed. Currently in California, these diminishing returns are expressed as housing costs. If you make policy changes that somehow make housing more affordable and thus accommodate more people, the rising marginal costs will be expressed in stresses on, and costs in, infrastructure and other support systems. The issue of climate change's impact on existing infrastructure and the increased environmental sensitivities compared with what prevailed in the Golden Age simply add to those costs.

Conclusion

"The future lies ahead."

Comedian Mort Sahl (1958)⁴³

There is a sense that there is no conclusion to the story of California state budget making. Each year's budget is a prelude to the next. What occurs under one budget is the starting point for the one that

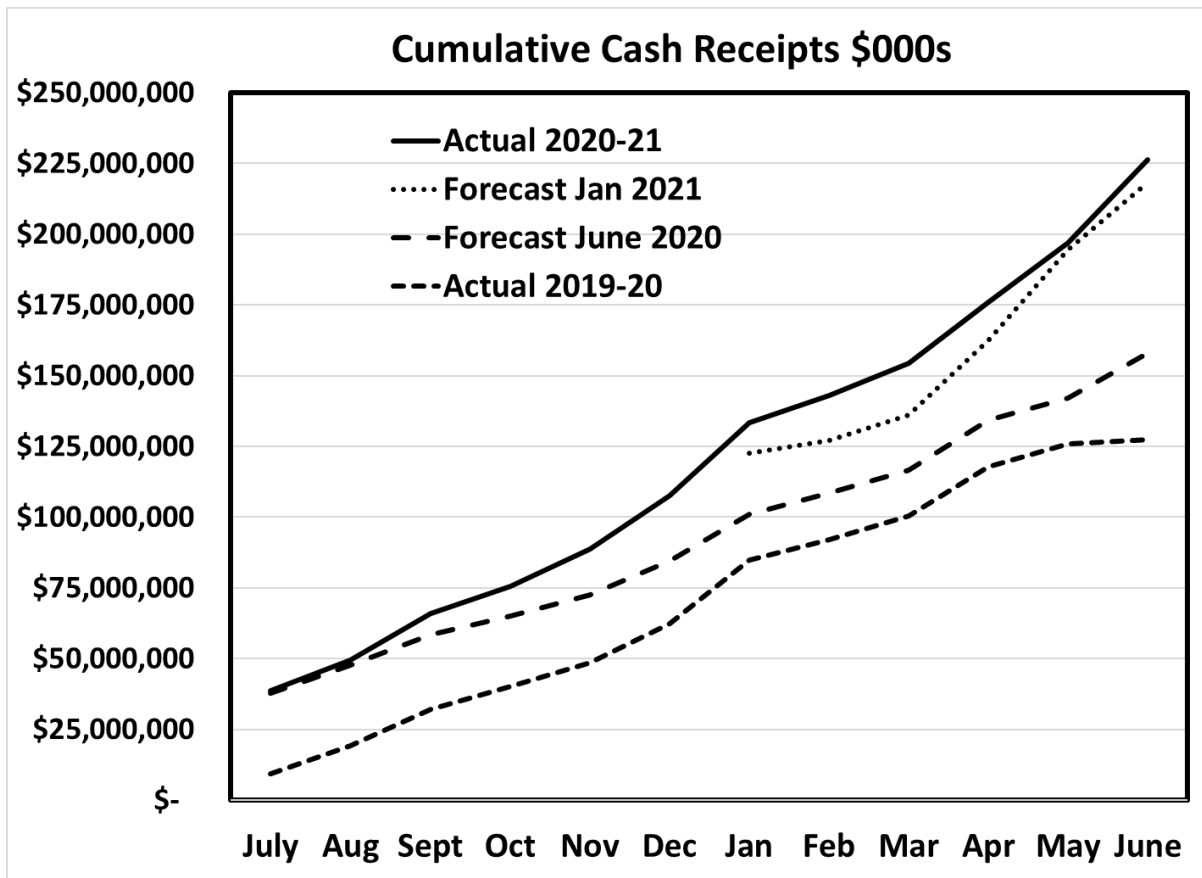
⁴³Title of Sahl's recorded humorous commentary on the Eisenhower years:
<https://www.youtube.com/watch?v=kpx8m2230lk>.

follows. The making of the 2021-22 budget occurred in a unique circumstance, a pandemic that didn't result in an expected drop in revenue during prior budget year, thus leading to substantial state reserves. In addition, there was a shift in Washington, DC to a friendly presidential administration. With unexpected resources and a gubernatorial recall threatening, a budget was produced with a heavy focus on the present.

Apart from Jerry Brown's concerns about state budgeting stresses arising in the short term business cycle sense, concerns which are real enough, there are more complex longer term challenges to state fiscal affairs. In the context of the whiplash from an expected sharp drop in state resources due to the pandemic to a budget that seemed flush with cash – and with a recall threat hanging above the governor – budgeting for 2021-22 was not undertaken with an eye to long term issues. The budget climate surrounding the making of the 2021-22 seemed great. There seemed to be money for everything. But that which cannot go on forever must eventually come to an end.⁴⁴

⁴⁴The author's version of (Herbert) Stein's law: "If something cannot go on forever, it will stop." Stein was President Nixon's chief economic advisor. If you Google the Stein quote, it is attributed to Stein in the mid-1980s. But the author remembers him saying something closer to the line in the text during the Nixon years, probably in reference to the inflation of that era.

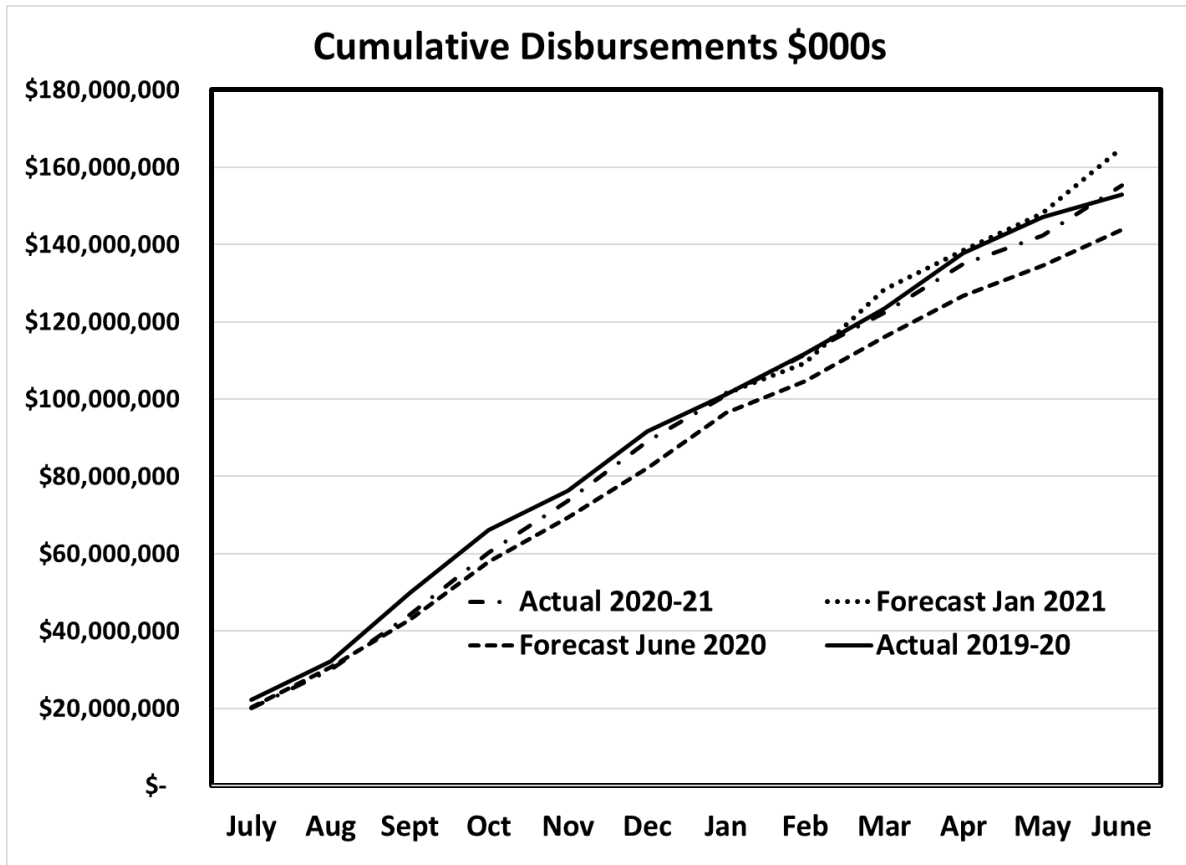
Figure 1



Source: Monthly cash statements of California state controller. Available at https://sco.ca.gov/ard_state_cash_fy2021.html.

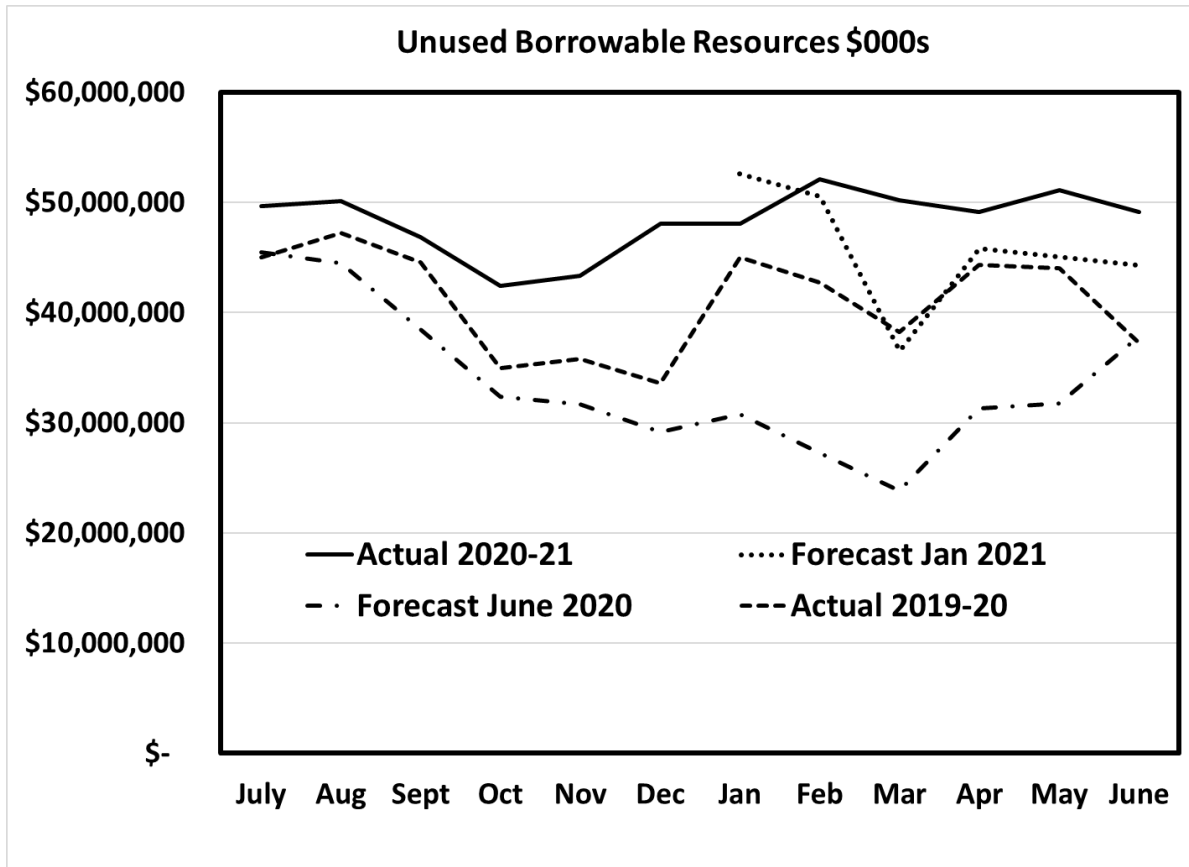
Note: Income taxes normally due in April 2020 were deferred until July 2020.

Figure 2



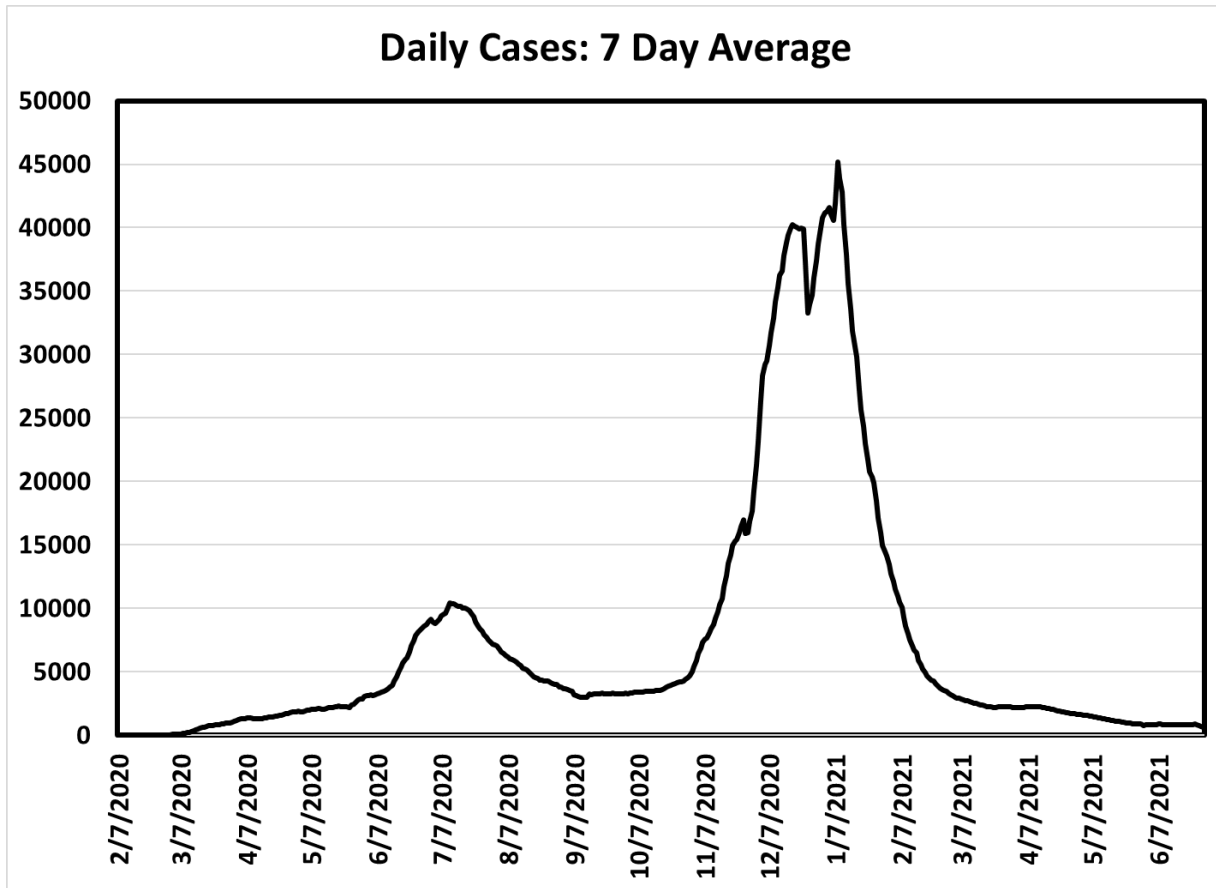
Source: Monthly cash statements of California state controller. Available at https://sco.ca.gov/ard_state_cash_fy2021.html.

Figure 3



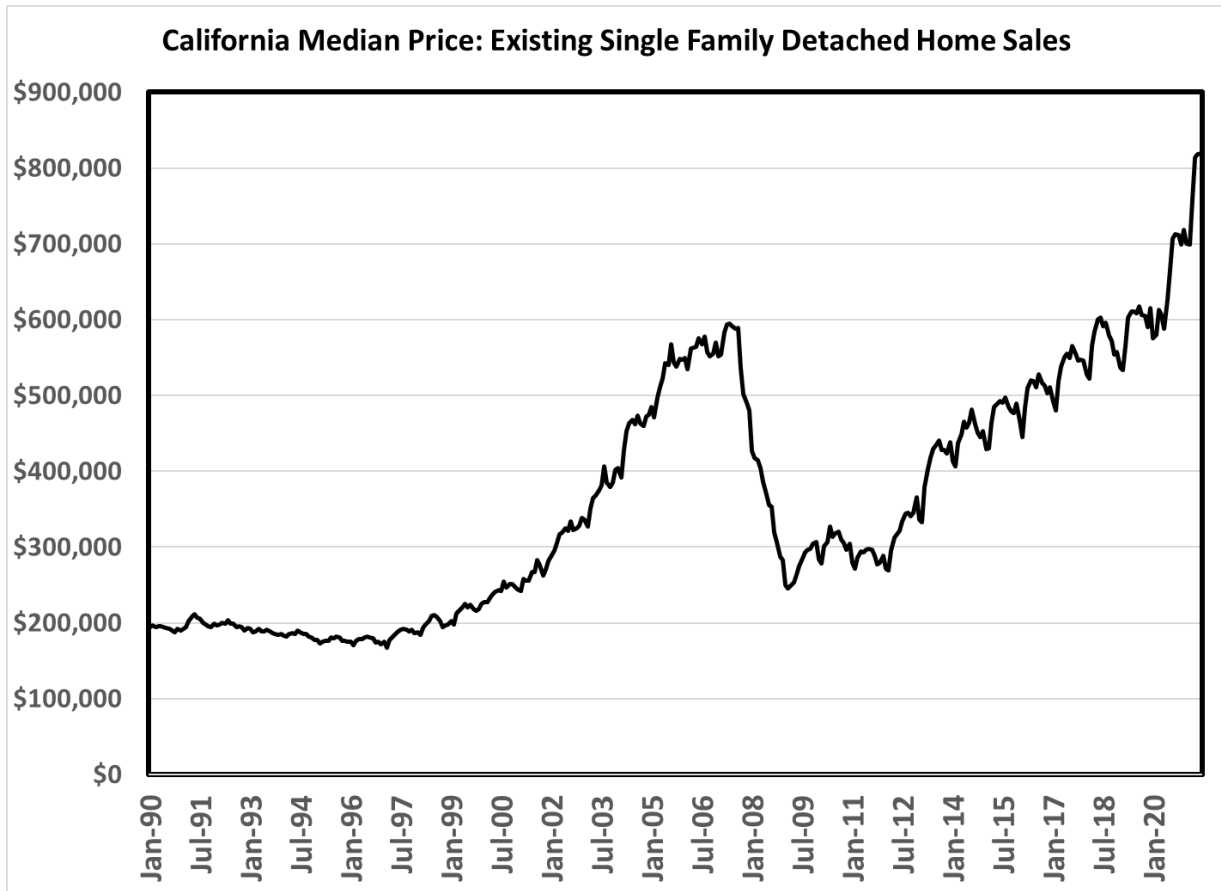
Source: Monthly cash statements of California state controller. Available at https://sco.ca.gov/ard_state_cash_fy2021.html.

Figure 4 Coronavirus Cases



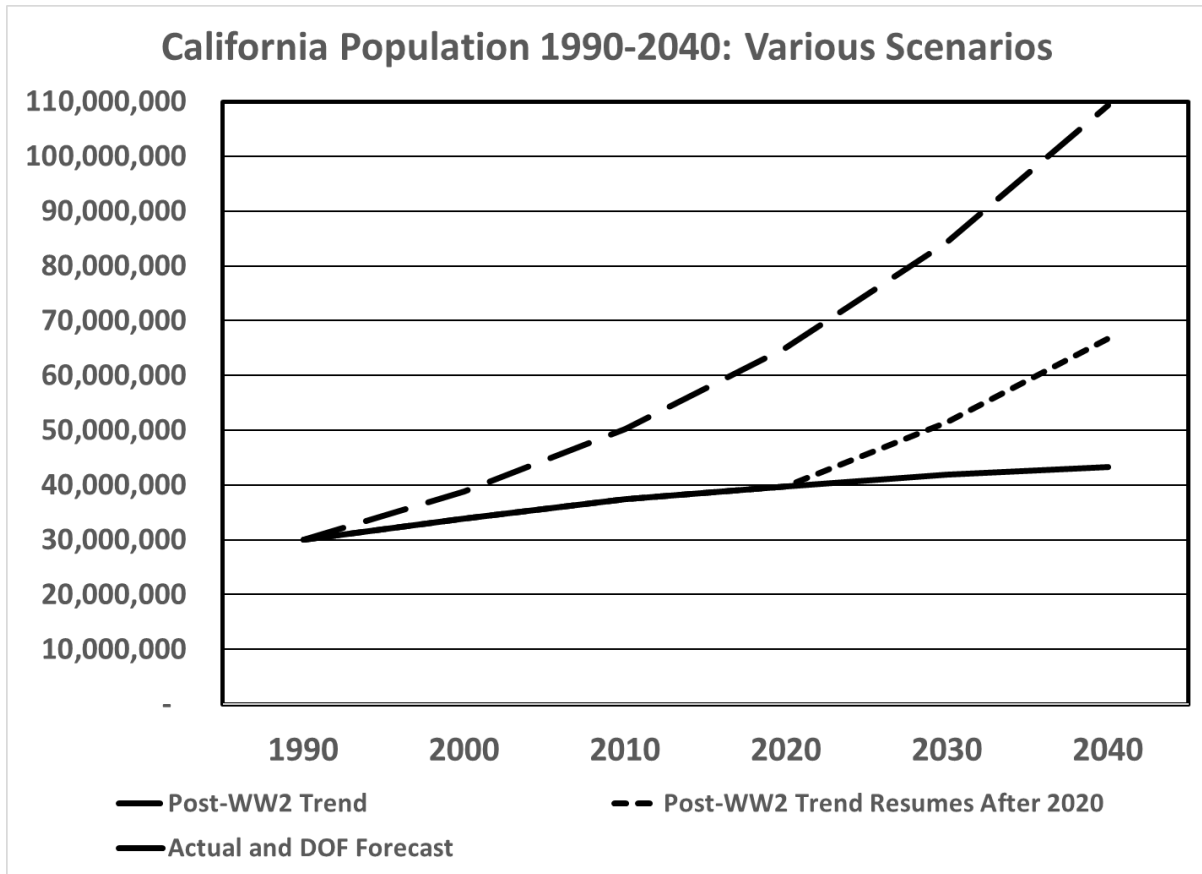
Source: California Open Data Portal. Available at https://data.chhs.ca.gov/dataset/f333528b-4d38-4814-bebb-12db1f10f535/resource/046cdd2b-31e5-4d34-9ed3-b48cdbc4be7a/download/covid19cases_test.csv.

Figure 5



Source: California Association of Realtors. Data for January 1990 – June 2021 available at <https://car.sharefile.com/d-s0c02663a5c54e23a>.

Figure 6



Source: California Department of Finance:

https://dof.ca.gov/Forecasting/Demographics/Projections/documents/P1A_State_Total.xlsx.

Table 1

Evolution of the 2020-21 Budget (\$Millions)							
Budget for Year	2020-21	2020-21	2020-21	2020-21	2020-21	2020-21	2020-21
Source of Estimate	Governor	LAO	Governor	Governor	Legislature (LAO)	c	Governor
Date of Estimate	June 2020	Nov 2020	Jan 2021	May 2021	June 2021		July 2021
							d
General Fund							
Reserve July 1, 2020	\$ 1,972	\$ 5,550	\$ 5,359	\$ 5,658	\$ 6,361		\$ 5,557
Revenue & Transfers	\$ 137,719	\$ 173,464	\$ 162,742	\$ 187,020	\$ 187,661		\$ 188,775
Expenditures	\$ 133,900	\$ 146,855	\$ 155,898	\$ 165,243	\$ 165,809		\$ 166,083
Surplus/Deficit	\$ 3,819	\$ 26,609	\$ 6,844	\$ 21,777	\$ 21,852		\$ 22,692
Reserve June 30, 2021	\$ 5,791	\$ 32,159	\$ 12,203	\$ 27,435	\$ 28,213		\$ 28,249
Public School							
Reserve July 1, 2020	\$ 524	a na	\$ 524	a \$ 524	\$ 524	c	\$ 524
Reserve June 30, 2021	\$ 487	a na	\$ 747	\$ 1,984	\$ 1,984	c	\$ 1,889
Surplus/Deficit	\$ (37)	na	\$ 223	\$ 1,460	\$ 1,460	c	\$ 1,365
Safety Net							
Reserve July 1, 2020	\$ 900	\$ 450	\$ 450	\$ 900	\$ 900		\$ 900
Reserve June 30, 2021	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450		\$ 450
Surplus/Deficit	\$ (450)	\$ -	\$ -	\$ (450)	\$ (450)		\$ (450)
Budget Stabilization							
Reserve July 1	\$ 16,116	16489	\$ 16,489	b \$ 16,116	\$ 16,116		\$ 16,116
Reserve June 30, 2021	\$ 8,310	8683	\$ 12,536	\$ 12,494	\$ 12,034		\$ 12,339
Surplus/Deficit	\$ (7,806)	\$ (7,806)	\$ (3,953)	\$ (3,622)	\$ (4,082)		\$ (3,777)
Total Reserves							
Reserve July 1, 2020	\$ 19,512	na	\$ 22,822	\$ 23,198	\$ 23,901		\$ 23,097
Reserve June 30, 2021	\$ 15,038	na	\$ 25,936	\$ 42,363	\$ 42,681		\$ 42,927
Surplus/Deficit	\$ (4,474)	na	\$ 3,114	\$ 19,165	\$ 18,780		\$ 19,830
Total Reserves/ Expenditures (%)							
	11.2%	na	16.6%	25.6%	25.7%		25.8%
[a] Figure from Jan. 2019 budget							
[b] Figure from LAO Nov. 2020 budget							
[c] Figures from Governor's May Revise. LAO doesn't include Public School reserve.							
[d] Enacted 2021-22 budget was not completed until mid-July 2021.							
Note: Governor's estimates are from the Department of Finance.							

Source: California Dept. of Finance. Data Available at <http://www.ebudget.ca.gov/>; Legislative Analyst's Office. Data Available at <https://lao.ca.gov/reports/2020/4297/fiscal-outlook-111820.pdf>; <https://lao.ca.gov/Publications/Detail/4445>.

Table 2

California Unemployment Rate: UCLA Anderson Forecasts (percent)

Forecast of:	2020-III	2020-IV	2021-I	2021-II	2021-III	2021-IV	2022-I	2022-II
June 2020	12.2	11.0	9.0	8.3	7.8	7.6	7.3	7.1
Dec 2020	<i>12.0</i>	8.9	7.8	7.2	6.6	6.1	5.7	5.1
June 2021	<i>12.0</i>	9.3	8.6	7.7	6.4	5.9	5.6	5.4

Note 1: Figures in italics are actual data from U.S. Bureau of Labor Statistics, not forecasts.

Note 2: Actual unemployment rate in Feb. 2020 (just before pandemic) was 4.3%.

Source: UCLA Anderson Forecast quarterly publications. Available by subscription from the Forecast.

Table 3

Evolution of the 2021-22 Budget (\$Millions)						
Budget for Year	2021-22	2021-22	2021-22	2021-22	2021-22	
Source of Estimate	LAO	Governor	Governor	Legislature (LAO)	Governor	
Date of Estimate	Nov 2020	Jan 2021	May 2021	June 2021	July 2021	b
General Fund						
Reserve July 1, 2021	\$ 32,159	\$ 12,203	\$ 27,435	\$ 28,213	\$ 28,249	
Revenue & Transfers	\$ 151,725	\$ 158,370	\$ 175,921	\$ 173,711	\$ 175,345	
Expenditures	\$ 154,360	\$ 164,515	\$ 196,795	\$ 195,548	\$ 196,440	
Surplus/Deficit	\$ (2,635)	\$ (6,145)	\$ (20,874)	\$ (21,837)	\$ (21,095)	
Reserve June 30, 2022	\$ 29,524	\$ 6,058	\$ 6,561	\$ 6,374	\$ 7,154	
Public School						
Reserve July 1, 2021	na	\$ 747	\$ 1,984	\$ 1,984	^a \$ 1,889	
Reserve June 30, 2022	na	\$ 2,988	\$ 4,601	\$ 5,300	\$ 4,506	
Surplus/Deficit	na	\$ 2,241	\$ 2,617	\$ 3,316	\$ 2,617	
Safety Net						
Reserve July 1, 2021	\$ 450	\$ 450	\$ 450	\$ 450	\$ 450	
Reserve June 30, 2022	\$ 450	\$ 450	\$ 450	\$ 1,200	\$ 900	
Surplus/Deficit	\$ -	\$ -	\$ -	\$ 750	\$ 450	
Budget Stabilization						
Reserve July 1, 2021	\$ 8,683	\$ 12,536	\$ 12,494	\$ 12,034	\$ 12,339	
Reserve June 30, 2022	\$ 10,871	\$ 15,574	\$ 15,939	\$ 15,874	\$ 15,781	
Surplus/Deficit	\$ 2,188	\$ 3,038	\$ 3,445	\$ 3,840	\$ 3,442	
Total Reserves						
Reserve July 1, 2021	na	\$ 25,936	\$ 42,363	\$ 42,681	\$ 42,927	
Reserve June 30, 2022	na	\$ 25,070	\$ 27,551	\$ 28,748	\$ 28,341	
Surplus/Deficit	na	\$ (866)	\$ (14,812)	\$ (13,933)	\$ (14,586)	
Total Reserves/ Expenditures (%)						
	na	15.2%	14.0%	14.7%	14.4%	
[a] Figure from governor's May Revise.						
[b] Enacted 2021-22 budget was not completed until mid-July 2021.						
Note: Governor's estimates are from the Department of Finance.						

Note: June 2021 figures from the legislature do not coincide precisely with LAO's analysis of those figures. LAO's data are used except for Public School reserve. July 1, 2021, Public School reserve is the governor's figure. June 30, 2022 Public School reserve is from the legislature.

Source: California Dept. of Finance. Data Available at <http://www.ebudget.ca.gov/>; Legislative Analyst's Office. Data Available at <https://lao.ca.gov/reports/2020/4297/fiscal-outlook-111820.pdf>; <https://lao.ca.gov/Publications/Detail/4445>; California State Assembly. Data available at <https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/Legislature%27s%20Version%20Summary%20FINAL.docx.pdf>.

Table 4

November 2020 Statewide Ballot Measures

Prop 14: More Bonds for Stem Cell Research – Passed 51%-49%
Prop 15: Split Roll Property Tax: Commercial Properties Taxed Higher Than Residential – Failed 48%-52%
Prop 16: Repeal Ban on Affirmative Action* – Failed 43%-57%
Prop 17: Parolee Voting Rights* – Passed 59%-41%
Prop 18: 17-Year Old Voting Rights in Primaries* – Failed 44%-56%
Prop 19: Expand and Narrow Property Tax Provisions Applicable to Seniors* – Passed 51%-49%
Prop 20: Harsher Criminal Sentences – Failed 38%-62%
Prop 21: Expansion of Local Rent Control Authority – Failed 40%-60%
Prop 22: Preservation of Gig Worker Independent Contractor Status – Passed 59%-41%
Prop 23: Regulation of Dialysis Clinics – Failed 37%-63%
Prop 24: Consumer Data Privacy – Passed 56%-44%
Prop 25: Referendum on Law Ending Cash Bail** – Law Voided 44%-56%

*Placed on ballot by state legislature.

**A “referendum” prevents a law passed by the legislature from going into effect until a vote of the people is held. A “yes” vote allows the law to go into effect. A “no” vote voids the law. There has been a proposal in the legislature to reverse the meanings of “yes” and “no” on the grounds that voters who want to void a law might vote “yes” thinking it meant “yes, repeal it.”

Source of Vote Totals: California Secretary of State. Available at <https://elections.cdn.sos.ca.gov/sov/2020-general/ssov/ballot-measure-summary.pdf>.

Chapter 3

Strategies for Optimizing Regional Wildfire Prevention and Mitigation in Southern California

Leeza Arbatman, Michael Cohen, Shawna Strecker, and Julia Stein

Leeza Arbatman is a third-year student at UCLA School of Law. She is co-editor-in-chief of UCLA Law's Journal of Law and Technology and will be clerking in the Central District of California upon graduation.

Michael Cohen is an alumnus of UCLA School of Law and an Associate at Renne Public Law Group, where he represents public agencies in furtherance of policy objectives including strengthening public services and protecting access to the voting franchise.

Shawna Strecker is a third-year student at UCLA School of Law. She is pursuing a specialization in environmental law and is enrolled in the Epstein Program in Public Interest Law & Policy.

Julia Stein is Clinical Supervising Attorney and Project Director at the Emmett Institute on Climate Change and the Environment at UCLA School of Law. In her capacity as Clinical Supervising Attorney, she directs the California Environmental Legislation and Policy Clinic and supervised Ms. Arbatman, Mr. Cohen, and Ms. Strecker as they developed the concepts in this paper during the Fall 2020 semester.

Wildfires are endemic to California.¹ A growing population, increased construction in the wildland-urban interface (WUI), and climate change have made these fires more frequent and destructive.² While wildfires pose threats throughout the state, Northern and Southern California have vastly different ecosystems and thus require different strategies for managing fire risk.³ Southern California has longstanding and effective fire suppression and response mechanisms, but most of the state's wildfire prevention strategies are geared towards addressing the types of fires that occur in Northern California—namely, those that occur in conifer forests. Preventing fires in Southern California, which are often wind-driven and occur in chaparral ecosystems, requires a different approach.

While state-level efforts have been largely devoted to wildfire suppression in the past, recent legislation is increasingly focused on prevention efforts, reflecting the expert consensus that protecting California's residents and habitats from wildfire requires taking prevention and mitigation just as seriously as suppression. From 1999-2017, 150 wildfire bills were proposed, and only 28 (18.7%) of those were chaptered and appropriated.⁴ Sixteen out of 53 (30.2%) proposed wildfire bills were chaptered and appropriated during the 2017-2018 legislative session.⁵ In the 2019-2020 legislative session, 22 bills focused on improving California's wildfire mitigation, preparedness, and response efforts, including those geared towards helping the state reach its clean energy goals, were appropriated.⁶ Eleven of these bills were specifically focused on wildfire prevention measures.⁷ This increase demonstrates a growing awareness of the threat that wildfires pose to the health and welfare of state residents and growing political

¹ This chapter was completed in late August 2021 and does not reflect events after that date. See, e.g., Emily Han and Gregory Han, *To Combat Raging Wildfires, Cal. Turns to Native American Knowledge*, DWEL (Sept. 16, 2020), <https://www.dwell.com/article/california-wildfire-indigenous-cultural-burning-213be8df>; Lauren Sommer, *To Manage Wildfire, Cal. Looks to what Tribes Have Known All Along*, NAT'L PUB. RADIO (Aug. 24, 2020), <https://www.npr.org/2020/08/24/899422710/to-manage-wildfire-california-looks-to-what-tribes-have-known-all-along>.

² *Wildfires and Climate Change*, CTR. FOR CLIMATE AND ENERGY SOLUTIONS, <https://www.c2es.org/content/wildfires-and-climate-change> (last visited Nov. 23, 2020); see also *Wildland Urban Interface (WUI): Resources to Help Fire Departments and Communities Prepare for and Respond to a WUI fire*, U.S. FIRE ADMIN., <https://www.usfa.fema.gov/wui/> (last visited Nov. 23, 2020).

³ Chaparral vegetation is chiefly comprised of dense bushes, shrubs, and small trees. See Pacific Southwest Research Station, *Fire in Chaparral Ecosystems*, U.S. FOREST SERVICE, https://www.fs.fed.us/psw/topics/fire_science/ecosystems/chaparral.shtml (last visited Nov. 23, 2020); see also *Southern California Chaparral Habitats: Climate Change Vulnerability Assessment Synthesis*, ECOADAPT, http://ecoadapt.org/data/documents/EcoAdapt_SoCalVASynthesis_Chaparral_FINAL2017.pdf (last visited Nov. 23, 2020) (describing chaparral ecosystems in Southern California and their vulnerability to climate change).

⁴ Courtney A. Schultz, Sarah M. McCaffrey, & Heidi R. Huber-Stearns, *Policy Barriers and Opportunities for Prescribed Fire Application in the Western United States*, INT'L J. OF WILDLAND FIRE 107 (2019). Chaptered bills are bills that have actually become law, having passed through both houses of the California Legislature and either been signed by the Governor or taken effect without the Governor's signature.

⁵ *Id.*

⁶ *Governor Newsom Signs Bills to Enhance Wildfire Mitigation, Preparedness, and Response Efforts*, OFFICE OF GOVERNOR GAVIN NEWSOM (Oct. 2, 2019), <https://www.gov.ca.gov/2019/10/02/governor-newsom-signs-bills-to-enhance-wildfire-mitigation-preparedness-and-response-efforts/>.

⁷ *Id.*

will to act to prevent further destruction. Nonetheless, the state agency charged with wildfire management responsibilities, the Department of Forestry and Fire Protection (CalFire), remains primarily a suppression-oriented institution, and there is still a dearth of resources for prevention strategies relevant for Southern California.

With sweeping statewide reform unlikely in the short term, this chapter focuses on steps that can be taken at the regional level in Southern California. A regional approach has the benefit of designing specific prevention and mitigation strategies to meet the needs of local communities. Such an approach also addresses the physical conditions particular to Southern California that drive wildfires in that part of the state. Experts agree that prevention tools such as proper vegetation management, home hardening and defensible space inspections, improved risk mapping, increased fuel treatment, and community outreach and education can meaningfully reduce wildfire risk and will become increasingly important as more Southern California residents move into the WUI.

The strategies discussed in this chapter are designed to build upon and optimize wildfire prevention and mitigation efforts that already exist at the regional and local level in Southern California. It emphasizes community-driven initiatives related to home hardening, defensible space, fire area risk mapping, fuel treatment, and community outreach and education. Specifically, we recommend:

- Creating a community-based model for home hardening and defensible space and improving the hazard mapping system.
- Improving existing educational resources, creating more interactive teaching tools, and increasing community engagement.
- Dedicating resources to developing beneficial fire management-related partnerships with the private sector and public institutions.
- Undertaking a range of measures to streamline the publicly beneficial prescribed burning process.

This chapter will explore the current challenges to implementing such effective wildfire prevention and mitigation strategies in Southern California, propose solutions, and outline areas where more targeted research is necessary.

I. Lack of Statewide Agency Exclusively Devoted to Fire Prevention and Mitigation

CalFire is a state agency focused on emergency response and resource protection.⁸ It responds to over 5,750 wildland fires each year, cooperates with federal, state, and local agencies on their fire response efforts, enforces state fire and forest laws, and manages timbers and fuels in

⁸ *What is CAL FIRE?*, CAL FIRE, <https://www.fire.ca.gov/media/4925/whatiscalfire.pdf> (last visited Nov. 23, 2020).

California forests.⁹ It also has Unit Fire Prevention Bureaus, which focus on engineering, vegetation management, prevention planning, education, and enforcement.¹⁰ While CalFire is tasked with both wildfire suppression and prevention, its primary focus has historically been suppression. Indeed, the agency spends approximately \$75 million a year on prevention, which is just 4% of its total budget.¹¹

With California's prolonged drought, extended fire seasons, and build-up of dry vegetation due to forest management policies focused on suppressing fire, the agency has been forced to focus more on prevention in recent years. But it continues to lack the workforce, knowledge, and culture to be most effective.¹² CalFire Director Ken Pimlott stated in a 2016 memo that the department would focus on prevention and fuel treatment when not training its staff to respond to fires.¹³ However, the agency has fallen short on various prevention measures, like defensible space inspections and prescribed burning.¹⁴ There are a number of reasons for this situation.

First, funding for suppression work is more readily accessible. Indeed, former U.S. Secretary of Agriculture Sonny Perdue explained that because of the increase in destructive wildfires in recent years, the government ends up "having to hoard all of the money that is intended for fire prevention" because it fears it is "going to need it to actually fight fires."¹⁵ Second, prevention work requires a completely different skill set than suppression.¹⁶

To approach prevention more effectively, the agency would have to both work with and hire more scientists that can investigate and determine the best prevention efforts. It would have to restructure its training program completely to ensure that the next generation of firefighters are just as equipped and passionate about prevention as they are about putting out fires.¹⁷

⁹ *Id.*

¹⁰ *Id.*

¹¹ Liz Wagner, Robert Campos, & Michael Horn, *Cal Fire Says It's Focusing on Fire Prevention; But Critics Say Current Efforts Leave State Vulnerable to More Mega Fires*, NBC BAY AREA (Nov. 7, 2017, 11:49 PM) <https://www.nbcbayarea.com/news/local/cal-fire-says-its-focusing-on-fire-prevention/37124>.

¹² *Id.*

¹³ Memorandum from Ken Pimlott, CAL FIRE Director, to Region Chiefs et al., on Mandatory Fuels Reduction Targets and Activity Reporting (Sept. 27, 2016) <https://www.documentcloud.org/documents/4176986-2016-Fuels-Reduction-Memo.html> (on file with author).

¹⁴ Memorandum from Ken Pimlott, CAL FIRE Director, to Region Chiefs et al., on Fiscal Year 2017-18 Mandatory Fuels Reduction Targets and Activity Reporting (July 21, 2017) <https://www.documentcloud.org/documents/4176985-2017-Fuels-Reduction-Targes-and-Activity.html> (on file with author).

¹⁵ *Forest Service Wildland Fire Suppression Costs Exceed \$2 Billion*, U.S. DEP'T OF AGRIC. (Sept. 14, 2017), <https://www.usda.gov/media/press-releases/2017/09/14/forest-service-wildland-fire-suppression-costs-exceed-2-billion>.

¹⁶ See Liz Wagner, Robert Campos, & Michael Horn, *Cal Fire Says It's Focusing on Fire Prevention; But Critics Say Current Efforts Leave State Vulnerable to More Mega Fires*, NBC BAY AREA (Nov. 7, 2017, 11:49 PM) <https://www.nbcbayarea.com/news/local/cal-fire-says-its-focusing-on-fire-prevention/37124>.

¹⁷ *Id.*

Third, focusing more on prevention may mean that CalFire will expose itself to greater liability, requiring agency resources to defend against the resulting legal actions.¹⁸

II. Potential Benefits to a Separate Prevention-Focused State Agency

Because CalFire is well-positioned to execute wildfire suppression efforts, and because its current organizational structure and culture is not particularly well-equipped to emphasize prevention and mitigation efforts, some experts believe that the state should anchor its wildfire prevention work elsewhere. Among fire experts, there is much debate about what type of agency should be responsible for fire prevention. Some experts argue for the creation of a new statewide wildfire prevention agency and others maintain that regional and local management of prevention strategies would be a better fit.

There could be significant benefits attending the creation of a prevention-focused state agency. As fires become a more frequent and destructive part of the state's environment, an agency with the administrative power of the state would be well-suited for coordinating efforts for effective prevention, especially since fires do not respect municipal or county boundaries. At least one expert has proposed that such an agency could have one main office with satellite offices in different regions throughout the state. Each office would focus on the fire prevention strategies that are most effective in that area.¹⁹ This approach would centralize planning and funding in one body, allowing for effective deployment of resources. But it would also support prevention efforts appropriately tailored to the unique environmental circumstances in different areas of the state.

However, the process to create such an agency would by no means be quick or easy. Such an agency would most likely be created by legislative enactment.²⁰ There are entrenched political interests in the field of wildfire management. Thus, such legislation would likely be the result of significant effort and compromise and could take multiple years to negotiate.

CalFire currently holds responsibility for undertaking wildfire prevention efforts that are orchestrated at the state level, and the CalFire labor union is likely to oppose any proposal that seeks to remove fire-related work from CalFire's control.²¹ Some members of the Legislature

¹⁸ *Id.*

¹⁹ Michael Wara, *Op-Ed: Concrete Steps California Can Take to Prevent Massive Fire Devastation*, L.A. TIMES (Sept. 16, 2020, 10:21 AM), <https://www.latimes.com/opinion/story/2020-09-17/california-state-agency-fire-preparedness>.

²⁰ *Legislative Process*, CALIFORNIA STATE SENATE, <https://www.senate.ca.gov/legislativeprocess> (last accessed Nov. 23, 2020).

²¹ For example, the Cal Fire Union (Local 2881) opposed AB 2147, a bill that would make it easier for inmate firefighters to have their records expunged upon release. Ryan Sabalow, *CA Bill Could Help Inmate FFs Find Future in Fire Service*, FIREHOUSE (Jul. 23, 2020), <https://www.firehouse.com/operations-training/wildland/news/21147461/ca-bill-could-help-inmate-firefighters-find-future-in-fire-service>. The Union also actively pursues litigation to protect its members rights. See, e.g., Curt Varone, *Cal Fire Local Sues to Ensure Seasonal Firefighters are Protected by the Firefighter Procedural Bill of Rights*, FIRE LAW BLOG (Feb. 20, 2020),

may not see the merits of creating an agency from scratch when CalFire already exists, has a significant presence throughout the state as a trusted fire management agency, and has strong political influence. And other interest groups, such as property owners, the insurance industry, and environmentalists are all likely to have concerns and positions regarding the ways in which a new prevention-focused agency should operate.

Because of the challenges inherent in the process of creating a new state agency, some wildfire experts believe that rather than creating a new agency, existing state, regional, and local agencies could effectively develop a prevention and suppression focus. But they would need to be given the proper resources and funding. Still others believe that while a new state agency may be the ideal mechanism to manage enhanced prevention efforts, because the process to create such an agency would be long and arduous, short-term prevention work needs to move forward at the regional level within agencies that currently exist. The idea would be to move towards creating a state agency when the political will, funding, and capacity develops to make that possible. While a state-level wildfire prevention agency could be effective, this chapter focuses on efforts at the regional level as an important, and necessary, short-term step to address wildfire risk.

III. A Regional Strategy to Enhance Wildfire Prevention in Southern California

As work continues on the evolving concept of a state-level wildfire prevention agency, simultaneous prevention efforts will continue to be necessary at the regional and local level. A county-level program designed to enhance home hardening and defensible space inspections, improve risk mapping, and augment community outreach and education would have demonstrable benefits. In Southern California specifically, a defined county-level prevention program would be able to address conditions particular to the chaparral ecosystems that have been affected by a number of recent wildfires.

Many Southern California counties already have some effective fire prevention services in place. But there are key areas in which an infusion of resources could both helpfully expand current operating capacity and allow for new efforts to enhance community engagement and physical risk mitigation.²² For example, counties often lack a centralized program designed to implement a set of best practices for prevention and mitigation.²³ A county-level program

<http://www.firelawblog.com/2020/02/20/cal-fire-local-sues-to-ensure-seasonal-firefighters-are-protected-by-the-firefighter-procedural-bill-of-rights/>.

²² LA County would be less optimal for a pilot program for a number of reasons. First, it is significantly larger than Ventura County, making it difficult for the limited amount of funding available for a pilot program to have as tangible of an impact over the pilot program period. *Quickfacts: LA Cnty., CA*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/losangelescountycalifornia> (last visited Nov. 23, 2020). Second, it is a contract County—some cities in the County have their own fire departments, while others do not and receive fire services directly from the County fire department. *Consolidated Fire Protection District of L.A. Cnty., CNTY. OF L.A. FIRE DEP'T*, <https://fire.lacounty.gov/contracting/> (last visited Nov. 23, 2020). This means it would be much harder to implement a county-wide program in a uniform manner, especially at the pilot program stage.

²³ The California Fire Safe Council will implement a Regional Coordinator pilot program in 2021-2022 funded by a state block grant. This program seeks to hire three individuals to work in the Coastal, Southern, and Sierra-Cascade

managed by the Board of Supervisors would fill that role, earmarking funds specifically to undertake a defined set of prevention-related priorities. To ensure that funding is appropriately utilized, counties could use a documentation and reporting mechanism to track efficacy over time.

Funds could be distributed to relevant county agencies by the Board of Supervisors, with the requirement that they be utilized for:

- **Community-oriented home hardening and defensible space.** Implementing home hardening and defensible space requirements on a community level, rather than a home-by-home basis, can augment the effectiveness of these measures. The process would increase the “herd immunity” of a neighborhood against fire risk. A county-level program could educate entire communities about appropriate home hardening and defensible space measures, improve access to vegetation management and fire-resilient planting resources for indigent property owners, and partner with community organizations to support home hardening improvements.
- **Improved risk mapping.** Improving hazard mapping involves creating maps that highlight hazardous areas on a “micro-area” scale, or on the level of individual neighborhoods or even homes, rather than the current system of assigning hazard designations to large areas of land. A more detailed understanding of topographical, geophysical, and vegetation conditions could help homeowners and firefighters tailor home hardening and defensible space requirements on a neighborhood-by-neighborhood basis. It could also inform evacuation plans and emergency measures.
- **Fuel treatment strategies and reforms.** Numerous fuel treatment methods are available and utilized in Southern California, and the ease and frequency of use for all methods could be increased. Making better use of community resources can scale up less technical and lower-risk thinning, such as pruning and brush collection. Key reforms to the prescribed burning process could facilitate its use for the public benefit.

regions of the state to help support local Fire Safe Councils and wildfire practitioners, increase community programming, and sustain a statewide network of leaders working in the fire prevention space to enhance the resilience of California’s priority watersheds. See *Join Our Team!*, CAL. FIRE SAFE COUNCIL (Jul. 2, 2019), see also <https://cafiresafecouncil.org/join-our-team>; see also CHEGG INTERNSHIPS, https://www.internships.com/posting/bug_38845252145 (last visited Nov. 23, 2020).

While the Regional Coordinator Program provides support for improving fire prevention coordination efforts generally, Regional Coordinators will have significant discretion to direct spending of allocated funds; the FPPP would create a funding stream dedicated to specific fire prevention strategies—namely, improving home hardening and vegetation management, increasing risk mapping, and increasing outreach and educational programming. Upon completion of both the Regional Coordinator pilot program and the FPPP, experts could identify key takeaways and model scaled-up versions of these programs based on the best practices identified by both.

A county-level program could educate the community about various fuel treatment techniques and the circumstances under which they are most effectively deployed and could supplement current resources devoted to fuel treatment. Local governments could also, if they wish, study the efficacy of prescribed burning in ecosystems common to Southern California, implement reforms to the burn authorization process at the air district level, and/or train community groups in appropriate and safe burn management techniques.

- ***Enhanced community education and outreach.*** By expanding the type of educational resources they offer, such as increasing the availability of interactive teaching tools, and teaming up with community groups to improve the accessibility of the available resources, counties can build upon existing community outreach efforts. Such efforts can more effectively engage whole neighborhoods in the project of mitigating wildfire risk.

Each of these components is discussed in greater detail below.

A. Community-Oriented Home Hardening and Defensible Space

While wildfires will always pose a risk, Southern California residents can reduce the chances of their houses igniting during a wildfire by hardening their homes and creating defensible space. Common home hardening measures include replacing roofs with ignition-resistant and noncombustible materials, installing thicker-paned windows to prevent breakage, and enclosing rain gutters to prevent the accumulation of ignitable plant debris.²⁴ Defensible space is a fire-resistant buffer created around a house to separate it from surrounding vegetation. By reducing the amount of flammable material around a structure—usually within a 100- or 200-foot radius—defensible space helps prevent a home from igniting due to contact with burning vegetation or from the radiant heat.²⁵ Implementing and maintaining these prevention strategies can reduce the chance that homes will ignite during a fire event.

1. Home Hardening

Data from some of California’s most devastating recent fires indicate that home hardening undertaken in compliance with updated 2008 California Building Code requirements can decrease a home’s chance of catching fire. That decrease in turn reduces the possibility of igniting neighboring homes. In the 2018 Camp Fire, the town of Paradise suffered both significant loss of life and structure loss. Single-family homes built according to the 2008 Building Code requirements, which significantly strengthened home hardening mandates for

²⁴ *Hardening Your Home*, CAL. DEP’T OF FORESTRY & FIRE PROTECTION (2019), <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/hardening-your-home>.

²⁵ *Maintain Defensible Space*, CAL. DEP’T OF FORESTRY & FIRE PROTECTION (2019), <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>

homes built in the WUI,²⁶ had a 51% chance of surviving the Camp Fire, while those built before the Building Code changes had an 18% chance.²⁷ Similarly, many of the homes destroyed during the 2017 Thomas Fire were built before the 2008 Building Code update.²⁸

However, there are hurdles to the adoption and effectiveness of home hardening standards. First, pre-existing structures are not required to make modifications to conform to updated Building Code standards, so many homes in the WUI are not retrofitted to meet California's more recent protective requirements.²⁹ Homeowners in the WUI may face financial barriers to retrofitting their structures, may be unaware of the need to retrofit, or may simply be unwilling to make the investment of time and money.

In addition, home hardening and defensible space requirements are largely enforced on a home-by-home basis, but evidence suggests that, due to the incredibly high temperatures at which home fires burn, burning houses often ignite their neighbors.³⁰ Even if a single home follows all home hardening requirements and best practices, that may not be enough to protect it from wildfire. If it is surrounded by noncompliant neighbors—or potentially even one noncompliant house—the compliant house could burn anyway.

Experts agree that home hardening is most effective when deployed at a neighborhood level, rather than by individual homeowners. A community-oriented and neighborhood-based approach to home hardening would be novel. In California, home hardening requirements are

²⁶ California changed its building code in 2008 to improve the fire resistance of homes in high-risk areas in the WUI, creating requirements related to ember-proof roofing, siding materials, and other such safeguards. Cal. Code Regs., tit. 24, pt. 2, §§ 701A to 710A (2007), <https://archive.org/details/gov.ca.bsc.title24.part02.vol02/page/n23/mode/2up>.

²⁷ Dale Kasler & Phillip Reese, *"The weakest link": Why Your House May Burn While your Neighbor's Survives the Next Wildfire*, SACRAMENTO BEE, (April 11, 2019), <https://www.sacbee.com/news/california/fires/article227665284.html>. In addition, fewer than 3% of the homes in Paradise were built after 2008.

²⁸ Emily Guerin, *Fire-Resistant is Not Fire-Proof, California Homeowners Discover*, NATIONAL PUBLIC RADIO (December 9, 2018), <https://www.npr.org/2018/12/09/673890767/fire-resistant-is-not-fire-proof-california-homeowners-discover>.

²⁹ *Building Codes Toolkit, Frequently Asked Questions*, FEDERAL EMERGENCY MANAGEMENT AGENCY, 2, https://www.fema.gov/media-library-data/1391095848112-ea8765dee99538f4bb2cc7179cf5c175/Building_Codes_Toolkit_FAQ_508.pdf; Dale Kasler & Phillip Reese, *"The weakest link": Why your house may burn while your neighbor's survives the next wildfire*, SACRAMENTO BEE, (April 11, 2019) (only 860,000 homes and apartments have been built statewide since the 2008 code changes went into effect, which constitutes about 6% of the state's housing stock).

³⁰ Cotton K. Randall, *Fire in the Wildland-Urban Interface: Understanding Fire Behavior*, UNIVERSITY OF FLORIDA, INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES (IFAS) AND THE USDA FOREST SERVICE, 8, 3, <https://www.srs.fs.usda.gov/factsheet/pdf/fire-understanding.pdf> (buildings are heavy fuels): *Home Fire Facts*, CITY AND COUNTY OF SAN FRANCISCO FIRE DEP'T, <https://sf-fire.org/home-fire-facts#:~:text=In%20only%203%201%2F2,the%20people%20in%20those%20rooms> (a house can reach 1100 degrees Fahrenheit in less than five minutes). *How Homes Ignite*, FIRE SAFE MARIN, <https://www.firesafemarin.org/how-homes-ignite> (home-to-home ignition of fires during wildfire events become more significant than direct flame contact).

typically enforced individually, and there is no guarantee that all homes in a neighborhood will be compliant.

To increase the “herd immunity” of neighborhoods by retrofitting structures that do not meet current home hardening standards, a county-level program could increase community awareness of the need for home hardening retrofits. And such a program could establish a source of available financial support for indigent property owners who may otherwise lack the resources to retrofit their properties. For example, county governments could direct funds to a home hardening matching program, matching homeowner contributions towards a home hardening retrofit, and could partner with, or encourage community partnerships with, existing organizations that undertake home hardening improvements such as Habitat for Humanity.³¹

2. Defensible Space

Compliance with home hardening requirements alone is not a guarantee that a structure will survive a wildfire.³² Defensible space measures can also be effective wildfire risk mitigation tools. As in the home hardening context, community-wide approaches can increase the efficacy of defensible space. Property owners in the WUI are typically required to manage hazards and nuisance vegetation year-round in order to reduce the amount of dry or poorly maintained vegetation that serves as fuel for wildfires.

As with home hardening, the common practice is to inspect compliance with defensible space requirements on a property-by-property basis. However, due to their fast-growing nature, certain flammable plants from a noncompliant property—such as mustard weed—can spread onto a property that has created the recommended amount of defensible space.³³ Implementing community-level defensible space measures would increase overall compliance and reduce the amount of uncontrolled brush surrounding a community, thus increasing a neighborhood’s chance of survivability. Community-based approaches could also have the benefit of promoting more holistic vegetation management strategies, such as removal of invasive species and replanting with fire-resistant native flora, on a community scale.

A centralized county-level fire prevention and mitigation program could augment existing government efforts to enforce defensible space requirements, allowing for more frequent and thorough investigations. As fires become prevalent year-round, communities would benefit

³¹ A partnership currently exists between Habitat for Humanity and the Climate Action Corps to perform low-cost retrofits for low-income homes in fire prone communities.

³² For example, homes in one area of the Ventura Foothills were built in 2016 in accordance with the most recent Building Code requirements, yet four out of nine homes burned down in the 2017 Thomas Fire. Emily Guerin, *Fire-Resistant is not Fire-Proof, California Homeowners Discover*, NATIONAL PUBLIC RADIO (December 9, 2018), <https://www.npr.org/2018/12/09/673890767/fire-resistant-is-not-fire-proof-california-homeowners-discover>.

³³ Javier Panzar, *This Super Bloom is Pretty Dangerous: Invasive Mustard is Fuel for the Next Fire*, LA TIMES (April 25, 2019), <https://www.latimes.com/local/lanow/la-me-ln-mustard-fire-santa-monica-mountains-20190425-story.html> (*Brassica nigra*, better known as black mustard, “takes advantage of natural habitats that are constantly disturbed — either by fire or by the creation and maintenance of roads.”).

from inspections throughout the year to ensure that properties are compliant.³⁴ Inspection loads are also increasing as development expands into the WUI, meaning that the number of firefighters needed to conduct inspections will continue to grow over time.³⁵

Establishing a specific county-level program to fund these efforts would maximize their efficacy. Furthermore, some property owners may lack the financial resources to properly manage vegetation and may find their property subject to a lien if they are unable to pay for government-administered vegetation management.³⁶ To reduce equity concerns that may be associated with this system, under limited circumstances, a county-level program could make funds available to under-resourced property owners for vegetation management purposes.

Such a program could also enable county governments to engage in community-oriented vegetation management efforts. Some areas have reporting systems designed to allow residents to hold neighbors accountable for fire hazard abatement by creating an expedited process to declare non-compliant properties public nuisances.³⁷ However, there are few programs designed to engage neighborhoods and/or community organizations in affirmative vegetation management planning and education.

A county-level program could engage in outreach to community groups. It could assist neighborhood-level organizations with the capacity and training to design vegetation management plans. Such plans could go beyond more temporary vegetation management strategies, such as cutting back dried brush, to include neighborhood-level commitments to remove flammable invasive plants permanently. There could also be commitments to replant or encourage the natural growth of native fire-resistant plants. And, as discussed in greater detail below, a county-level program could promote detailed risk mapping efforts that would help local communities to understand which strategies would be most effective to manage defensible space in particular geographic areas.

³⁴ *Emergency Preparedness Guide*, READY VENTURA COUNTY, 25, 17, http://vcportal.ventura.org/vcfd/docs/VC_EPG.pdf (“wildfires are now a year-round reality in Ventura County.”).

³⁵ *Most California Fires Occur in Area of Wildland-urban Interface with Less Fuel and More People*, UNITED STATES DEP’T OF AGRICULTURE FOREST SERVICE (September 24, 2019), <https://www.nrs.fs.fed.us/news/release/wui-interface-intermix>; Volker C. Radeloff et. al, *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*, PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE US (March 27, 2018), <https://www.pnas.org/content/115/13/3314>.

³⁶ *Guideline 403 FHRP Abatement Assessment and Appeal*, VENTURA CNTY FIRE DEPT (January 1, 2020), <https://vcfd.org/wp-content/uploads/2020/02/403-FHRP-Abatement-Assessment-and-Appeal-Process-Guideline.pdf>.

³⁷ For example, Ventura County has a special ordinance that expedites the procedure for declaring a property located in a fire hazard zone a public nuisance if it fails to abide by defensible space and vegetation management requirements. This ordinance eliminates the hearing and appeal processes that standard public nuisance ordinances require, helping properties come into compliance much more quickly than would otherwise be possible under standard ordinances. *Fire Hazard Reduction Program (FHRP)*, VENTURA CNTY FIRE DEP’T., <https://vcfd.org/fire-prevention/fire-hazard-reduction-program-fhrp> (last visited Nov. 23, 2020).

B. Improved Risk Mapping

As discussed above, defensible space requirements are often assigned according to broadly designated risk zones that span large swaths of area. This method does not take into account differences in risk factors such as plant density, minor terrain changes, and construction trends on a granular level.³⁸ An alternative, more precise method of determining how much defensible space is effective in a particular location could be based on data gathered during brush clearance inspections and an improved system of hazard mapping. That type of program would take into account neighborhood-specific characteristics that change the degree of risk.

Improving risk and hazard mapping can provide an important tool for properly managing community-based defensible space measures. Currently, California uses Fire Hazard Severity Zone Maps to indicate which areas and communities are most at-risk for wildfires.³⁹ CalFire is required by law to map areas of significant fire hazards based on factors like fuels, terrain, and weather.⁴⁰ It uses a scale of moderate, high, and very high when determining hazard level; local agencies may also adopt their own risk-based designations.⁴¹

Experts agree that the current risk mapping systems can be improved.⁴² The degree of risk in a particular area can change on a short timeframe, due to factors including climate change, the effects of recent wildfires themselves, and short-term weather conditions. A particularly wet

³⁸ The Ventura County Community Wildfire Protection Plan is a publicly available document containing wildfire hazard maps. The Plan has not been updated for a decade, and the included maps have not been updated since 2009. *Ventura County Community Wildfire Protection Plan*, VENTURA CNTY FIRE DEPT, prepared by the Ojai Valley Fire Safe Council, 67, 9, 17 (2010), <https://vcfd.org/wp-content/uploads/2020/02/VCCCommunityWildfireProtectionPlan.pdf>. See also Keane et al., *A Method for Mapping Fire Hazard and Risk Across Multiple Scales and its Application in Fire Management*, USDA Forest Service, 63, 7 (May 2008), https://www.firescience.gov/projects/05-1-1-12/project/05-1-1-12_jfsp_final_fireharm_text.pdf (“Most fire hazard efforts tend to concentrate on stand-level fuels and their characteristics without recognizing the spatial influence of topography, winds, and adjacent fuels... The spatial characteristics of landscape composition and structure is important to estimates of fire hazard as the pattern of fuels will ultimately influence fire spread and subsequent fire intensity” and “...spatial fuel patterns will ultimately dictate the design and placement of fuel treatments on the landscape.”).

³⁹ *Fact Sheet: California’s Fire Hazard Severity Zones*, CAL DEP’T OF FORESTRY AND FIRE PROTECTION (May 2007), https://www.sccgov.org/sites/dpd/DocsForms/Documents/Fire_Hazard_Zone_Fact_Sheet.pdf.

⁴⁰ Cal. Govt. Code 51175-89.

⁴¹ Hazard level is not risk level. *Fact Sheet: California’s Fire Hazard Severity Zones*, CAL DEP’T OF FORESTRY AND FIRE PROTECTION (May 2007), https://www.sccgov.org/sites/dpd/DocsForms/Documents/Fire_Hazard_Zone_Fact_Sheet.pdf (“‘Hazard’ is based on the physical conditions that give a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts. ‘Risk’ is the potential damage a fire can do to the area under existing conditions, including any modifications such as defensible space, irrigation and sprinklers, and ignition resistant building construction which can reduce fire risk. Risk considers the susceptibility of what is being protected.”).

⁴² Citygate Associates, *After Action Review of the Woolsey Fire Incident*, CNTY OF LA, 108, 98 (Nov 17, 2019), <https://lacounty.gov/wp-content/uploads/Citygate-After-Action-Review-of-the-Woolsey-Fire-Incident-11-17-19.pdf>.

winter, for example, can lead to a major increase in the amount of combustible plant species and corresponding fire risk during the dry season.⁴³

In addition, current maps are not specific enough to allow for a community-by-community assessment of defensible space requirements. While scientific data underpin the maps' risk-based determinations, those designations are typically applied to "macro-areas" that span multiple square miles and do not consider more localized differences in topography and vegetation. For instance, a Ventura Foothills neighborhood where four out of nine homes burned down in the 2017 Thomas Fire was built in a narrow valley.⁴⁴ This topography may have acted as a wind tunnel that funneled embers from the wildfire into the neighborhood, a risk factor that was not properly reflected in the existing macro-area hazard maps.

More specific neighborhood-by-neighborhood risk mapping would help to tailor defensible space requirements and vegetation management planning, and it could also bolster emergency planning efforts. For instance, in the Moraga-Orinda Fire District in Northern California, the fire department is working with local technology companies to develop a fire detecting system using low-Earth satellites.⁴⁵ While this technology is being developed to detect evidence of ancient fires, similar low-Earth satellites could potentially be used to gather data for more specific and detailed hazard mapping.

The Colorado Springs Fire Department uses GIS mapping to delineate fire risk on a home-by-home basis.⁴⁶ Each parcel of land is color coded according to a hazard rating system from low to extreme. These kinds of concrete data justifying defensible space requirements in specific neighborhoods may reduce noncompliance and promote the safety of the neighborhood as a whole.

Drawing on innovative risk mapping solutions that have been deployed on a limited basis in other jurisdictions, county-level programs could explore public sector-private sector partnerships to develop and deploy detailed risk mapping technology. There is a strong

⁴³ Eric Holst, *With all the snow and rain this year, California could face an even worse fire season. Here's why.* ENVIRONMENTAL DEFENSE FUND (April 29, 2019), [https://www.edf.org/blog/2019/04/29/all-snow-and-rain-year-california-could-face-even-worse-fire-season-heres-why#:~:text=Historically%2C%20a%20wet%20winter%20in,to%20temper%20fire%20seasons%20here.](https://www.edf.org/blog/2019/04/29/all-snow-and-rain-year-california-could-face-even-worse-fire-season-heres-why#:~:text=Historically%2C%20a%20wet%20winter%20in,to%20temper%20fire%20seasons%20here.;); see also Eugene R. Wahl et. al, *Jet stream dynamics, hydroclimate, and fire in California from 1600 CE to present*, PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE US (March 19, 2019) <https://www.pnas.org/content/116/12/5393>.

⁴⁴ Emily Guerin, *Fire-Resistant is Not Fire-Proof, California Homeowners Discover*, NATIONAL PUBLIC RADIO (December 9, 2018), <https://www.npr.org/2018/12/09/673890767/fire-resistant-is-not-fire-proof-california-homeowners-discover>.

⁴⁵ Adele Peters, *This California Fire Chief is Building a Satellite System to Detect Wildfires as Soon as they Start*, FAST COMPANY (Sep 16, 2020), <https://www.fastcompany.com/90550691/this-california-fire-chief-is-building-a-satellite-system-to-detect-wildfires-as-soon-as-they-start>.

⁴⁶ Wildfire Risk Assessment Site, COLORADO SPRINGS FIRE DEPARTMENT, <https://gis.coloradosprings.gov/Html5Viewer/?viewer=wildfiremitigation>.

precedent for such partnerships in wildfire management. California has undertaken considerable efforts to modernize its wildfire management approach through partnership with the private sector and the state's public universities.⁴⁷ Some of these efforts have resulted from Governor Newsom's executive order establishing the Wildfire Innovation Sprint.⁴⁸

The order was designed to jump-start adoption of technological innovations by state agencies. The initiative has already led to important private sector contracts.⁴⁹ Meanwhile, university-run research labs, such as UC San Diego's WIFIRE,⁵⁰ help generate wildfire burn models that can be fed into statewide warning systems.

Universities are invested in other efforts as well. For instance, UC San Diego operates the ALERT Wildfire system with the University of Nevada and the University of Oregon, a network of almost 300 high-definition cameras trained on high-fire-threat areas.⁵¹ Increased interest in the initiative has generated events such as spring 2019's inaugural Wildfire Technology Innovation Summit.⁵²

Beyond the market incentives to develop such technology, Governor Newsom has budgeted about \$1 billion in new funding for fire preparedness and response.⁵³ But local jurisdictions have helped lead the effort of forging relationships between fire districts and technological innovators.⁵⁴ On the county level, such partnerships could be facilitated by a designated official who would manage available innovation and partnership funding, seek out grant money, and determine the most promising initiatives to improve wildfire prevention and mitigation.

⁴⁷ Julia Cart, *CA Pursues a Holy Grail: High-Tech Data to Predict How Wildfire Will Spread*, CAL MATTERS (Oct 23, 2019), <https://calmatters.org/environment/2019/10/california-wildfire-response-plan-new-technology>.

⁴⁸ Executive Order N-04-19, EXECUTIVE DEPT. STATE OF CA, <https://www.gov.ca.gov/wp-content/uploads/2019/01/1.8.19-EO-N-04-19.pdf>.

⁴⁹ *Governor Newsom Announces Two Innovative Contracts for Wildfire Prevention and Response*, CA OFFICE OF GOVERNOR (Sep 18, 2019), <https://www.gov.ca.gov/2019/09/18/governor-newsom-announces-two-innovative-contracts-for-wildfire-prevention-and-response/>

⁵⁰ WIFIRE: WORKFLOWS INTEGRATING COLLABORATIVE HAZARD SCIENCES, <https://wifire.ucsd.edu>.

⁵¹ Mario Aguilera, *New Technology Helps Monitor Fire Hazards in Southern California*, UCSD AND SCRIPPS INST' OF OCEANOGRAPHY (Mar 31, 2016), <https://scripps.ucsd.edu/news/new-technology-helps-monitor-fire-hazards-southern-california>.

⁵² *Wildfire Technology Innovation Summit*, FIRETECHSUMMIT (March 2019), <https://firetechsummit.cpuc.ca.gov/>

⁵³ Julia Cart, *CA Pursues a Holy Grail: High-Tech Data to Predict How Wildfire Will Spread*, CAL MATTERS (Oct 23, 2019), <https://calmatters.org/environment/2019/10/california-wildfire-response-plan-new-technology>.

⁵⁴ See, e.g., Adele Peters, *This California Fire Chief is Building a Satellite System to Detect Wildfires as Soon as they Start*, FAST COMPANY (Sep 16, 2020), <https://www.fastcompany.com/90550691/this-california-fire-chief-is-building-a-satellite-system-to-detect-wildfires-as-soon-as-they-start>.

C. Fuel Treatment Strategies and Reforms

Wildfire depends on combustible material, or fuel, to burn.⁵⁵ Much of California's landscape is replete with fuel: needles, grasses, small twigs, shrubs, branches, logs, and trees. Reducing and rearranging this fuel can reduce the probability of high-severity wildfire. It can also reduce the intensity and severity of wildfires when they do occur, promote healthy ecosystems, and protect people and property by creating fire-adapted communities.⁵⁶ Available fuel treatment measures include thinning, pruning, mowing, chipping, and prescribed fires.

Each of these treatment methods have costs and benefits, and the proper fuel treatment method or methods for any area will depend on its physical characteristics.⁵⁷ Common to all methods is the need for extensive on-the-ground management. To this end, a county-level program could establish robust community-based fuel treatment groups. These groups would allow the county to scale up fuel treatment methods and increase their safety, reducing the severity of fires throughout the county without compromising the availability of fire suppression personnel.

1. Thinning, Pruning, and Mowing

Effective fuel treatment increases the fire resilience of natural areas by reducing fuel on the land's surface, increasing the height to the base of tree crowns, and increasing the spacing between tree crowns.⁵⁸ Several strategies are available to achieve these goals. Pruning is the process of removing lower tree limbs, increasing the height of tree crown bases.⁵⁹ Thinning involves removing smaller trees and retaining larger, more vigorous trees with more fire-resistant bark.

This process raises the base of tree crowns, and, if enough larger trees are removed, increases the spacing between tree crowns.⁶⁰ Thinning and pruning produce smaller pieces of fuel that can be managed in several ways: removing for future use, scattering to spread out fuel concentration, or piling and burning.⁶¹ Fuel can also be mowed or chipped.⁶²

⁵⁵ See generally James K. Agee & Carl N. Skinner, *Basic Principles of Forest Fuel Reduction Treatments*, 211 FOREST ECOLOGY AND MANAGEMENT 83 (2005), [https://www.fs.fed.us/psw/publications/skinner/psw_2005_skinner\(agee\)001.pdf](https://www.fs.fed.us/psw/publications/skinner/psw_2005_skinner(agee)001.pdf).

⁵⁶ See Elizabeth L. & Larissa L. Yocum, *Tamm Review: Are Fuel Treatments Effective at Achieving Ecological and Social Objectives? A Systematic Review*, 375 FOREST ECOLOGY AND MANAGEMENT 84–95 (2016); USDA FOREST SERVICE, ERIK J. MARTINSON & PHILLIP N. OMI, FUEL TREATMENTS AND FIRE SEVERITY: A META-ANALYSIS (2013), <https://www.fs.usda.gov/treesearch/pubs/43632>.

⁵⁷ See generally Oregon State University, Stephen A. Fitzgerald & Max Bennett, *A Land Manager's Guide for Creating Fire-Resistant Forests* 8 (2013), <https://catalog.extension.oregonstate.edu/em9087>.

⁵⁸ *Id.* at 6.

⁵⁹ *Id.* at 10.

⁶⁰ *Id.* at 9.

⁶¹ *Id.* at 11–13.

⁶² *Id.* at 13.

The appropriate method for a given area will depend on the fuel types present and climatic conditions. For example, mowing is only effective against fine fuels, while chipping machines can handle larger materials. Whereas mowing and scattering mostly redistributes fuel, other methods remove fuels from an area or burn them to exhaust their combustive potential. In areas with wind-driven fires, it may be advantageous to space tree crowns further apart; in other locations, this may compromise the ecological health of a forest with little strategic benefit. Fuel treatment efforts should be guided by experts who can facilitate the most efficient and effective treatment.

Because many fuel treatment measures involve little risk and require minimal training, thinning, pruning, and piling biomass is an ideal activity for community groups. County fire departments could host field-based workshops and fuel treatment volunteer days, during which residents come together to treat fuel in public high-fire severity areas. Chipper days, organized by local fire safe councils, are another low-cost means of achieving higher levels of community participation in fuel treatment. Residents gather biomass from their property and deposit it in a location convenient for pick-up.

2. Prescribed Burns

Prescribed burns—fires set intentionally for public benefit—are a more controversial fuel treatment technique. By burning fuel in a controlled environment, future fires in the area may be avoided or substantially reduced in intensity.⁶³ Today, prescribed burns are recognized as an effective and efficient means of fire fuel management.⁶⁴ Such burns have been used to manage California’s wildfire for millennia. Indigenous nations’ land management practices included the frequent use of intentional burning to cultivate the landscape.

Despite decades of reluctance from California’s leadership, the state has now largely embraced prescribed burns.⁶⁵ California is now building prescribed burning programs into the state’s fire management infrastructure.⁶⁶ Approximately 125,000 acres of wildlands are treated each year in California using prescribed burning, and the rate of treatment is expected to rise as this tool is used more frequently to reduce the risk of catastrophic wildfires. Despite this shift, prescribed burns remain underutilized in California.⁶⁷ As much as 20 million acres of federal,

⁶³ *Id.* at 6.

⁶⁴ See generally Paulo M. Fernandes & Herminio S. Botelho, *A Review of Prescribed Burning Effectives in Fire Hazard Reduction*, 12 INT’L J. WILDLAND FIRE 117 (2003), https://www.fs.fed.us/rm/pubs/rmrs_gtr292/2003_fernandes.pdf.

⁶⁵ Rebecca Miller, *Prescribed Burns in California: A Historical Case Study of the Integration of Scientific Research and Policy*, MDPI (Aug. 2020), <https://www.mdpi.com/2571-6255/3/3/44/pdf>.

⁶⁶ See, e.g., California Air Resources Board, *Prescribed Burning*, <https://ww2.arb.ca.gov/our-work/programs/prescribed-burning>.

⁶⁷ See Kirsten H. Engel, *Perverse Incentives: The Case of Wildfire Smoke Regulation*, 40 ECOLOGY L. Q. 623 (2013); *The Burning Solution: Prescribed Burns Unevenly Applied Across U.S.*, CLIMATE CENTRAL (May 29, 2019), <https://www.climatecentral.org/news/report-the-burning-solution-prescribed-burns-unevenly-applied-across-us>; Lenya Quinn-Davidson & J. Morgan Varner, *Impediments to Prescribed Fire Across Agency, Landscape and*

state, or private land across California need fuel reduction treatment to reduce the risk of wildfire, according to earlier assessments by CalFire and other state agencies.⁶⁸

Prescribed fire is only one among many fuel reduction methods, and it may not be the right tool in many instances. Some researchers have found that prescribed fire is inappropriate for treating Southern California's chaparral land.⁶⁹ In forested areas, however, such as the Los Padres National Forest, prescribed burns could prove more useful. The method is also valuable for small-scale restoration projects.⁷⁰ In other words, while it may not be appropriate to utilize prescribed burns in Southern California on the same scale at which they are implemented in Northern California, site-specific prescribed burning efforts can remain an important fuel management tool in this part of the state.

Prescribed burn efforts must navigate narrow windows of time when meteorological conditions allow for a safe and effective burn. Environmental variables such as fuel moisture and weather conditions must be balanced so that the fire will accomplish its objectives. Fire managers refer to a balance of dry fuel absent the intense heat that can drive prescribed burns out of control as the burn window of opportunity.⁷¹

The fall season, September through November, is generally considered to be the best time to conduct prescribed burns in California, though this depends in large part on the biome present in the burn area.⁷² Already-narrow burn windows are narrowing even further as climate change takes its toll. The ability to undertake prescribed burning during the moments in time when physical conditions align is becoming ever more critical.

Manager: An Example from Northern California, 21 INT'L J. WILDLAND FIRE 210 (2012) (reporting that at the time of the study, "in northern California...prescribed burning annually covered only 38% of the area needed to fulfil land-management objectives, and 66% of managers indicated dissatisfaction with levels of prescribed fire activity.").

⁶⁸ CALFIRE, CAL. EPA, CAL. NATURAL RESOURCES AGENCY, CALIFORNIA FOREST CARBON PLAN: MANAGING OUR FOREST LANDSCAPES IN A CHANGING CLIMATE 32 (May 2018), <https://resources.ca.gov/CNRALegacyFiles/wp-content/uploads/2018/05/California-Forest-Carbon-Plan-Final-Draft-for-Public-Release-May-2018.pdf>.

⁶⁹ See Richard W. Halsey, *Threatened by Too Much Fire: The Science Behind Protecting Southern California Chaparral and Sage Scrub Habitats*, 1 San Diego Audubon (Sept./Oct. 2020); THE CALIFORNIA CHAPARRAL INSTITUTE, RICHARD W. HALSEY, CHAPARRAL AS A NATURAL RESOURCE: CHANGING THE CONVERSATION ABOUT CHAPARRAL AND FIRE (2009); Richard W. Halsey, Jon E. Keeley, and Kit Wilson, Fuel Age and Fire Spread in Southern California Chaparral Ecosystems: Natural Conditions vs. Opportunities for Fire Suppression, 69 FIRE MANAGEMENT TODAY 22 (2009), https://www.californiachaparral.org/__static/237d2ef19fae36795a6a17b8469ee235/halsey_et_al_fuel_age_and_fire_spread_fmt-69-2_2009.pdf?dl=1.

⁷⁰ E.g., to help germinate grassland seeds dependent on fire.

⁷¹ See Stanford Univ., The Bill Lane Center for the American West, *Gaining in Public Acceptance, Can Prescribed Fires Head Off Devastating Wildfires?* (July 18, 2019), <https://west.stanford.edu/news/blogs/and-the-west-blog/2019/can-prescribed-fires-head-off-devastating-wildfires>.

⁷² A recent study in the Lake Tahoe Basin found that conditions most favorable for prescribed fire are most common in spring and autumn. See Randy Striplin, Stephanie A. McAfee, Hugh D. Safford, and Michael J. Papa, *Retrospective Analysis of Burn Windows for Fire and Fuels Management: An Example from the Lake Tahoe Basin, California, USA*, 16 FIRE ECOLOGY (2020).

There has historically been strong public opposition to prescribed burning in areas across the state. But public approval of prescribed burns is on the rise.⁷³ One California study suggests that public opinion does not pose a significant barrier to certain prescribed burning activities.⁷⁴ Nonetheless, the practice is still deeply contentious in Southern California, where public disapproval is responsible for preventing some prescribed burns and other comprehensive fire fuel management efforts. Disapproval is especially common among smoke-sensitive groups, environmental activists, and the risk-averse population that resides in the WUI.

Additional study of and public education about prescribed burning could reduce public opposition to the targeted deployment of prescribed burns, allowing them to better take advantage of favorable burn windows. Local jurisdictions could play a role in the development of research related to the impact and efficacy of prescribed burns. There is a dearth of scientific literature focusing on prescribed burns, air quality impact, risk, and other key features of the prescribed burning process.

Researchers have already begun developing methods to model the impact of prescribed burns. They find that prescribed burns can be managed to substantially reduce smoke impacts relative to wildfires.⁷⁵ In a similar vein, SB 1260, passed in 2018, calls on the California Air Resources Board to develop an air quality and smoke monitoring program for prescribed burns.⁷⁶

To understand the efficacy of prescribed burns in different parts of Southern California better, funding could be made available for research to study burn risk and impact across different ecosystems. Results of such a study could inform key changes to the prescribed burning process on the local level to ensure that burns can be executed as needed.⁷⁷ A more complete understanding of the role of prescribed burning could also be folded into existing community education and outreach programs.

Beyond public opposition, regulatory and personnel-related hurdles also limit the targeted use of prescribed fire.⁷⁸ Authorization to conduct a prescribed burn still hinges on securing a permit

⁷³ See Stanford Univ., The Bill Lane Center for the American West, *Gaining in Public Acceptance, Can Prescribed Fires Head Off Devastating Wildfires?* (July 18, 2019), <https://west.stanford.edu/news/blogs/and-the-west-blog/2019/can-prescribed-fires-head-off-devastating-wildfires>.

⁷⁴ Lenya Quinn-Davidson & J. Morgan Varner, *Impediments to Prescribed Fire Across Agency, Landscape and Manager: An Example from Northern California*, 21 INT'L J. WILDLAND FIRE 210, 212 (2012).

⁷⁵ See Jonathan W. Long, Leland W. Tarnay, and Malcolm P. North, *Aligning Smoke Management with Ecological and Public Health Goals*, 115 J. FOR. 1 (Jan. 19, 2017).

⁷⁶ See SB-1260 (2017-2018 session), available at https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1260.

⁷⁷ Changes in the scientific understanding of prescribed fire have driven significant policy shifts over time. See Rebecca Miller, *Prescribed Burns in California: A Historical Case Study of the Integration of Scientific Research and Policy*, 3 FIRE 44 (Aug. 19, 2020).

⁷⁸ See generally James Temple, *Suppressing Fires Has Failed. Here's What California Needs to Do Instead.*, MIT TECH. REV. (Sept. 17, 2020), <https://www.technologyreview.com/2020/09/17/1008473/wildfires-california-prescribed-burns-climate-change-forests>.

from the air pollution control district with jurisdiction over the burn area.⁷⁹ This process is sometimes a source of prescribed burn delay in specific locations throughout the state.⁸⁰

Currently, the air district authorization process requires several major steps.⁸¹ To undertake a prescribed burn lawfully, a burn manager must register the burn with the air district;⁸² obtain a burn permit from the local air district and/or fire agency;⁸³ submit a smoke management plan (SMP) to the air district; obtain the air district's approval of the SMP; contact adjacent air districts that may be affected by the burn; and be given the green light to commence the burn on the day of the burn. Many airsheds receive a large volume of applications for prescribed burns in a single season. Sometimes, not all of these applications can be approved, and air districts are not subject to time limitations to process the initial burn application information.

⁷⁹ While CEQA has long hindered more aggressive fire-treatment efforts, the California Vegetation Treatment Program (CalVTP), authorized in 2019, streamlined the CEQA permitting process for controlled burns. The CalVTP authorizes a statewide programmatic Environmental Impact Review for vegetation treatment projects, from controlled burns to fuel breaks. The CalVTP will allow CalFire, along with other agency partners, to expand their vegetation treatment activities to treat up to approximately 250,000 acres per year, contributing to the target of 500,000 annual acres of treatment on non-federal lands. In short, CEQA no longer poses the same barrier to prescribed burns as it once did. *See, e.g.*, Office of Governor Gavin Newsom, California Certifies Statewide Programmatic Environmental Impact Review to Protect Californians from Catastrophic Wildfires (Dec. 31, 2019), <https://www.gov.ca.gov/2019/12/31/california-certifies-statewide-programmatic-environmental-impact-review-to-protect-californians-from-catastrophic-wildfires>.

⁸⁰ Lenya Quinn-Davidson & J. Morgan Varner, *Impediments to Prescribed Fire Across Agency, Landscape and Manager: An Example from Northern California*, 21 INT'L J. WILDLAND FIRE 210, 212 (2012). *But see* Courtney A. Schultz, Sarah M. McCaffrey, and Heidi R. Huber-Stearns, *Policy Barriers and Opportunities for Prescribed Fire Application in the Western United States*, 28 INT'L J. WILDLAND FIRE 874, 875 (2019) (arguing that survey design has led researchers to overestimate the impact of air quality regulations on prescribed burns); Robert York, Ariel Roughton, Ryan Tompkins, and Susan Kocher, *Burn Permits Need to Facilitate — Not Prevent — “Good Fire” in California*, 74 CAL. AG. 62, 63 (2020), <http://calag.ucanr.edu/archive/?type=pdf&article=ca.2020a0014> (doubting that air quality regulations are the barrier that they're perceived to be); Lenya Quinn-Davidson, *The Fire Problem is a Cultural Problem — Where Do We Go From Here?*, William Main Seminar, UC Berkeley (Apr. 23, 2019), berkeley.edu/files/LQuinnDavidson_MainSeminar_April%202019_0.pdf (identifying the perception that air quality regulations are a barrier to prescribed burns as a cultural phenomenon not necessarily rooted in empirical data).

⁸¹ California's smoke management program is an integrated state and local effort. The Smoke Management Guidelines, adopted by the California Air Resources Board, establish the fundamental framework for the program. *See* California Code of Regulations, Title 17, <https://www3.arb.ca.gov/smp/regs/revfinregwtoc.pdf>. Additionally, individual local air districts implement and enforce local rules and regulations. For Ventura County Air Pollution Control District's rules and regulations, see Ventura County Air Pollution Control District, Rules and Regulations, <http://www.vcapcd.org/Rulebook/RuleIndex.htm>.

⁸² In Ventura, a burn permittee must notify the Ventura County Air Pollution Control District and CAPCD of any planned burn project by prescribed fire at least three months prior to the planned burn. Ventura County Air Pollution Control District, Smoke Management Program 3–4 (Nov. 13, 2001), www.vcapcd.org/pubs/Monitoring/SmokeManagementPlan.pdf.

⁸³ In Ventura, prescribed burns are allowed by permit from one of the public burn agencies in the County: Ventura County Fire Protection District (VCFPD), California State Parks, National Park Service, and Los Padres National Forest. *Id.* at 3–1.

Even if the meteorological conditions are acceptable and the necessary authorizations are obtained, burn managers regularly lack the necessary personnel to manage prescribed burns.⁸⁴ Firefighters are spread thin managing wildfire risk during the fire season. Many CalFire crews are seasonal employees hired during the time of greatest wildfire suppression need, rather than full-time employees. CalFire can divert crews from conducting planned burns to extinguishing wildfires in other regions of the state. Faster authorization for burn permits could allow burn managers to move forward with beneficial prescribed burns outside of the fire season, easing these competing demands on firefighting personnel.

Prescribed fire management may also be less attractive to some firefighters, as it provides fewer overtime opportunities and lacks the hazard pay that comes with wildfire fighting. In 2018, CalFire established ten prescribed burning crews, which conduct all manner of fuel treatment work. Experts report that these crews are inadequate in number and, because of the relative attractiveness of wildfire suppression work, suffer a significant amount of attrition to suppression crews. However, there is precedent for non-firefighters to serve as prescribed burn managers in California.

To train non-firefighters to engage in fuel treatment efforts safely and appropriately, county-level programs could use their resources to establish robust community-based fuel treatment groups. Through such groups, communities would receive expert training and conduct prescribed burns with the guidance of certified burn managers.

The Humboldt County Prescribed Burn Association is a strong example of this model. Through the Association, experts have hosted lectures and field-based workshops over the past few years to increase the public's comfort with prescribed fire and have led burns on private lands.⁸⁵ At the time of its 2018 founding, the Association was the first organization of its kind in the West; it has already inspired the creation of similar groups in Northern California's Plumas, Nevada, Sonoma, and Mendocino counties. These groups bring landowners and neighbors together to provide the manpower that prescribed burns require.

D. Enhanced Community Education and Outreach Programs

Implementation of the strategies discussed above will depend on expanding community education and outreach efforts. Studies show that public perception of wildfire risk and management measures are integral to local prevention and mitigation efforts⁸⁶ and statewide

⁸⁴ *Id.*; see also Courtney A. Schultz, Sarah M. McCaffrey, and Heidi R. Huber-Stearns, *Policy Barriers and Opportunities for Prescribed Fire Application in the Western United States*, 28 INT'L J. WILDLAND FIRE 874 (2019).

⁸⁵ See Delilah Friedler, *California's Wildfire Policy Totally Backfired. Native Communities Know How to Fix It*, MOTHER JONES (Nov. 11, 2019), <https://www.motherjones.com/environment/2019/11/californias-wildfire-controlled-prescribed-burns-native-americans>.

⁸⁶ See, e.g., Sarah M. McGaffrey, *Prescribed Fire: What Influences Public Approval?* (2006), https://www.nrs.fs.fed.us/pubs/gtr/gtr_nrs-p1/mccaffrey_p1_192.pdf (suggesting that a critical element to boost prescribed burn fuel treatment is by increasing familiarity with the practice); see also Rebecca K. Miller, Christopher B. Field, and Katharine J. Mach, *Barriers and enablers for prescribed burns for wildfire management in*

wildfire legislation.⁸⁷ While local governments in Southern California often provide some informational resources related to wildfire prevention and preparedness, the vast majority of these tools are difficult to locate and unidirectional (i.e., non-interactive, such as pamphlets or information guides).

To increase community engagement with, and knowledge about, wildfire prevention and mitigation efforts, deployment of interactive, hands-on educational measures will be key. Such information sources are both generally preferred by the public and more effective than unidirectional sources.⁸⁸ Educational and outreach programs effectively implemented in other states, such as Oregon and Colorado, can provide inspiration for Southern California. To build upon existing resources, the following tools could be employed:

- ***Interactive videos and phone apps on home hardening and vegetation management.*** County-level programs could release videos that teach landowners how to build and remodel structures using home hardening measures like roof replacement,⁸⁹ instructional videos on firewise landscaping, videos identifying flammable invasive plants and fire-resistant plants, and tutorials for creating defensible space around a home.⁹⁰ They could also explore the development of phone apps that assist property owners in implementing home hardening and defensible space best practices. The Oregon Department of Forestry (ODF) offers a number of resources, including educational videos and a fire-resistant plant identification app, that could serve as models.⁹¹
- ***Operation of a publicly accessible model fire-resistant home.*** ODF maintains the Oregon Garden Fire Safety House, a life-sized house that people can visit to see how to implement proper fire safety measures on one's own property.⁹² Providing an accurate, ideal model of a fortified house in a realistic way—as opposed to stylized drawings on brochures—can help improve the public's understanding of what home hardening and

California, *Nature Sustainability*, 103 (2020) (“federal and state government employees claimed that negative public opinion [of prescribed burns] remains a challenge, although opposition diminishes with education.”).

⁸⁷ See Rebecca K. Miller, Christopher B. Field, and Katharine J. Mach, *Barriers and Enablers for Prescribed Burns for Wildfire Management in California*, 3 *NATURE SUSTAINABILITY* 101, 107 (2020) (observing that wildfire legislation patterns appear significantly related to public perceptions of wildfire risk).

⁸⁸ U.S. Forest Service, Sarah M. McCaffrey & Christine S. Olsen, *Research Perspectives on the Public and Fire Management: A Synthesis of Current Social Science on Eight Essential Questions*, 6-7 (2012), <https://www.fs.usda.gov/treearch/pubs/41832>

⁸⁹ ODF makes this information available in PDF form through its Oregon Explorer website, which, among other things, provides information regarding construction in WUI zones. Ventura County could adapt some of this information to be Southern California-specific and presentable in a video format.

⁹⁰ ODF makes videos on these topics available through YouTube and its own phone app.

<https://apps.apple.com/us/app/fire-resistant-landscape-plants/id962487127>;

<https://play.google.com/store/apps/details?id=edu.oregonstate.fireplants>

⁹¹ *Id.*

⁹² *Oregon Garden Fire Safety House*, FIREWISE COMMUNITIES, <https://www.oregon.gov/odf/Documents/Fire/Fire-Safety-House.pdf>.

defensible space actually entails. Virtual tours of fire-safe homes could also be made accessible online in both English and Spanish.

- ***In-person community outreach sessions.*** Counties could increase the audience for these educational tools by teaming up with schools, religious groups, and other community groups. Property owners may not recognize the extent of the role they can play in fortifying their homes and communities against wildfires. In-person outreach can increase awareness, provide a forum for the dissemination of printed resources, and connect county residents with programs that can help them fortify their neighborhoods.⁹³ Community groups may also, with county assistance as discussed above, organize to train community members how to manage prescribed burns or gather to undertake neighborhood vegetation management efforts.⁹⁴ In addition, community groups can provide translation services for non-English speakers.
- ***Partnerships with nearby colleges and universities.*** Another way to increase community engagement is to coordinate with state universities and colleges, as OFD does. Oregon State University, a public school that receives state funding, provides unique outreach programs to teach landowners about land management in the WUI. Oregon State’s College of Forestry provides the Basic Forestry Shortcourse, which is an introductory program for people who are new to managing a woodland property.⁹⁵ The course uses classroom instruction and field days to teach participants about common land management activities such as tree planting, thinning, and harvesting, and about the rules and regulations that apply to forestlands.⁹⁶

Educational courses such as Oregon State’s can ensure that landowners properly implement home hardening, defensible space, and fuel management measures. Counties could team up with local community colleges or state-funded universities to

⁹³ For example, the Colorado Springs Fire Department’s “Sharing the Responsibility” wildfire awareness campaign involves active engagement with residents and homeowners’ associations, meetings with different communities and neighborhoods, the development of homeowner guides, providing on-site risk assessments and consultations, and disseminating brochures and other educational tools. The effort has evolved into a community lecture series that discusses wildfire risk mitigation, wildfire behavior, and forest health and arbor care. The community also has a Wildfire Mitigation Season kick-off each spring to alert residents of the need for action prior to the official start of wildfire season. *Lessons Learned from Waldo Canyon*, FIRE ADAPTED COMMUNITIES, <https://fireadapted.org/wp-content/uploads/2018/06/waldo-canyon-report.pdf>.

⁹⁴ The Colorado Springs Fire Department Wildfire Mitigation Section accomplishes fuel management through stewardship agreements with private and public property owners. Colorado Springs fuels management projects are estimated to result in significant savings. Relatedly, many Colorado fire departments also undertake community measures such as fire fuel chipping to help manage fire risk in their districts. For example, the Colorado Springs Fire Department works in stewardship with over 100 neighborhoods to assist residents with disposal of tree branches and hazardous vegetation via our neighborhood chipping program. Chipping occurs during a predetermined week for each neighborhood. *Neighborhood Chipping Program*, COLORADO SPRINGS FIRE DEP’T, <https://coloradosprings.gov/fire-department/page/neighborhood-chipping-program>.

⁹⁵ *Our Programs*, OREGON STATE UNIVERSITY COLLEGE OF FORESTRY (2020), <https://www.forestry.oregonstate.edu/forestry-and-natural-resources/fnr-programs>.

⁹⁶ *Id.*

offer educational programs for their residents. Colleges and universities would also be valuable partners to conduct much-needed research regarding the air quality impacts of prescribed burns and their efficacy across different ecosystems in Southern California.

IV. Funding County-Level Mitigation and Prevention Efforts

There are multiple potential funding sources for county-level wildfire prevention and mitigation programs, some of which may have continued viability in the long-term. It may be possible for programs to rely on one, or a combination of, these funding streams; some of the discussed funding sources may be more readily available in the short-term, while others may be available on a longer time horizon.

Funding sources potentially available on a shorter time horizon include funding budgeted by SB 85 (2021) and authorized by SB 63 (pending, 2021), unallocated Cap-and-Trade revenue, California Energy Commission (CEC) Property Assessed Clean Energy (PACE) Loss Reserve Program funds, and/or Federal Emergency Management Agency (FEMA) matching funds. Potential longer-term funding sources include unallocated wildfire protection funds generated by the recently-passed Proposition 19, an assessed fee for wildfire prevention and mitigation, and/or a County-level development linkage fee imposed on new development in the WUI. Each potential funding source is discussed below.

- ***SB 85 (2021) funds.*** In April 2021, Governor Newsom signed SB 85 into law, approving \$536 million of spending for wildfire prevention, including forest and vegetation management efforts, the creation of defensible space around homes in the WUI, and the retrofit of buildings in high-risk areas. During the same legislative session, State Senator Henry Stern introduced SB 63, which would, among other things, expand CalFire's existing Fire Prevention Grants program, expanding it to allow local governments and organizations to apply for state funding for home hardening, public education and outreach, risk planning, and vegetation management efforts. SB 63 has passed out of the California Senate and is currently making its way through the Assembly; assuming it passes, it will provide a pathway to unlock funding already authorized by SB 85 for the type of county-level wildfire prevention and mitigation activities imagined by this chapter.
- ***Cap-and-Trade wildfire prevention funds.*** California's Cap-and-Trade program sets emission limits for carbon dioxide and related pollutants for different industries in California that collectively make up 85% of the state's greenhouse gas emissions.⁹⁷ Regulated entities are required to surrender compliance mechanisms to the State equivalent to the amount of their emissions, and may purchase compliance mechanisms

⁹⁷ Nathaniel Keohane & Kelley Kizzier, *How Cap and Trade Works*, ENVTL. DEFENSE FUND, <https://www.edf.org/climate/how-cap-and-trade-works> (last visited Nov. 23, 2020); see also *Cal. Cap and Trade*, CTR. FOR CLIMATE & ENERGY SOLUTIONS, <https://www.c2es.org/content/california-cap-and-trade/> (last visited Nov. 23, 2020) (providing an overview of California's Cap-and-Trade program).

at State-run actions to cover their obligations.⁹⁸ The revenue generated by these purchases is allocated to programs throughout the state that have an emissions reduction nexus.⁹⁹

Sixty percent of Cap-and-Trade funds are continuously allocated (to affordable housing, low carbon transit, intercity rail, and high-speed rail) and 40% are allocated by the Legislature to specific programs depending on need.¹⁰⁰ Some Cap-and-Trade money is already allocated towards urban forestry, forest health restoration, and reforestation,¹⁰¹ and \$170 million of Cap-and-Trade funds were directed towards fire prevention in 2018.¹⁰² Although Cap-and-Trade revenue is variable and the Cap-and-Trade Program will sunset in 2030 without extension legislation, Cap-and-Trade revenue could, at the very least, be a potential short-term source of funding for county-level wildfire prevention and mitigation programs.

- ***PACE Loss Reserve Program funds.*** The PACE Loss Reserve Program is administered by the California Energy Commission (CEC) to improve energy efficiency.¹⁰³ “Property owners in a PACE-designated area can use PACE financing to retrofit their homes without putting any money down and repay via property tax bills.”¹⁰⁴ Since many home hardening measures also make homes more energy efficient, PACE Program funding could potentially be accessed to support both home hardening efforts and energy reduction measures simultaneously.
- ***FEMA matching funds.*** FEMA runs Hazard Mitigation Assistance (HMA) grant programs to assist states with disaster mitigation work.¹⁰⁵ Two of these programs are the Hazard Mitigation Grant Program (HMGP) and the Pre-Disaster Mitigation (PDM) program. Both of these programs have specific cost-share contribution requirements; through them, FEMA will match state funds directed towards disaster relief or prevention work.

⁹⁸ *Id.*

⁹⁹ *Id.*; see also *How the Funding Works*, TRANSFORM, <https://www.transformca.org/landing-page/how-the-funding-works> (last visited Nov. 23, 2020) (explaining how California’s Cap-and-Trade funding is distributed).

¹⁰⁰ *How the Funding Works*, TRANSFORM, <https://www.transformca.org/landing-page/how-the-funding-works> (last visited Nov. 23, 2020).

¹⁰¹ *Id.*

¹⁰² Kimberly Veklerov, *Cal. Giving Out \$170 Million in Cap-and-Trade Revenue to Help Prevent Wildfires*, GOV. TECH. (Aug. 8, 2018), <https://www.govtech.com/em/preparedness/California-Giving-Out-170-Million-in-Cap-and-Trade-Revenue-to-Help-Prevent-Wildfires.html>.

¹⁰³ *Property Assessed Clean Energy (PACE) Loss Reserve Program*, CAL. TREASURER, <https://www.treasurer.ca.gov/caeatfa/pace/index.asp> (last visited Nov. 23, 2020).

¹⁰⁴ *Id.*

¹⁰⁵ Hazard Mitigation Assistance Cost Share Guide, Fed. Emergency Mgmt. Agency, Dep’t of Homeland Sec. 1-1, (2016), https://www.fema.gov/sites/default/files/2020-08/fema_hma_cost-share-guide.pdf.

Under the HMGP, FEMA provides funds for mitigation programs in areas experiencing a major disaster.¹⁰⁶ FEMA will pay up to 75% of costs for eligible mitigation activities, and the other 25% of funds must come from non-federal resources, including state or local taxes and donations from businesses, homeowners, or nonprofits. If funds are used to mitigate loss in repetitive or severe repetitive loss properties, then FEMA may provide either 90% or 100% of funds, respectively. The PDM grant program is funded through Congressional appropriation, which also provides matching funds to states and local governments for mitigation programs through a 75/25 cost-share model. Accordingly, any state funding allocated to county-level programs may be put towards the cost-share requirement of either FEMA programs, allowing the state to access federal dollars for the programs' continued operation.

- **Wildfire protection funds associated with recently-passed Proposition 19.**¹⁰⁷

Proposition 19, passed in November 2020, generates revenue from increased taxes on inherited property, as well as a reduction in school-related costs due to these increased property taxes.¹⁰⁸ Part of this revenue is earmarked for fire protection.¹⁰⁹ Per Proposition 19's terms, such funding is generally intended to support fire response efforts, but there may be some flexibility to allocate funds to prevention and mitigation-related efforts.¹¹⁰ However, allocation of wildfire protection funding is conditional on the State's meeting its constitutional guarantees for education funding. Given budgeting uncertainty due to COVID-19, Proposition 19-generated wildfire protection funding may not be immediately available.¹¹¹

¹⁰⁶ Formally, such disasters are "declared" by a Presidential major disaster declaration. *Id.*

¹⁰⁷ *Proposition 19*, CAL. GENERAL ELECTION NOV. 2, 2020 OFFICIAL VOTER INFORMATION GUIDE, <https://voterguide.sos.ca.gov/propositions/19/> (last visited Nov. 23, 2020); see also Kathleen Pender, *Proposition 19 passes, but Questions About California Property Taxes Remain*, S.F. CHRON. (Nov. 12, 2020, 8:19 PM), <https://www.sfchronicle.com/business/networth/article/Prop-19-passes-but-questions-about-California-15722774.php> (noting potential issues with Prop. 19 implementation).

¹⁰⁸ *Cal. Proposition 19*, BALLOTPEDIA, [https://ballotpedia.org/California_Proposition_19_Property_Tax_Transfers,_Exemptions,_and_Revenue_for_Wildfire_Agencies_and_Counties_Amendment_\(2020\)](https://ballotpedia.org/California_Proposition_19_Property_Tax_Transfers,_Exemptions,_and_Revenue_for_Wildfire_Agencies_and_Counties_Amendment_(2020)) (last visited Nov. 23, 2020); see also *Changes Certain Property Tax Rules. Legislative Constitutional Amendment. California Proposition 19 (2020)*, UC Hastings Scholarship Repository (2020), https://repository.uchastings.edu/cgi/viewcontent.cgi?article=2385&context=ca_ballot_props (explaining how Prop. 19 will change the way property taxes are levied and utilized).

¹⁰⁹ *Proposition 19*, LEG. ANALYST'S OFFICE (Nov. 3, 2020), <https://lao.ca.gov/BallotAnalysis/Proposition?number=19&year=2020>.

¹¹⁰ *Id.*

¹¹¹ Liam Dillon, *Who Wins and Who Loses With Cal. Property Tax Measure Proposition 19*, L.A. TIMES (Oct. 19, 2020, 5:00 AM) <https://www.latimes.com/homeless-housing/story/2020-10-19/proposition-19-property-tax-ballot-measure-explained-california>; see also GABRIEL PETEK, LEG. ANALYST'S OFFICE, *THE FISCAL OUTLOOK FOR SCHOOLS AND COMMUNITY COLLEGES 9-11 (2019)*, <https://lao.ca.gov/Publications/Report/4113> (last visited Nov. 23, 2020) (summarizing the fiscal outlook for California schools and community colleges in the coming years).

- **An assessed wildfire prevention fee.** Since the expansion of homes in the WUI increases the risk of wildfires and makes it more likely fires will be destructive,¹¹² a fee could be assessed on all habitable structures in the WUI. This fee structure would mimic the State Responsibility Area (SRA) Fire Prevention Fee (SRAFPF), which was imposed by enactment starting in 2011 to fund fire prevention services.¹¹³ The SRAFPF levied a \$152.33 tax on all habitable structures in SRAs throughout the state.¹¹⁴ Revenue was directed to CalFire, which was charged with using it to implement general fire prevention and mitigation measures statewide.¹¹⁵

Many fire experts were proponents of the SRAFPF because it was the first dedicated funding stream for prevention efforts. However, the program ultimately proved unpopular because it attached additional fees to property at the height of the Great Recession and lacked strong reporting requirements to track the use of funds. AB 398 (2017) suspended it until June 30, 2031, as part of the deal to extend the Cap-and-Trade Program past its original sunset date of 2020.¹¹⁶ If a similar fee were to be assessed in the future, we would recommend attaching strict prevention and mitigation-oriented requirements to the use of funds.¹¹⁷ We would also recommend inclusion of a strong reporting mechanism to demonstrate benefits to the public. However, imposing such a fee is likely to be politically challenging because of the significant expense already associated with living in fire-prone areas and the high cost of living in California generally.

- **A County-level development linkage fee.** Specific County-level fees could be imposed to generate a permanent local funding stream for essential features of county-level programs. Of particular concern is the ability of indigent property owners to comply with fire resistance standards. Punitive models of encouraging compliance with these standards are necessarily regressive. Given the importance of widespread compliance with vegetation management/defensible space and home hardening standards, it is critical to develop alternative means of boosting compliance in disadvantaged areas.

¹¹² Volker C. Radeloff et al., *Rapid Growth of the U.S. Wildland-Urban Interface Raises Wildfire Risk*, 115 PNAS 3314, 3317 (2018), <https://www.pnas.org/content/pnas/115/13/3314.full.pdf>.

¹¹³ *About the Fire Prevention Fee*, FIRE PREVENTION FEE, <https://www.firepreventionfee.org/#:~:text=About%20the%20Fire%20Prevention%20Fee&text=The%20fee%20is%20applied%20to,be%20occupied%20for%20residential%20use> (last accessed Nov. 23, 2020).

¹¹⁴ *Id.*

¹¹⁵ *SRA Fire Prevention Fee Frequently Asked Questions*, BATTLE CREEK WATERSHED CONSERVANCY, <http://www.battle-creek.net/docs/fire/FireFeeFAQs.pdf> (last accessed Nov. 23, 2020).

¹¹⁶ *State Responsibility Area Fire Prevention Fee*, CAL FIRE, <https://www.fire.ca.gov/grants/fire-prevention-grants/state-responsibility-area-fire-prevention-fee/> (last visited Nov. 23, 2020).

¹¹⁷ A pitfall of the original SRAFPF was that CalFire had limited restrictions on its use of generated revenue, meaning that funds were often utilized for purposes loosely related to prevention, like buying engines or hiring more employees. As a result, communities often failed to see visible prevention-related returns on their payment of the fee.

Counties could adopt a zoning ordinance requiring building permits for projects in the WUI to be conditioned on payment of a fee into a public fund, the revenue from which could be made available through a grant program for those unable to comply with fire resistance standards. While fire-related fees are often a feature of development agreements, these are generally applied on an *ad hoc* basis, and the resulting revenue is not earmarked for use by indigent residents for fire resistance standard compliance. Such a linkage fee would have the additional benefit of discouraging development in the WUI.¹¹⁸

V. Conclusion

As experts continue to sound the alarm on the need to change California's wildfire policies, members of the Legislature, local officials, and residents must listen and take action. Increasing the state's emphasis on prevention and mitigation is critical for protecting people, property, and the environment and ensuring that wildfires do not continue to be as destructive as they have been in recent years.

While experts may disagree about the ideal long-term agency that should be tasked with spearheading this prevention work, they do agree on specific measures that should be taken immediately. These measures are augmenting community-oriented home hardening, maintaining defensible space and vegetation management efforts, enhancing risk mapping techniques, appropriately deploying fuel treatment measures, and expanding community outreach and educational programming. With adequate financial support, county-level programs can put these measures to work in Southern California.

¹¹⁸ This is a longstanding goal of fire management advocates and the Legislature. A clear example of the effort to discourage development in the WUI can be found in the 2019 Housing Crisis Act's exemptions for development in high fire hazard severity zones. See Cal. Gov. Code section 65941.1. For such projects, local governments enjoy much broader discretion to limit development.

Chapter 4

Behavioral Health in the Age of Telehealth: Measuring Quality and Access in Los Angeles County Community Health Clinics

Eduardo Castillo, Ashley Etter, Isabelle Liu, and Maggie Liu

This chapter was authored by **Eduardo Castillo, Ashley Etter, Isabelle Liu, and Maggie Liu** based on research gathered for an Applied Policy Project as part of the Master of Public Policy (MPP) program through the UCLA Luskin School of Public Affairs.¹

¹ The authors would like to extend a thank you to the following individuals for their contributions to developing the Applied Policy Project on which this chapter is based:

- Professor Randall Akee (Primary Advisor)
- Professor Zachary C. Steinert-Threlkeld (Secondary Advisor)
- Louise McCarthy, MPP (President & CEO, Community Clinic Association of Los Angeles County [CCALAC])
- Lily Dorn (Policy Analyst, CCALAC)
- Our Survey Respondents & Interviewees

They would also like to acknowledge CCALAC for their consistent support, without which this project would not have been possible. This chapter reflects information through September 2021.

When the COVID-19 public health emergency (PHE) was declared in March 2020, Federally Qualified Health Centers (FQHCs) were tasked with providing behavioral health services virtually, utilizing phone calls and video conferencing, within a few weeks. Before COVID-19, Federally Qualified Health Centers (FQHCs) only received federal reimbursement when telehealth services were provided within a medical facility or rural areas. However, as the pandemic spread, medical facilities had to find a way to provide services while minimizing the virus's transmission rate. The federal government, realizing this predicament, passed the Coronavirus Preparedness and Response Supplemental Appropriations Act and expanded the 1135 waiver to allow FQHCs to get reimbursed for all the telehealth services they provide.²

The expansion of the 1135 waiver allowed Medicare to reimburse telehealth services offered by various professionals, including doctors, nurses, clinical psychologists, and licensed clinical social workers. This change allowed patients to receive care from home and granted clinicians the ability to provide care from their residence. Additionally, this change made audio-only interventions reimbursable, meaning patients can receive behavioral health treatment over the phone.³ Within a few weeks, FQHCs were providing a majority of their mental health services remotely.

Now, FQHCs continue to provide mental health services remotely. As vaccine distribution allows us to achieve herd immunity, the next question for FQHCs is how telehealth will look after the pandemic. As providers have grown accustomed to the virtual format, moving back to entirely in-person services seems unrealistic. We aim to gain insight into how providers are operating one year later. Specifically, this chapter analyzes how virtual behavioral health services compare to in-person services regarding quality and access for underserved communities within Los Angeles County.

Prior Literature and Our Research

The overwhelming response from previous literature and our research were that most mental health clinicians and patients find the virtual format incredibly useful. Literature prior to the COVID-19 PHE notes decreased no-show rates as more patients can attend their therapy appointments using telehealth services.⁴ Additionally, providers report that using audiovisual and telephonic formats does not compromise the quality of their therapeutic interventions.⁵

We conducted interviews with employees from seven different community health clinics in Los Angeles County, which were identified by our client, the Community Clinic Association of

² GovTrack.us. (2021). H.R. 6074 — 116th Congress: Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020. Retrieved from <https://www.govtrack.us/congress/bills/116/hr6074>

³ CMS Newsroom. (2020). *Fact Sheet: Medicare Telemedicine Health Care Provider Fact Sheet*. Centers for Medicare and Medicaid Services.

⁴ Daugherty Douglas, M., Xu, J., Heggs, A., Wrenn, G., Mack, D., & Rust, G. (2017). Assessing Telemedicine Utilization by Using Medicaid Claims Data. *Psychiatric Services*, 68(2), 173-178.

⁵ Polinski, J., Barker, T., Gagliano, N., Sussman, A., Brennan, T., & Shrank, W. (2015). Patients' Satisfaction with and Preference for Telehealth Visits. *Journal of General Internal Medicine*, 31(3), 269-275. DOI: 10.1007/s11606-015-3489-x

Los Angeles County (CCALAC). These interviews revealed an equal division of clinicians whose no-show ratings have increased and decreased. However, 56% (5) of our respondents noted that telehealth services were more accessible for clients with tight schedules. Our interviewees also noted that clients struggle with connection issues and lack of a private space.

Our survey was distributed to 28 Los Angeles County clinic employees, and we received 22 unique responses from 17 different clinics. The majority of our respondents perceived that patients were slightly to very comfortable accessing telehealth services. The most commonly reported difficulties mentioned during our interviews were mirrored on the survey. Respondents noted that internet connectivity, finding a private meeting space, access to technology, and digital literacy were the most commonly reported challenges. Since the response to telehealth has been overwhelmingly positive, the next question is which policies currently circulating at the state and federal level will enhance telehealth services post-pandemic.

Our Questions

In this policy research project in partnership with CCALAC, we aim to answer two questions:

1. How should current telehealth policies be amended to improve access to behavioral health services in Los Angeles County for Medi-Cal (Medicaid) recipients during the COVID-19 public health emergency?
2. Which policy proposals at the state and federal level would permanently impact access to behavioral health services for Medi-Cal recipients?

At this writing, the California Department of Health Care Services (DHCS) and state and federal legislators are proposing permanent changes to the reimbursement of telehealth and internet coverage. Bills introduced related to these areas include Medicare 2022 proposals at the federal level and A.B. 32 (Telehealth), A.B. 14 (Internet for All Act), S.B. 4 (Communications: California Advanced Services Fund), and S.B. 378 (Local Government: broadband infrastructure development project permit) in the California State Legislature. After evaluating these policies, we found that the best way to maintain and increase the accessibility of telehealth services is by having payment parity for telephonic calls and expanding broadband internet services to underserved parts of Los Angeles County. We found that tackling the digital divide is the first step to improving behavioral health telemedicine access.

Over the past year, many states have used this transition to telehealth as an opportunity to modernize procedural and reimbursement Medicaid policies permanently. In at least seven states, including Massachusetts, New York, Tennessee, and Utah, newly-enacted legislation permanently offers Medicaid reimbursement for audio-only telehealth sessions.⁶ These new laws suggest an acknowledgment of the quality of telephonic calls and the increased

⁶ Center for Connected Health. (2020). State Telehealth Laws & Reimbursement Policies. *Report*. <https://www.cchpca.org/covid-19-related-state-actions>

accessibility for certain patients. Many more states have introduced or passed legislation identifying digital disparities and funding broadband expansion, citing telehealth accessibility as an urgent need for the present and future.⁷ When the PHE comes to an end, California must make decisions on how to continue telehealth in the future, particularly in emergency reimbursements for audio-only telephonic sessions.

Background & Problem Identification

Before the COVID-19 pandemic, telehealth use was steadily growing in the behavioral health sector in California. Back then, the expansion of telehealth came largely in response to workforce shortages. As the need for mental health services has increased over the years, the workforce has remained stagnant.⁸ There are not enough staff to meet the growing demand.

Telehealth Benefits

By utilizing telehealth, patients can connect with clinicians not in their immediate geographic area, and clinicians can offer more flexible appointments. Secondly, access to broadband internet and video conferencing technology has become increasingly common. Individuals in rural areas can now access broadband internet in their own homes, which has fostered the growth of telemedicine programs.⁹ Lastly, legislation has promoted the usage of telemedicine services. The 2011 Telehealth Advancement Act initiated telehealth usage for primary care providers' and specialists' sessions for all patients, including Medi-Cal recipients.¹⁰

Prior to the PHE, the definition of telehealth in California included “interactive audio, video, or data communications” while excluding audio-only sessions.¹¹ This definition has been typical of telehealth, similarly defined by other states' healthcare policies. Overall, workforce shortages, widespread access to the internet, and policies fostered telemedicine growth in the behavioral health sector before the pandemic.

Medicaid Access to Telehealth

Early research on the demographics of telehealth users suggests that while telehealth provides greater access to patients with a disability—particularly behavioral health services—there is a utilization disparity. This disparity may be due to unequal access to stable internet or means of video conferencing. Daugherty Douglas et al. (2017) studied over 45 million Medicaid enrollees from 22 states that accessed telemedicine from 2008 to 2009. They found that

⁷ Ibid.

⁸ Barnett, M., & Huskamp, H. (2020). Telemedicine for Mental Health in the United States: Making Progress, Still a Long Way to Go. *Psychiatric Services*, 71(2), 197-198.

⁹ Ibid.

¹⁰ CA State Legislature, Assembly, *Telehealth Advancement Act of 2011*, A.B. 415, Sess. of 2011 , http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0401-0450/ab_415_bill_20111007_chaptered.html

¹¹ Ibid.

telemedicine users were predominantly white, male, rural, and have a disability. Almost 95% of these telehealth claims were for mental health services.¹²

This study demonstrated that telemedicine could improve access to behavioral health services for those who are geographically isolated or have mobility impairments. However, it also pointed out extreme disparities in access. White Medicaid recipients were two times more likely to receive telemedicine services than African-American and Hispanic Medicaid recipients. The gap was even wider for Asian Americans.

White Medicaid recipients were 16 times more likely to access virtual health services than Asian American patients.¹³ This discrepancy may be due to the focus on rural service areas that have predominantly white populations. As telehealth expands, policies will need to focus on underserved communities of color while also addressing the digital divide to ensure that access to these services is provided equitably.

The Digital Divide

As the demand for mental health services grows, policymakers must contend with the digital divide that restricts access to virtual services. According to the Pew Research Center, internet usage is widespread among all demographics nationwide. However, internet usage decreases as users' income decreases. In 2019, 98% of individuals earning above \$75,000 annually used the internet, compared to 82% of those earning less than \$30,000.¹⁴ The current annual income threshold for a single individual to access Medi-Cal benefits is \$17,609.¹⁵

Additionally, around 30% of adults with a household income under \$30,000 do not own a smartphone.¹⁶ Over 40% do not have broadband internet services or a traditional computer.¹⁷ This means that 26% of households with an annual income below \$30,000 are dependent on their smartphones for internet access.¹⁸ Given the digital divide, clinics serving lower-income neighborhoods must utilize telehealth programs accessible on laptops and cellphones to offer immediate care.¹⁹ In California, 84% of residents had high-speed internet in their homes in 2019.²⁰ However, this access is not consistent among all ethnic and racial groups. Compared to the 84% statewide average, 79% of Latino households and 81% of African American households

¹² Daugherty Douglas, M., Xu, J., Heggs, A., Wrenn, G., Mack, D., & Rust, G. (2017). Assessing Telemedicine Utilization by Using Medicaid Claims Data. *Psychiatric Services*, 68(2), 173-178.

¹³ Ibid.

¹⁴ Pew Internet & Technology. (2019). *Internet/Broadband Fact Sheet*. Pew Research Center.

¹⁵ DHCS. (2020).

¹⁶ Pew Internet & Technology. (2019).

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Anderson, M., & Kumar, M. (2019). *Digital divide persists even as lower-income Americans make gains in tech adoption*. Pew Research Center.

²⁰ Gao, N. & Hayes, J. (2021). *California's Digital Divide*. Public Policy Institute of California. <https://www.ppic.org/publication/californias-digital-divide/>

had broadband subscriptions in 2019.²¹ For households earning less than \$50,000 a year, that number drops to 76% and 80% for those without a bachelor's degree.²² Additionally, 76% of California households had multiple users, which means these households need more bandwidth to ensure they have a stable connection on their home devices.²³

In Los Angeles County, 98.9% of households are considered served.²⁴ According to the California Public Utilities Commission (CPUC), the end of 2018 had a total of 1%, or 36,302 households that were either deemed unserved with slow services or unserved with no services. The CPUC uses a marker of 6 megabits to determine that an area is served. However, as technology grows more intensive and residents require more downstream and upstream bandwidth, using 6 megabits to determine which households are underserved will no longer be a viable option. This suggests that by today's standards, more than 1% may be unserved with slow services.

Quality and Accessibility of Telehealth Behavioral Health Services

Current literature evaluating telehealth both before and during the COVID-19 PHE suggests telehealth sessions offer both benefits and new challenges in terms of therapeutic intervention quality and session access. Clinicians participating in teletherapy visits often highlight the lack of a private, confidential space for patients as a challenge. On-site, therapists can guarantee a safe space for their patients.

While patients are in their own homes with other family or household members, they must find ways to create that confidential space—having household members agree not to enter that part of the house during sessions, taking the session while in the car or on a walk, or using chat functions when a private space is interrupted or impossible.²⁵ On the other hand, clinicians have noted that this reality allows them to see parts of the patients' living environment previously unseen.²⁶

A related challenge is the lack of non-verbal communication, especially in audio-only telephonic sessions. Clinicians can observe a person's body language during an in person session, but that language is reduced to what is seen from the shoulders-up on the digital screen, sometimes also with a time lag.²⁷ These new challenges push clinicians to adjust their

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Speeds of at least 6 megabits down and 1 megabit up.

²⁵ Burgoyne, N. & Cohn, A.S. (2020). Lessons from the Transition to Relational Teletherapy During COVID-19. *Family Process*, 59(3): <https://doi.org/10.1111/famp.12589>

²⁶ Usher-Pines, L., Sousa, J., Raja, P., Mehrotra, A., Barnett, M.L., Huskamp, H.A. (2020). Suddenly Becoming a "Virtual Doctor": Experiences of Psychiatrists Transitioning to Telemedicine During the COVID-19 Pandemic. *Psychiatric Services* 71(11): 1143-1150. <https://doi.org/10.1176/appi.ps.202000250>

²⁷ Burgoyne & Cohn. (2020).

therapeutic interventions when meeting with patients.²⁸

Overall, telehealth quality is generally thought to be similar to or even more beneficial than in-person services for behavioral health therapy sessions, especially when taking accessibility into account. In a 2015 study, Polinski et al. surveyed over 1,700 telehealth patients and over 90% of respondents reported being very satisfied with their telehealth program.²⁹ A third of the respondents stated that they preferred their virtual visit to an in-person appointment, with shorter waiting times as a primary motivator. Ninety-five percent of respondents reported being very satisfied with the technology and their ability to see and hear the clinician. Almost all of the respondents reported that they would probably or definitely use telehealth again and would recommend the service to someone else.³⁰

Women comprised 70% of the Polinski et al. (2015) survey respondents.³¹ Considering how women are more likely to manage both work obligations and childcare responsibilities, they may face more barriers to accessing medical care in person. In the same study, over a third of the telehealth visits were scheduled for the weekend or holidays when in-person medical appointments are usually unavailable.³² Telehealth creates greater accessibility to healthcare due to more flexible scheduling, the lack of commute time, and overall shorter waiting times all while maintaining satisfactory quality of care.

²⁸ Interian, A., King, A., St. Hill, L., Robinson, C., & Damschroder, L. (2018). Evaluating the Implementation of Home-Based Videoconferencing for Providing Mental Health Services. *Psychiatric Services*, 69, 69–75. DOI: 10.1176/appi.ps.201700004

²⁹ Polinski, J., Barker, T., Gagliano, N., Sussman, A., Brennan, T., & Shrank, W. (2015). Patients' Satisfaction with and Preference for Telehealth Visits. *Journal of General Internal Medicine*, 31(3), 269-275. DOI: 10.1007/s11606-015-3489-x

³⁰ Ibid.

³¹ Polinski, et al. (2015).

³² Ibid.

Methods

To understand the effects of telehealth on behavioral health services for Medi-Cal patients, we used existing literature, interviews with service providers, an employee-focused survey, and secondary data to identify potential policy options.

Methods of Evaluation

The authors used prior academic research, outsourced data, surveys, and interviews to analyze our findings and policy questions. In the literature review, we summarize relevant health policies pertaining to Medicaid and Medi-Cal telehealth reimbursement as well as academic literature researching the quality and accessibility of telehealth services. This research provides a deeper understanding of the telehealth policies and circumstances surrounding policy implementation.

We first consider whether the new policies implemented are cost-effective and affordable. We want to maximize utility and benefits for both our clinicians and their patients. We recommend policies that are both politically feasible and cost-effective. Furthermore, we hope to balance the benefits between clinic administrators and patients, both from policies and economic factors.

Community Health Clinic Survey

The authors created an employee-focused survey and distributed it to specific Community Clinic Association of Los Angeles County (CCALAC) members to gauge the effectiveness of telehealth towards those administering it. Survey participants were selected during a joint meeting with CCALAC based on their potential engagement and services provided. The surveys were sent out to 28 clinics and were stored using Google Forms. All employees who received an email answered the same questions and were kept anonymous. Respondents were able to indicate whether they were willing to attend an interview with our team.

We achieved a response rate of 78.6 % (22). Each unique response was coded based on their response to the first question. This process allowed us to create groups by administrator, practitioner, or management and identify potential issues that could be addressed through policy implementation.

Community Health Clinic Interviews

To distribute the survey, we worked with CCALAC to identify clinics providing comprehensive behavioral health services. While creating this list, we maintained a geographic distribution across Los Angeles County. The Association identified 28 clinics in January 2021 for our group to reach out to for an interview with at least one administrator and one practitioner. Additionally, through the CCALAC distributed survey, we followed up with individual respondents who signaled an interest in participating in this interview. We created interview

guides that targeted specific employees, with the main difference being practitioners were asked about their experience with patient symptomatology and mandated requirements. In contrast, administrators were asked about their experience with billing and management.

Criteria for Evaluation

When deciding among policy options, a set of criteria was given to determine whether a policy choice should be pursued. The criteria used to recommend policy options are shown on Figure 1.

=====

Criteria for Evaluation	
Patient Benefit	<ul style="list-style-type: none"> ● Access and quality before/after increased use of telehealth
Administrative Benefit	<ul style="list-style-type: none"> ● Will be measured from workload, management, and preparation procedure ● Rely more on interviews with current clinics
Political Feasibility	<ul style="list-style-type: none"> ● The political climate, current California and federal legislation, and lobbying efforts needed ● Comparing total average costs with clinics of corresponding sizes ● Additional equipment & services
Technical Feasibility	<ul style="list-style-type: none"> ● Rely more on interviews with current clinics and existing literature

Figure 1. Criteria for evaluation of policy options.

=====

Patient Benefit

Any policy implementation needs to consider the effects on Federally Qualified Health Center (FQHC) patients. Policy options were assessed based on perceived changes to quality and access before and after the expansion of telehealth. This expansion allowed us to determine whether there has been a significant impact on quality or access of care. Results from our distributed survey, interviews, and secondary data were used to determine current trends within California. Since current research on telehealth expansion had not been published by the completion of this project in April 2021, small-scale implementations in clinics from outside of Los Angeles County were used as evidence of patient benefit.

Administrative Benefit

After the expansion of telehealth, clinical staff had to make a radical shift in how they provided behavioral health services. Policies had to ensure that administrators, practitioners, and management were able to continue providing services with minimal burnout. An essential part of behavioral health services is ensuring that service providers and administrators receive adequate guidance and resources.

Adequacy included improved workflow or more straightforward preparation procedures for an individual. After a program began, the initial implementation obstacles were compared with the expected effects after necessary preparation was complete. Administration benefits were more difficult to quantify and, as a result, we relied on interviews and programs already implemented both within Los Angeles County and outside of CICALAC.

Political Feasibility

The likelihood of broader government policy implementation was utilized to determine whether a recommendation should be pursued. Political climate, cost, current California legislation, and lobbying efforts were utilized to evaluate if an option was politically feasible. The evaluation focused especially on proposed state or federal bills.

Technical Feasibility

The issue of technical feasibility was measured based on a clinic's ability to implement and use a recommended program effectively. Established facilities that had available space and resources can take advantage of specific policies that smaller clinics may be unable to implement. Feasibility was measured through analysis of telehealth programs already in effect with similar conditions and through interviews to determine capacity. We also examined pre-existing literature on the subject.

Results

Our survey was distributed to 28 different clinic directors, administrators, and clinicians within CICALAC from January 24, 2021, to February 24, 2021. There was a response rate of 79%, with 22 unique responses from 17 different clinics. The survey population was 64% (14) practitioners, 55% (12) management, and 32% (7) administration, with a few other single positions included.³³

The survey asked 14 questions that requested respondents to identify their personal experiences and perspective on telehealth. No responses indicated a significant decrease in caseloads within their clinic as a result of telehealth. A total of 81% (17) indicated that their caseload had either remained the same or increased, with 29% (6) indicating there was a substantial increase. Within the context of the survey, the addition of telehealth services has

³³ Survey respondents were able to pick more than one answer.

led to greater demands from clinical staff within CCALAC members.

Of the respondents, 91% (20) answered that 75% to 100% of their behavioral health services are provided through telehealth platforms. The rest of the responses made up 9.1% (2), which stated 50% to 75%. When asked, “What types of telehealth platforms do you use,” one clinic reported using telephonic services solely, two reported using video telehealth services solely, and 19 reported usage of both.³⁴ All respondents (22) indicated that individual therapy sessions were offered through telehealth services. Group therapy sessions made up 36% (8), support groups at 32% (7) and substance groups at 23% (5). Couples and family sessions as well as medical care were both written into our survey at 5% (1) each.

When asked to rate perceived level of comfort from patients, 81.9% (18) of clinicians indicated that their patients were slightly to very comfortable with the platform. Only one respondent answered with a slightly uncomfortable rating. We also asked their own level of comfort when administering telehealth and received an overwhelming number of respondents who felt very comfortable (15). No one marked that they were slightly or very uncomfortable.

Regarding telehealth services, these responses are high, which might be attributable to the time at which the survey was distributed. The telehealth transition has become much smoother and could explain patient’s familiarization with the platform.

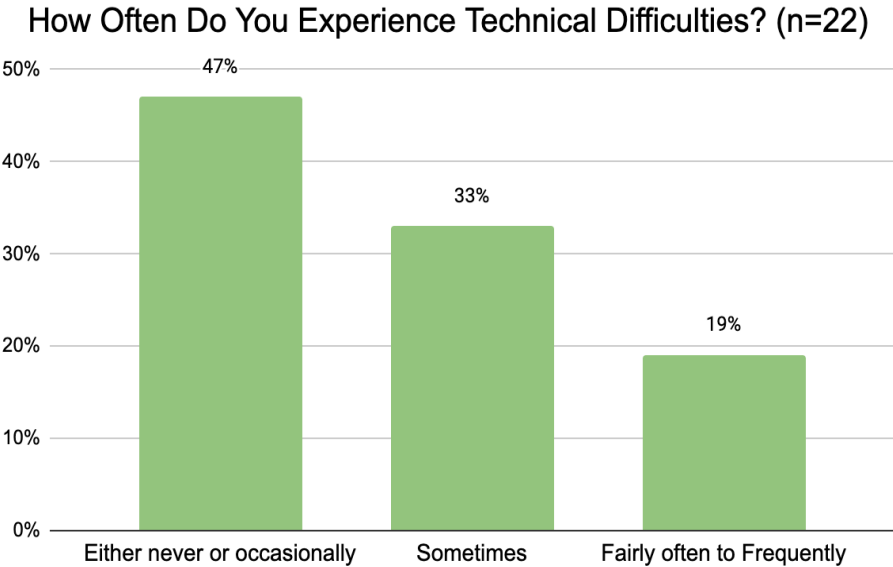


Figure 3. Results from a multiple-choice question on our member clinic survey asking, “How often do you experience technical difficulties during telehealth sessions?”

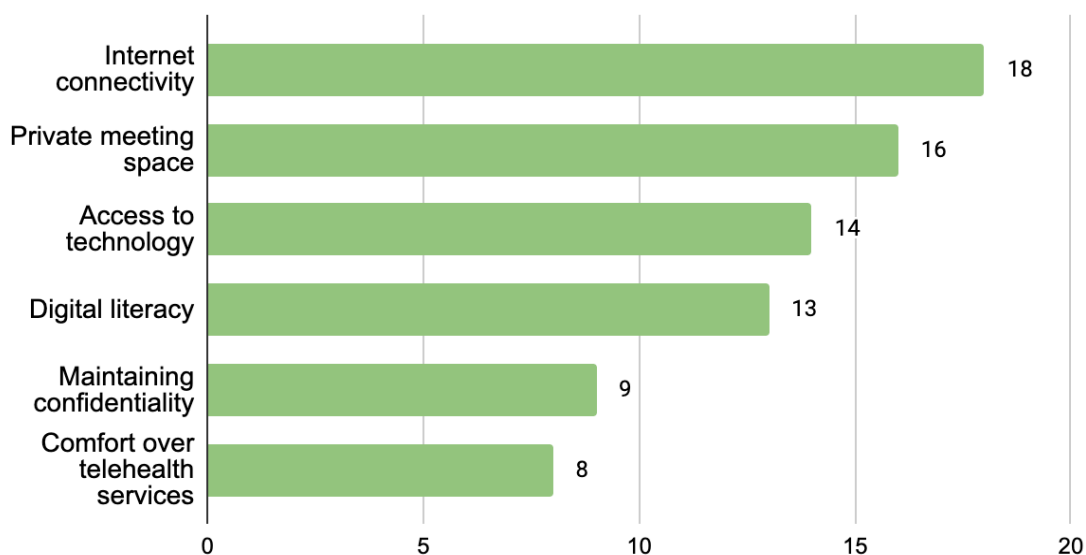
³⁴ Survey respondents were able to pick more than one answer.

We asked participants whether they experienced technical difficulties when using telehealth. Although most felt comfortable administering telehealth, there was a broad range of responses. About 47% (10) answered that they either never or occasionally experienced difficulties, 33% (7) answered sometimes, and 19% (4) answered often to frequently.³⁵

When asked about patient challenges, internet connectivity (18), private meeting space (16), access to technology (14), and digital literacy (13) were all chosen by most of our survey population.

Maintaining confidentiality (9) and comfort over telehealth services (8) were also mentioned, albeit not as often. Only one respondent added their own their own patient challenges that were not already listed in our survey.³⁶

What Challenges Do Your Patients Face When Using Telehealth?



Finally, most of the respondents (18) stated that they are either somewhat or very likely to continue telehealth services at the end of the COVID-19 public health emergency. However, through survey responses and interviews, much of that possibility relies on the reimbursement policies in place after the public health emergency. Other comments in favor of telehealth use include transportation benefits, convenience, and increasing demand for behavioral health services.

Interviews

We interviewed eight employees from seven clinics, most of them in LA County, and chose clinics based on their services and targeted patients. Eleven questions were asked during

³⁵ Participants were able to choose between 1 to 5 with 1 indicating never and 5 indicating frequently.

³⁶ Survey respondents were able to pick more than one answer. The added response indicated “the lack of childcare.”

each interview, covering topics from the population served to current technical difficulties. We interviewed administrators and practitioners with interview guides curated to their job position. At least two group members conducted each interview.

In terms of accessibility, clinicians have reported various changes. Of the clinicians we interviewed, 13% (1) reported increased no-show rates while using telehealth services. On the contrary, another 38% (3) of clinicians reported a decrease in no-show rates. This anomaly can be explained in a few different ways. Some clinicians reported that since patients do not physically go to a service provider, they are more likely to forget about their appointment.

Additionally, one clinician reported that patients stopped attending virtual appointments because they did not like the virtual model. When the clinician spoke with these patients, they decided to postpone therapy until in-person visits could be resumed. However, previous research has shown that overall, no-show ratings decrease when virtual services are implemented.³⁷ In our interviews, service providers reported that more patients could attend appointments because transportation is not a barrier. Patients do not have to contend with transportation costs or reserve time to commute to their appointments. These flexibilities have made behavioral health services more affordable and accessible. made behavioral health services more affordable and accessible.

Thirty-eight percent (3) of our clinic respondents noted that telehealth services are more accessible for patients with tight schedules. However, privacy and internet connectivity remain concerns for clinicians and patients. One clinician reported that a client attempted to take their therapy appointment in the grocery store. The clinician had to stop the session and reschedule when the client could find a private place to continue. One of our interviewees stated that one patient has to go outside on their back patio every session; otherwise, their roommates will hear personal information. Additionally, clinicians reported patients taking therapy sessions in their cars for more privacy.

All clinics using video-audio telehealth platforms brought up connectivity as an issue (6). Of the clinicians interviewed, 50% (4) of clinics reported that patients struggled with digital literacy. Some clinicians noted that younger relatives would set up the appointment for the patient. Despite these technical difficulties faced by clinics, most of them are interested in maintaining telehealth as an option post-pandemic. However, our respondents preferred a hybrid model where individuals could receive services remotely or in person, depending on patient preference. Only one clinic indicated that they would not use telehealth unless necessary.

³⁷Department of Health Care Services. (2021).; Daugherty Douglas, M., Xu, J., Heggs, A., Wrenn, G., Mack, D., & Rust, G. (2017). Assessing Telemedicine Utilization by Using Medicaid Claims Data. *Psychiatric Services*, 68(2), 173-178.

Discussion

To understand clients' and other clinics' situations, we utilized a mixed approach, including literature review, interviews, and surveys. From the literature review, we found policies relevant to improving telehealth services, and combining with interviews and surveys, we were able to determine whether or not policies are cost-effective and politically feasible. From interviews, we found that most clinics were optimistic about developing telehealth services, hoping that agencies would help them solve technical difficulties such as connectivity. Our surveys also showed that most clinics remain relatively positive about continuing the service with a detailed reimbursement plan from the government.

As the transition to a “new normal” remains uncertain, it is vital to maintain robust telehealth systems that offer behavioral health services in underserved communities. Thus, we find it vital to continue payment parity in telephonic services reimbursement and expand high-speed internet availability across Los Angeles County. As one clinician put it, *“[Telehealth] has broken down the stigma surrounding mental health services, at least in our community. The fact that they are able to do it privately in terms of not being seen walking into a clinic or mental health provider makes a lot of difference. And people do come back because of it.”* Telehealth services will continue in one form or another in LA County and it is up to policymakers to ensure that all communities have access to those services.

Limitations

Although our analysis was comprehensive, we were still limited by the lack of data in specific regions. It is also a limitation that we could not interview telehealth users (patients of these clinics) due to privacy protections. We would have better understood key issues if we could have listened to patients report how they thought the telehealth services that they received might be improved. Another limitation came from the fact that we didn't have forecasts of governmental budgets for implementing infrastructure for clinics. Budget resources are essential when considering cost-effectiveness and political feasibility.

Although we were able to obtain a response rate of 79%, the entire population of 22 is too small to make statistically significant claims. Staff members were justifiably busy with increased caseloads. As a result, the survey results should not be used to support or reject any policies but rather to gain qualitative insight into how clinicians are doing one year into the pandemic providing virtual services. Additionally, the main population that we surveyed were typically in higher management roles. The experience of other staff members could be different from the 22 that took part in our survey. Finally, our results could be hindered by potential voluntary response bias. There is a possibility that those with busier schedules or less time to devote to filling out the survey would have indicated strong positions that would have influenced the results of some of our questions.

Policy Options & Recommendations

As highlighted in our literature review, survey, and interview results, disparities in the behavioral health sector exist where patients lack the digital literacy, technological means, and transportation cost to connect with their provider, either on an audio-video call or in person. Continuing telephonic reimbursement and expanding broadband services are the best solutions to closing the digital divide in telehealth services. Thus, we have two basic recommendations:

- 1) Advocating for current proposals and bills to include payment parity for telephonic calls.
- 2) Advocating for the expansion of broadband services in underserved communities across Los Angeles County.

In this section, we analyze how recently proposed and enacted policies and bills address these recommendations, and next steps for further advocacy. We analyze how each policy meets the criteria previously mentioned: patient benefit, administrator benefit, political feasibility, and technical feasibility.

1) Advocating for Payment Parity for Telephonic Sessions

Continued advocacy for the reimbursement of telephonic calls requires presenting evidence demonstrating that telephonic services are on par with audio-video or in-person sessions in terms of quality. Additionally, payment parity is crucial to cover clinician labor, overhead clinic costs, and technology costs. Such evidence can include anecdotal interviews with clinicians and clinic administrators, academic research on telephonic quality-of-care, and reports such as this policy proposal.

We highlight three recent policies circulating at the state and federal level concerning the reimbursement of telephonic services: the DHCS Telehealth Policy Proposal, A.B. 32, and the Medicare 2022 Proposed Policies. Based on our criteria evaluating implementation cost, patient benefit, administrative benefit, political feasibility, and technical feasibility, we made the following recommendations.

DHCS Telehealth Policy Proposal

Initially, when the DHCS first issued their 2021 Telehealth Policy Proposal, the department decided to discontinue pay parity for telephonic/audio-only telehealth sessions. Instead, these sessions were to be expanded at a separate fee schedule and not billable by FQHC/RHCs. They used the rationale that the “level of care” and “level of complexity” provided are not equivalent to in-person visits.³⁸ However, as discussed previously, we find that telephonic care provides adequate quality of care—especially considering that it uniquely offers

³⁸ Department of Health Care Services. (2021)

telehealth care to individuals without access to broadband and video conferencing technology. The initial approach would have been particularly damaging to FQHCs, whose primary population is more impacted by the digital divide.

This new policy was set to be enacted on July 1, 2021. However, with the introduction of Assembly Bill 133, DHCS was able to receive more funding to continue telehealth flexibilities through December 31, 2022. Following expiration, DHCS plans to convene an advisory workgroup to evaluate new billing and utilization management protocols for telehealth modalities specifically to increase access and reduce disparities for Medi-Cal recipients.³⁹

Based on our internal surveys, 87% (20) of responding clinics noted that they are providing telephonic services. Multiple behavioral health therapists in Los Angeles noted during our interviews with them that their no-show ratings are lower than ever because clients can call into their appointments. One interviewee indicated that many of their clients do not have laptops, making accessing video services more difficult. When survey respondents were asked which challenges their patients have faced utilizing telehealth services, 82% (18) said internet connectivity. By eliminating the reimbursement of telephonic services, DHCS will increase access barriers for Medi-Cal recipients. We recommend for CICALAC to encourage a continuation of telephonic services for its member clinics, and to support pay parity to the DHCS telehealth advisory workgroup.

=====

	Patient Benefit	Administrator Benefit	Political Feasibility	Technical Feasibility	Recommendation
DHCS Telehealth Policy Proposal	High	Medium	High	High	Advocate for telephonic pay parity to workgroup

Figure 4. DHCS Telehealth Policy Proposal Scorecard

=====

California Assembly, A.B. 32: Telehealth.

Prior to the passage of A.B. 133 and the continuation of public health emergency telehealth practices, A.B. 32 (introduced by Assemblymember Aguiar-Curry, D-Winters) proposed guaranteeing telephonic parity indefinitely. This bill would also have created a 2022 advisory group researching Medi-Cal telehealth and require a 2024 assessment of the benefits

³⁹ A.B. 133 Health, 2021, 2021 Reg. Sess. (Ca. 2021).
https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=202120220AB133

of Medi-Cal telehealth.⁴⁰ Out of all the current telehealth related bills in the California Legislature, A.B. 32 was the only one to guarantee a long-term continuation of vital temporary expansions for all Medi-Cal services.

With the passage of A.B. 133, A.B. 32 was sidelined and thus did not receive a floor vote prior to the end of the legislative session. However, as A.B. 133 places a time limit on telephonic pay parity, we recommend supporting future bills or policies in the next legislative session. At the time, A.B. 32 already received endorsements by several healthcare organizations, including the California Medical Association (CMA), the California Association of Public Hospitals and Health Systems, and Planned Parenthood Affiliates of California.⁴¹

By endorsing a future bill similar to A.B. 32, CCALAC would be in welcome company, showing solidarity with other health care leaders in California. Patient and administrator benefits for this bill are high, as it continues emergency expansions beyond those continued with DHCS’s policy proposal. Political and technical feasibility are also high, as clinics and Medi-Cal have already adjusted to telehealth and telephonic service billing. We recommend fully endorsing A.B. 32’s telephonic pay parity.

	Patient Benefit	Administrator Benefit	Political Feasibility	Technical Feasibility	Recommendation
A.B. 32 Telehealth	High	High	High	High	Endorse identical bill in the future

Figure 5. California A.B. 32: Telehealth Scorecard

=====

Medicare 2022

On the federal level, Medicare has acted to permanently include audio-only calls in telephonic services, but it proposes separate payment for these audio-only telephonic calls. Medicare suggests this limited payment ensures that audio-only services are used only when necessary, despite acknowledging the preference and, at times, necessity by patients to conduct telephonic services. Moving forward without payment parity, clinics may find it more difficult to provide quality services to their patients, particularly in areas with greater digital divide where audio-only calls are more reliable. However, Medicare has also stated they are seeking comment on the purposes of audio-only mental health telehealth service utilization,

⁴⁰ A.B. 32 Telehealth, 2020, Aguiar-Curry, 2021 Reg. Sess. (Ca. 2020). https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB32
⁴¹ Cecilia M. Aguiar-Curry, 2021, Telehealth Bill Introduced to Improve Health Care Access. Press Release. <https://a04.asmdc.org/press-releases/20210108-telehealth-bill-introduced-improve-health-care-access>

including its usefulness for higher-level services, rates of utilization, and ability to minimize patient risk.⁴²

Thus, we recommend that CCALAC advocate for parity for audio-only calls inclusion in the new Medicare Program Payment Policies. The inclusion of audio-only calls benefits patients greatly, but it places a greater burden on clinicians and administrators. Because this change does not require congressional action, political feasibility is high.

=====

	Patient Benefit	Administrator Benefit	Political Feasibility	Technical Feasibility	Recommendation
Medicare Program CY 2022 Payment Policies	High	Medium	High	High	Advocate for telephonic inclusion

Figure 6. Medicare Program CY 2022 Payment Policies Scorecard

=====

2) Advocating Broadband Expansion in Underserved Communities

Along with telephonic reimbursement, the expansion of broadband internet in clinics would provide more efficient telehealth services. From our interviews with clinics, we found that the most extensive technical requirement is to increase broadband services for patients. If patients needed to show their video during the session, they would need to travel to places with a hotspot/Wi-Fi, decreasing the guarantee of a private space. We highlight three bills from the state legislature regarding the expansion of broadband internet services; including, S.B. 4 the Broadband for All Act, A.B. 14: the Internet for All Act, and S.B. 378. Based on our criteria evaluating implementation cost, patient benefit, administrative benefit, political feasibility, and technical feasibility, we made the following recommendations.

California Senate, S.B. 4 Broadband for All Act

State Senator Lena Gonzalez (D-Long Beach) introduced S.B. 4 to shift the Public Utilities Commission’s California Advanced Services Fund (CASF) to prioritize broadband infrastructure projects where internet speeds are at or below 10 mbps. S.B. 4 would take effect immediately in order to expedite job creation and broadband access for vital communications, again specifying telehealth as an urgent need and require annual auditing. Additionally, this bill would cap the CASF monthly surcharge at \$0.23 per month per access line—this is the surcharge that residents pay on their telephone bills to spur broadband infrastructure projects.⁴³ As

⁴² Centers for Medicare & Medicaid Services, Medicare Program, Federal Register. <https://www.federalregister.gov/documents/2021/07/23/2021-14973/medicare-program-cy-2022-payment-policies-under-the-physician-fee-schedule-and-other-changes-to-part>

⁴³ S.B. 4, 2020, Gonzalez, 2021 Reg. Sess. (Ca. 2021). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB4&search_keywords=telehealth

communities with limited broadband speeds are predominantly low-income, this cap creates protections for households experiencing the digital divide.

S.B. 4 would increase patient and administrator benefit, as they will enjoy a higher quality of services without traveling to other places with strong internet connection. The bill is technically feasible but requires reallocation of funding and reorganization of projects that may already have been set in motion. S.B. 4 recently passed through the California Senate and Assembly and, at this writing, has been presented to the governor for signing or veto.

=====

	Patient Benefit	Administrator Benefit	Political Feasibility	Technical Feasibility	Recommendation
S.B. 4 Communications: California Advanced Services Fund	High	High	Medium	Medium	Endorse

Figure 7. California S.B. 4 Communications: California Advanced Services Fund Scorecard

=====

California Assembly, A.B. 14: Internet for All Act

Similar to S.B. 4, A.B. 14 requires the Public Utilities Commission’s California Advanced Services Fund (CASF) to prioritize broadband infrastructure projects in areas where internet connectivity is low. However, here, only areas with internet speeds at or below 6 mbps are prioritized.⁴⁴ The bill also specifies an urgent need in the education sector, telehealth services, and job creation for these projects. Financial and performance audits would be required annually.⁴⁵

The same patient and administrator benefit and political and technical feasibility concerns that are entailed in S.B. 4 also are entailed in A.B. 14. Assemblymember Aguiar-Curry (D-Winters) introduced A.B. 14 before S.B. 4, but this bill does not include a cap on CASF monthly charges and has a lower internet speed threshold for prioritization. For those reasons, A.B. 14 may have higher political feasibility. A.B. 14 has also passed through the California Legislature and awaits the governor’s signature or veto at this writing.

⁴⁴ A.B. 14, Aguiar-Curry, 2021 Reg. Sess. (Ca. 2021).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB14

⁴⁵ Ibid.

	Patient Benefit	Administrator Benefit	Political Feasibility	Technical Feasibility	Recommendation
A.B. 14 Internet For All	Medium	Medium	High	High	No action

Figure 8. California A.B. 14: Internet For All Scorecard

California Senate, S.B. 378

Unlike A.B. 14 and S.B. 4, S.B. 378 (also introduced by Sen. Gonzalez, D-Long Beach) looks less at short-term broadband expansion and promotes fiber optic infrastructure projects instead. The bill allows providers to install fiber through more quick and cost-effective means without the prohibition from local agencies.⁴⁶ Additionally, the bill would start a state-mandated local program that requires local agencies to allow for micro trenching where available, as long as construction still abides by local construction regulations.

All providers interested in fiber-optic internet expansion would need to apply for a permit for a fee related to the submission of the application. Local agencies and school districts would be reimbursed for any of the additional costs mandated.⁴⁷ The construction of fiber would give an area internet speeds even higher than with broadband—with speeds over 100 mbps—setting up for longer-lasting utilization. However, households would have to individually switch to fiber optic from broadband, which is often more expensive, creating additional barriers for households that cannot afford or have difficulty paying for broadband.

S.B. 378 is technically feasible because it abides by current fiber construction deadlines and removes administrative barriers. However, for the same reasons, the bill may meet resistance within County engineers and Public Works. For patients and administrators, S.B. 378 offers little benefit, as it does not prioritize unserved or underserved broadband areas. For these reasons, though S.B. 378 creates a vision for a fiber-optic Los Angeles County, it may not reach CCALAC’s patient population. S.B. 378 has also passed through the California legislature and awaits the governor’s signature or veto.

⁴⁶ S.B. 378, 2020, Gonzalez, 2021 Reg. Sess. (Ca. 2021).
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB508

⁴⁷ Ibid.

=====

	Patient Benefit	Administrator Benefit	Political Feasibility	Technical Feasibility	Recommendation
S.B. 378 Local government	Low	Low	Medium	High	No action

Figure 9. *S.B. 378 Local government: broadband infrastructure development project permit processing: microtrenching permit processing ordinance Scorecard*

=====

Conclusions

In creating these recommendations, summarized on Figure 10, we hope to consider the patient benefit, administrator benefit, technical feasibility, and political feasibility of each policy, as well as if each policy supports our recommendations. We find A.B. 32 and S.B. 4 as written to be the most beneficial policies currently proposed for permanent change in the telehealth field. CCALAC member clinics have found ways to provide quality behavioral health services over the past year, building resilient systems. As one clinician put it, *“Part of our foundation of this field is that our patients are resilient—so because we are in a pandemic and everybody who is capable is moving to telehealth or telephonic, we are doing the best we can with what we have.”*

This chapter focused on how the implementation of telehealth services in LA County was affecting clinicians one year into the coronavirus pandemic. By examining existing literature and collecting our data, we found that telehealth had widespread support. By providing telehealth behavioral health services, Los Angeles clinics are reaching community members that they may never have gotten the privilege of serving. In addition, by eliminating the transportation cost, allowing more flexible scheduling, and breaking down the stigma of seeing a therapist in person, clinics providing remote services have increased access to mental health treatment. However, the system needs reform and comprehensive policies to be able to provide services equitably. Clinicians were still struggling to provide services while combating the digital divide during the period of our research.

The first step to improve these limitations is reimbursing telephonic services, which will allow patients to receive therapy over the phone. This is necessary for the countless Los Angeles residents who do not have access to laptops or need to schedule their therapy appointments during their commute to work. Eliminating the reimbursement of telephonic services would restrict access and create additional barriers to service.

Second, broadband internet must be expanded. In 2021, internet access is a necessity of daily living. Access to strong broadband internet allows individuals to access countless resources, including quality mental health treatment. A client with adequate broadband can have a therapy session without worrying about a frozen screen or lagging audio. The policies evaluated above are the first step towards eliminating the digital divide and ensuring that all Medi-Cal recipients can receive accessible quality mental health treatment whenever and wherever they need it.

=====

Recommendations on Telehealth for LA County

Proposed Policy	Summary	Recommendation
Telephonic Reimbursement Policies		
DHCS Policy Proposal	Discontinues pay parity for telephonic (audio-only) telehealth services.	Advocate for telephonic parity
A.B. 32	Extends emergency telehealth provisions, including audio-only pay parity.	Endorse
Medicare 2022 Proposals	Includes audio-only services under telehealth, but at limited payment.	Advocate for telephonic parity
Broadband Expansion Policies		
S.B. 4	Prioritizes broadband infrastructure projects in areas where internet speeds are at or below 10mbps.	Endorse
A.B. 14	Prioritizes broadband infrastructure projects in areas where internet speeds are at or below 6mbps.	No action
S.B. 378	Promotes fiber optic infrastructure projects.	No action

Figure 10. Proposed Policies, Policy Summaries, and Recommended Actions

=====

References

- A.B. 4 Medi-Cal: eligibility, 2020 Arambula, 2020 Reg. Sess. (Ca. 2020).
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB4
- A.B. 14 Communications: broadband services: California Advanced Services Fund, 2020, Aguiar-Curry, 2021 Reg. Sess. (Ca. 2020).
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB14
- A.B. 32 Telehealth, 2020, Aguiar-Curry, 2021 Reg. Sess. (Ca. 2020).
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB32
- A.B. 34, Broadband for All Act of 2022, Muratsuchi, 2020 Reg. Sess. (Ca. 2020).
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB34&search_keywords=broadband
- A.B. 1494, 2019 Aguiar-Curry, 2019 Reg. Sess. (Ca. 2019).
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1494
- Anderson, M., & Kumar, M. (2019). *Digital divide persists even as lower-income Americans make gains in tech adoption*. Pew Research Center.
<https://www.pewresearch.org/fact-tank/2019/05/07/digital-divide-persists-even-as-lower-income-americans-make-gains-in-tech-adoption/>
- Azar II, Alex. M. (2020). *Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus*. U.S. Department of Health and Human Services. <https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx>
- Barnett, M., & Huskamp, H. (2020). Telemedicine for Mental Health in the United States: Making Progress, Still a Long Way to Go. *Psychiatric Services*, 71(2), 197-198. DOI: 10.1176/appi.ps.201900555
- Burgoyne, N. & Cohn, A.S. (2020). Lessons from the Transition to Relational Teletherapy During COVID-19. *Family Process*, 59(3): <https://doi.org/10.1111/famp.12589>
- CCALAC. (2021). *CCALAC About Us*. Community Clinic Association of Los Angeles County. <https://ccalac.org/about/>
- Childs, A., Unger, A., & Li, L. (2020). Rapid design and deployment of intensive outpatient, group-based psychiatric care using telehealth during coronavirus disease 2019 (COVID-19). *Journal of the American Medical Informatics Association*, 27(9), 1420–1424. DOI: 10.1093/jamia/ocaa138

Community Clinic Association of Los Angeles County Financial Package. (2018). <https://ccalac.org/wordpress/wp-content/uploads/F1-2018-04-30-CCALAC-Financial-Workbook.pdf>

CMS Newsroom. (2020). *Fact Sheet: Medicare Telemedicine Health Care Provider Fact Sheet*. Centers for Medicare and Medicaid Services. <https://www.cms.gov/newsroom/fact-sheets/medicare-telemedicine-health-care-provider-fact-sheet>

Daugherty Douglas, M., Xu, J., Heggs, A., Wrenn, G., Mack, D., & Rust, G. (2017). Assessing Telemedicine Utilization by Using Medicaid Claims Data. *Psychiatric Services*, 68(2), 173-178. DOI: 10.1176/appi.ps.201500518

Department of Health Care Services (DHCS). (2020). Do You Qualify for Medi-Cal. <https://www.dhcs.ca.gov/services/medi-cal/Pages/DoYouQualifyForMedi-Cal.aspx>

Interian, A., King, A., St. Hill, L., Robinson, C., & Damschroder, L. (2018) Evaluating the Implementation of Home-Based Videoconferencing for Providing Mental Health Services. *Psychiatric Services*, 69, 69–75. DOI: 10.1176/appi.ps.201700004

Jacobs, J., Blonigen, D., Kimerling, R., Slightam, C., Gregory, A., Gurmessa, T., & Zulman, D. (2019). Increasing Mental Health Care Access, Continuity, and Efficiency for Veterans Through Telehealth With Video Tablets. *Psychiatric Services*, 70, 976-982. DOI: 10.1176/appi.ps.201900104

H.R. 341 Ensuring Telehealth Expansion Act of 2021, Williams, 117th Congress. <https://www.congress.gov/bill/117th-congress/house-bill/341/text?r=15&s=1>

Kim, J.H., Desai, E., Cole, M.B. (2020). How The Rapid Shift to Telehealth Leaves Many Community Health Centers Behind During The COVID-19 Pandemic. *HealthAffairs Blog*. <https://www.healthaffairs.org/doi/10.1377/hblog20200529.449762/full>

Merriam Webster. (n.d.). Digital Divide. <https://www.merriam-webster.com/dictionary/digital%20divide>

NIMH. (2021). Mental Illness. *The National Institute of Mental Health*. Retrieved from <https://www.nimh.nih.gov/health/statistics/mental-illness.shtml>

Office for Civil Rights. (2020). Notification of Enforcement Discretion for Telehealth. *Department of Health and Human Services, HIPAA*. <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>

Pew Internet & Technology. (2019). *Internet/Broadband Fact Sheet*. Pew Research Center. <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/>

Polinski, J., Barker, T., Gagliano, N., Sussman, A., Brennan, T., & Shrank, W. (2015). Patients' Satisfaction with and Preference for Telehealth Visits. *Journal of General Internal Medicine*, 31(3), 269-275. DOI: 10.1007/s11606-015-3489-x

S.B. 378, 2020, Gonzalez, 2021 Reg. Sess. (Ca. 2021). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB508&search_keywords=telehealth

S.B. 4, 2020, Gonzalez, 2021 Reg. Sess. (Ca. 2021). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB4&search_keywords=telehealth

U.S. Department of The Treasury. (2021). <https://home.treasury.gov/policy-issues/cares>

Usher, K., Bhullar, N., & Jackson, D. (2020). *Life in the pandemic: Social isolation and mental health* (29th ed.). Journal of Clinical Nursing. <https://doi.org/10.1111/jocn.15290>

Usher-Pines, L., Sousa, J., Raja, P., Mehrotra, A., Barnett, M.L., Huskamp, H.A. (2020). Suddenly Becoming a "Virtual Doctor": Experiences of Psychiatrists Transitioning to Telemedicine During the COVID-19 Pandemic. *Psychiatric Services* 71(11): 1143-1150. <https://doi.org/10.1176/appi.ps.202000250>

Chapter 5

Inclusion Strategies For Reducing the Digital Divide: A Case Study of the City of Long Beach During Covid-19

Jonathan Hagman, Azami Moriyasu, Norihisa Niiro and Eduardo Reyes

This chapter is based on an Applied Policy Project (APP) written by the authors as part of the Master of Public Policy Program (MPP), at the UCLA Luskin School of Public Affairs. The authors express special thanks to the City of Long Beach and the UCLA Luskin School for their support.

During COVID-19, the world experienced an unprecedented shift in the need to be able to operate digitally. The focus in the news media is usually on employees and students working and learning from home. But various governmental bodies across the country were forced to reassess and restructure how they offered services to their community digitally. Local governments lacking the infrastructure to create digital platforms for their constituency base were especially concerned. As the country now looks to close the digital divide among its populace, local governments are following suit by moving select services online while improving access to select digital services.

This chapter focuses on data that illuminate reducing the digital divide in the City of Long Beach, a matter of special concern to the city's Technology and Innovation Department. Long Beach was named one of the Top 10 Digital Cities for the 10th consecutive year by the Center for Digital Government in 2020. Its Technology and Innovation Department provides constituent value, essential digital infrastructure, and overall government efficiency. Through the Smart City Initiative and Digital Inclusion Strategy, the Department is executing various digital literacy strategic plans. And the City seeking to incorporate marginalized communities into the planning process of policy development and departmental service requests.

Through the Smart City Initiative, the department collaborated with the authors to answer the following question: What digital government strategies can the City of Long Beach create and/or continue to implement in an equitable manner to better deliver services to residents? To answer that question, we adopted a mixed-methods approach by analyzing comparison cities and data from the Go Long Beach phone app, City Website, and phone bank. We also conducted interviews with key local and community officials.

In this chapter, we will review why digital inclusion is an essential goal for a modern and equitable city, and how cities such as Long Beach are working to improve digital services for their residents. We looked at solutions to improve the services themselves along with improving how the City's current digital services are offered to its residents. The City of Long Beach can serve as an example of how other cities should approach its digital inclusion strategy after the COVID-19 pandemic ends.

What is digital Inclusion?

The National Digital Inclusion Alliance defines digital inclusion as activities necessary to ensure that all individuals and communities have access to and use of information and communication technologies. Digital inclusion refers to a person's ability equally to

access the same services, benefits, and resources as others in society. This ability translates into having access to high quality internet from home or in a public space, a device that connects to the internet, and the skills to use the modern software services that many people take for granted. As the utilization of technology grows, so, too, does the importance of access to that technology, especially for those communities that historically have not had that opportunity.

Digital Equity

Digital Inclusion refers to the actions of state and non-state actors to increase access to telecommunications technology. Digital equity has a direct correlation to digital inclusion, in that it is the driving force that allows all people to have the same access to technology devices, internet software and various forms of digital training. Government initiatives that promote digital inclusion need to be well-designed with those who have the least access to technology in mind. If government agencies promote digital inclusion effectively, their initiatives will be at the forefront of the minds of donors, fellow policy makers, and interested stakeholders who are looking to invest resources towards promoting digital equity initiatives of various government bodies. .

Digital Literacy

Digital Literacy is the ability to use technology to research, evaluate and communicate information that requires technical skill and proper instruction. As technology continues to develop at a rapid pace, marginalized populations continue to lag on gaining access to the latest technology devices and purchasing broadband speeds. Compounding the issue, is the lack of digital literacy within marginalized populations as a result of limited access to technology when compared to their more affluent counterparts.

As a result, marginalized populations that have historically lacked access to technology, do not necessarily possess the skills to utilize technology when given access to it. Communities enduring these types of setbacks include the elderly, economically disadvantaged populations, and those whose first language is not English. Whether it be cultural, generational, or economic barriers, digital literacy is an essential part of any Digital Inclusion strategy aimed at the goal to reach Digital Equity.

Impact of Digital inclusion

To discuss the importance of Digital Inclusion properly, we first need to describe the Digital Divide. Broadbent & Papadopoulos describe the Digital Divide as digital exclusion, affecting those in developed and developing countries alike. Specifically, the

digital divide adversely affects low-income, unemployed, elderly, disabled, and low dominant language individuals and inhabitants of rural areas. The Digital Divide describes the gap between those who have access to technology and communications infrastructure and those who don't.

Selwyn and Facer focus on the impact of the digital divide in social housing. Describing the 21st century growth of IT as furthering the gap in income and social status among the disadvantaged Broadbent & Papadopoulos state, "*The network society thesis developed by Castells (2000) postulates that the technological revolution has altered the material basis of society with economic, political, and social relationships that are increasingly organized around networks.*" While optimists argue that the technological revolution gives disadvantaged populations the opportunity to close the gap within the digital divide, statistics suggest that those who do not have access to technology have only fallen further behind the rest of society. The impact of digital technology development has had a disparate effect on the general population, depending on what side of the divide individuals and families have fallen.

With the onset of the COVID-19 pandemic, governments have taken a renewed focus in closing the digital divide, as education, work, and social activities have quickly moved online. The City of Long Beach is recognized for being a leader in digital inclusion and government technology developments over the past decade. However, the COVID-19 pandemic has increased the importance of how cities address the Digital Divide.

The City of Long Beach

Having access to high-speed, quality internet services is essential for completing day-to-day tasks such as scheduling medical appointments, attending online classes, or seeking gainful employment. The City of Long Beach has conducted research indicating residents who lack access to internet and technology are overwhelmingly low-income and minority. Nearly twenty percent are without a high school or college degree.¹

The lack of digital access, coupled with increases in unemployment rates as a result of COVID-19, has exacerbated the digital divide between marginalized groups and everyone else. These inequalities are critical and must be addressed since a lack in technology access often contributes to additional inequities pertaining to housing, job security, business development, and education. More importantly, improved access to technology can help empower these communities, ultimately providing economic mobility and relief. In a recent Digital Inclusion Community Survey administered by the

¹ "U.S. Bureau of the Census, QuickFacts: Long Beach City, California." *Census Bureau QuickFacts*, www.census.gov/quickfacts/longbeachcitycalifornia.

City of Long Beach’s Technology and Innovation Commission, an estimated twenty eight percent of Long Beach households reported not having broadband internet, eight percent of those without broadband rely on their smartphone for internet service, and sixteen percent do not have any form of internet service.²

Limited Access

Figure 1 represents some of the factors contributing to limited internet access among Long Beach residents. The two major reported factors associated with limited internet usage deal with affordability. They indicate that City initiatives geared towards making internet access more affordable could help reduce the digital divide for constituents living in regions maintaining higher poverty levels. Within the four subregions that make up the City of Long Beach (North, East, Central, Southwest, and Port), the highest poverty rates coincide with the regions containing the least amount of internet access, as Figures 1 and 2 illustrate.

² “Analysis and Recommendations for Advancing Digital Inclusion in Long Beach.” The City of Long Beach Technology and Innovation Commission, January 23, 2019. <https://www.digitalinclusion.org/wp-content/uploads/2020/06/Analysis-and-Recommendations-for-Advancing-Digital-Inclusion-in-Long-Beach.pdf>

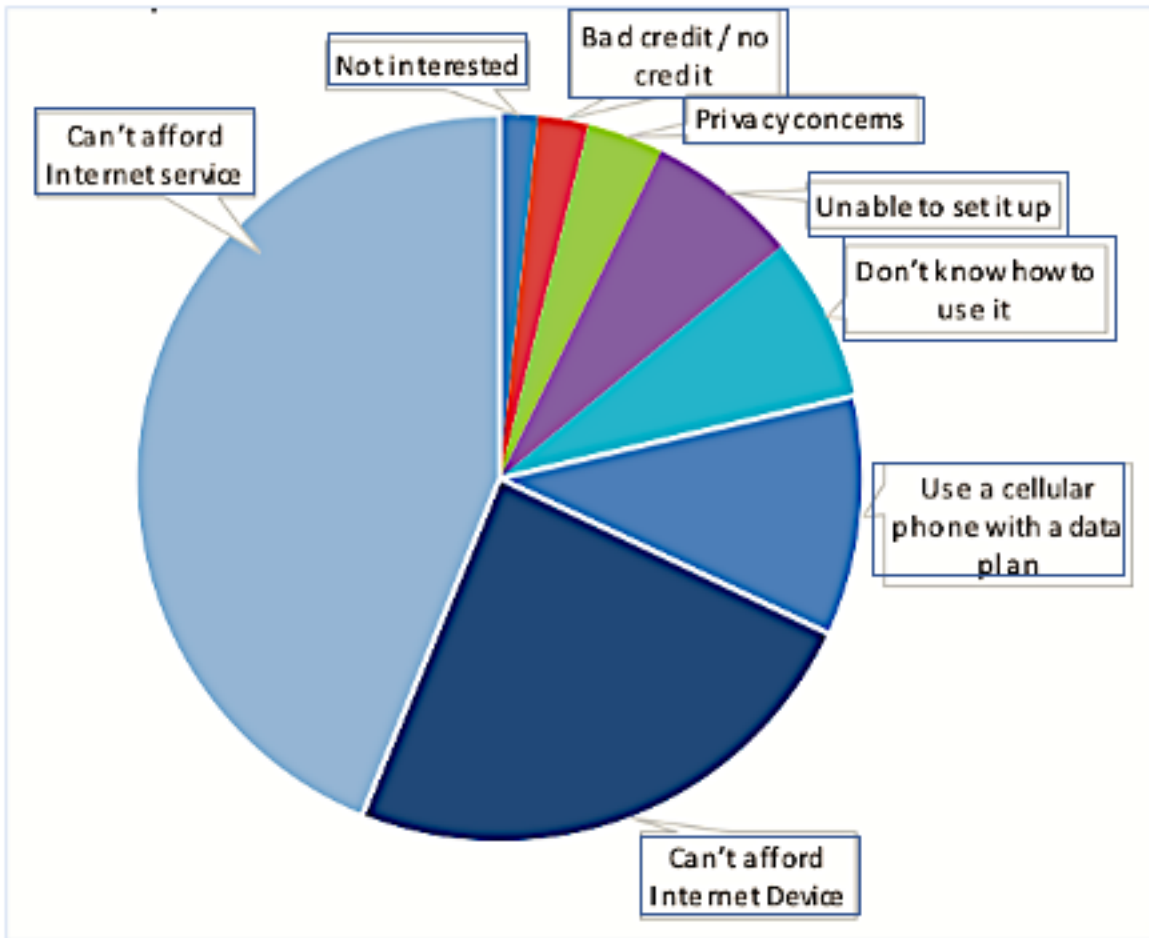


Figure 1: Self-Reported Reasons for Lack of Internet Access

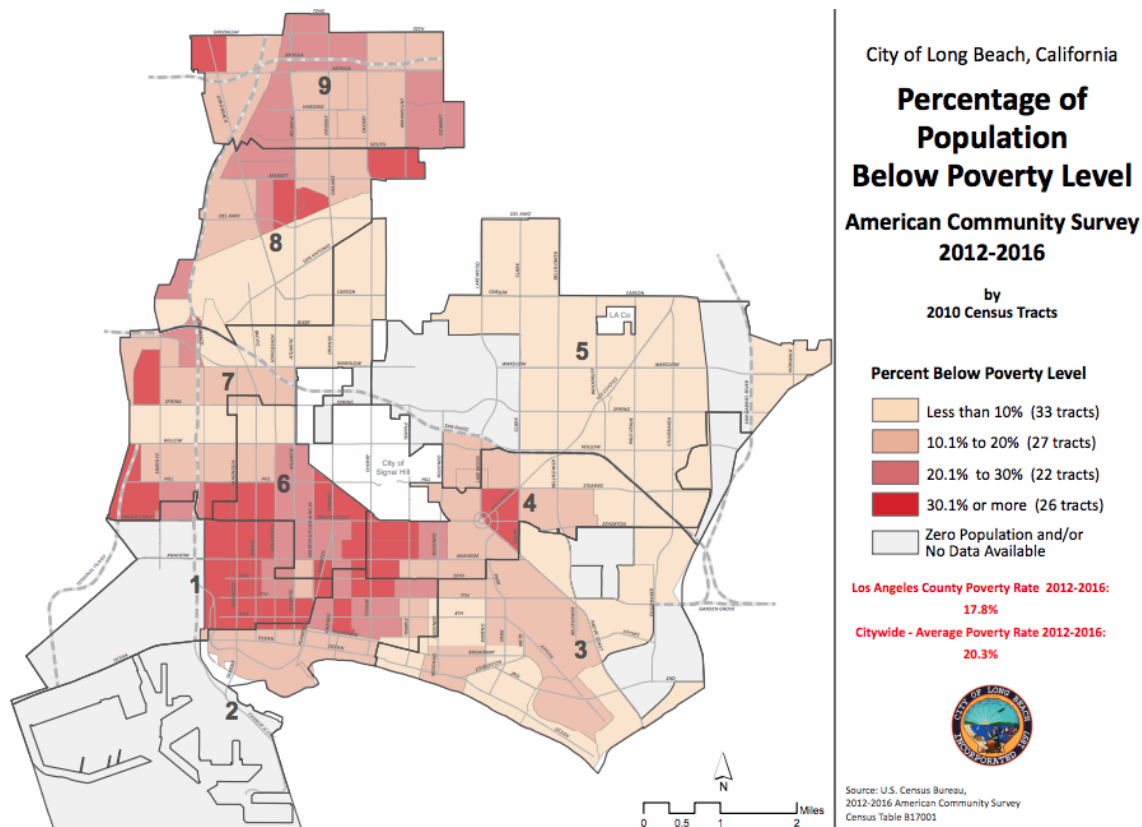


Figure 2: Poverty Distribution in Long Beach

Thirty percent of the population lives in the eastern regions of Long Beach but 67 percent of the population without internet access resides there. In a recent report produced by the Long Beach Media Collaborative, it was shown that 80.8 percent of African Americans and 83.1 percent of Latinos have access to the internet while 87.6% of Asians, and 93% of Caucasians do. The COVID-19 pandemic affected the most vulnerable communities with the least amount of internet access. The result was that many of the City’s services were potentially out of reach.³

In a recent U.S Bureau of the Census Report, 84.4 percent of households reported having a broadband internet subscription, and 92.8 percent of households reported having a computer in their home.⁴ Although these statistics seem to paint a positive portrayal of internet access in terms of how Long Beach households are able to connect to the web, the statistic fails to represent the inherent challenges of limited internet access for each individual living within the household. For example, the Census Report considers a household as having a broadband internet subscription if any individual

³ Emily A. Vogels et al., “53% Of Americans Say the Internet Has Been Essential During the COVID-19 Outbreak,” Pew Research Center: Internet, Science & Tech (Pew Research Center, May 31, 2020), <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/>.

⁴ “U.S. Bureau of the Census, QuickFacts: Long Beach City, California.” *Census Bureau QuickFacts*, www.census.gov/quickfacts/longbeachcitycalifornia.

living in the household has a smartphone, tablet, desktop, or some other type of portable wireless computer. But even if a household has one such device, each individual that needs access may not have that access *within* the household.

Given the lack of internet access to sixteen percent of Long Beach residents, many families are left to fend for themselves as they rely on each other and their neighbors to figure out what services are at their disposal. As a result, many voices are left unheard, needs are not met, and the cycle of poverty is perpetuated. Families experiencing COVID-19 symptoms and insecurities are especially prone to being disadvantaged by a lack of internet access.

Telehealth services are integral to ensuring that families, especially those in vulnerable communities, remain healthy and up to date with the latest details regarding pandemic relief and support. COVID-19 has been the impetus for city governments to adopt telehealth services and integrate them into existing healthcare systems. However, many cities are still falling short. Augmenting healthcare systems with telehealth is feasible, but cities must begin by addressing access to tech disparities in order to ensure all residents have the basic infrastructure required to quality healthcare services.

Technology also provides a gateway to city services and support. The City of Long Beach Technology and Innovation Department found that almost fifty percent of survey respondents without internet service at home would benefit from it as a means to maintain financial stability by paying bills online.⁵ An overwhelming number of respondents, over sixty percent, saw education and schooling as the primary benefit of having internet available at home.⁶

Demand for Services

In a COVID-19 environment, the reality is that cities face an increased demand for online services. Though the City of Long Beach is equipped with the Go Long Beach app, there are several services and resources that can be further amplified in order to be fully accessible while meeting the needs of residents. Some initial ideas include adding COVID-19 support resources and expanding reach by cultivating relationships with local community organizations. Long Beach urgently needs innovative solutions to address the digital inequality facing the City to ensure all residents have an equal chance at participating in their local government.

⁵ “Analysis and Recommendations for Advancing Digital Inclusion in Long Beach.” The City of Long Beach Technology and Innovation Commission, January 23, 2019. <https://www.digitalinclusion.org/wp-content/uploads/2020/06/Analysis-and-Recommendations-for-Advancing-Digital-Inclusion-in-Long-Beach.pdf>

⁶ Ibid.

In 2010, the City of Long Beach launched the Go Long Beach app to bridge the gap between government services and residents who are limited in utilizing technology platforms other than their mobile device. In utilizing the app, residents are able to submit service requests related to repairing potholes, graffiti removal, trash pick-up and drop-off, and tree maintenance. Along with providing basic municipal services, the app provides a list of phone numbers related to other services, various Long Beach departments, and elected officials entrusted with providing these services efficiently.

However, recent data from the Long Beach Technology and Innovation Department has shown only 10,000 app downloads have taken place since the app's inception in 2010. Long Beach residents – the City has a population of about 470,000 - are underutilizing an important application that is being offered. It is important for the City to provide digital services to those that need them most and in an equitable manner.

Findings

Our findings are derived from three sources of data, seven interviews, and four city comparisons. Developing these findings involved determining the top areas of interests from the community through interviews and multiple sources of data. Finally, we utilized the city comparison matrix to find best practices from comparable cities.

The results we found were a stark contrast between the high priority services derived from the data and the priorities of the community leaders. This discrepancy is attributed to a lack of awareness in marginalized communities of the digital services offered by Long Beach. The city comparison resulted in several technical improvements to the city's digital offerings but highlighted the City of Long Beach's overall success in its digital offerings.

Our interviews with both representatives of Community-Based Organizations (CBOs) and the City revealed three main concerns:

- 1) Many Long Beach residents were unaware of the city's Smart City Initiative and the Initiative's strategies and objectives.
- 2) Residents have difficulties keeping up with the city's growing technology developments as they struggle to connect with the City through traditional methods.
- 3) CBO leaders expressed the need for the City to dedicate better resources towards promoting and informing constituents regarding the city's technology developments in both the virtual and non-virtual setting.

Our findings ultimately present a contrast between the type of services Long Beach claims to provide residents and what community members receive. CBO leaders describe a historic disconnect between community members and the City's pool of resources. This disconnect is exacerbated by the remote platform to which many communities are relegated as a result of the COVID-19 pandemic. Our analysis sought to identify the resident's needs based on previous incoming call data and service requests. To that information, we added the needs identified specifically by CBOs and City representatives. In combining our sources of data, our analysis also aims to serve as a future reference for how to maintain communication with disconnected, marginalized communities.

Three Datasets

We analyzed three datasets of the City:

- 1) Summary data of call transcripts,
- 2) Go Long Beach 311 app filed cases,
- 3) Search history on the City's website.

The summary data of call transcripts consisted of 34,433 calls made to the city and grouped into 486 summarized transcripts. Those summarized data were categorized to 67 types of areas such as "trash," "parking," "utility," and to 35 types of actions such as "payment," "permit," "report."

Go Long Beach 311 app is the city's official app that enables residents to report problems such as graffiti or wild animals, or request services such as picking up trash. The dataset consists of 13,902 cases reported through the app. Our search history data on the City's website shows the number of queries in the City's website that were searched by the users of the websites. The data were also categorized into the 67 types of areas as well as the call transcripts data. If the number of queries was bigger, that fact could suggest that residents are confused about where to get specific information on the website. (If they could find what they want easily, they would not need to search those terms).

Findings from Analysis of the Three Datasets

The most frequent area in the call transcripts data was "trash," followed by "parking" and "utility". Regarding actions, "payment" is the most popular, followed by "permit" and "pickup." In the 311 app data, more than 50 percent of cases are about "dumped items," which is consistent with the result of the call transcript data in which the trash-related

calls were the most popular as well. We assumed those results from the two datasets reflect the demand of residents, i.e., trash related services were the most common need and were being demanded by residents. However, in the search history data, the result was different from the previous two datasets. The most frequently searched area was “parking” with a share of 45 percent while “trash” related searches accounted for only 5 percent.

Shown on Figure 3 are the plotted ranks for each area in the call transcripts data and the website search data. The rankings in the website search data are moderately correlated ($r = 0.56$) with the call data, which indicates the degree of demand. For example, “parking,” which is secondly most frequently referred to in the call data, is most frequently searched on the website.

On the other hand, some of the areas show results that differed from this tendency. For example, “trash,” which was most frequently referred to in the call data, was rarely searched on the city’s website. “Trash” was searched much less frequently than “parking”, even though it was more frequently asked about than parking in the call data. Those contrasting results suggest that trash-related digital services are more accessible than parking, which could have reduced residents’ confusion and resulted in fewer searches on the website for trash than parking.

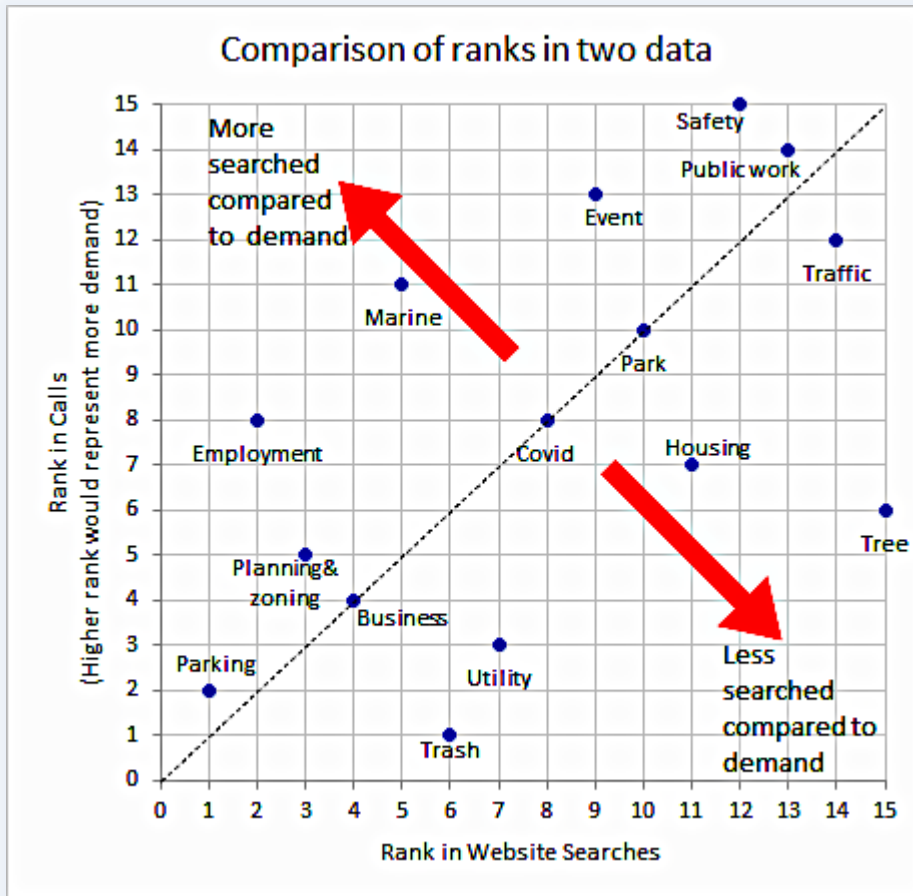


Figure 3: Plots of ranks in two data

Findings from Analysis of Summary Data of Call Transcripts

Based on the summary data of transcription of calls to the City, the team extracted and ranked the top ten “areas” and “actions” respectively. The summary results are shown on Figure 4.

Areas				Actions			
Rank	Area	Number of calls	%	Rank	Action	Number of calls	%
1	trash	5062	24%	1	payment	6127	27%
2	parking	2675	13%	2	permit	3614	16%
3	utility	2612	12%	3	pickup	2948	13%
4	animal	2319	11%	4	request somebody	1550	7%
5	business	951	5%	5	report	1496	7%
6	police	834	4%	6	start service	1066	5%
7	building	817	4%	7	inspection	1053	5%
8	library	734	3%	8	maintenance	993	4%
9	cleaning	537	3%	9	reference	674	3%
10	planning & zoning	470	2%	10	cancel service	622	3%

Figure 4: Top 10 “Areas” and “Actions”

Notes: Those results exclude 13,388 invalid data from Area and 11,777 invalid data from Action.

Call subject is represented by “Area.” Sixty percent of the calls (total 12,668) are about 1) trash, 2) parking, 3) utility and 4) animals (according to the Figure 4). Regarding “Actions” (or procedures), more than fifty six percent of the calls (total 12,689) are about 1) payment, 2) permit and 3) pickup.

Findings from Analysis of Go Long Beach (311 app) Filed Cases

Along with the call transcript data, the team analyzed Go Long Beach app (311 app) access data from residents in order to determine what kinds of services were accessed most frequently via the Go Long Beach app. The app has two functionalities; reporting problems and frequently asked questions (FAQs) that link other digital services on the City websites. However, the city has only the data of the cases reported via the reporting function, but no data about access to other services via the FAQ function.

The top ten case types are shown in Figure 5. There are a total of 13,902 cases received by the Go Long Beach app from September 28, 2020 to January 21, 2021. Dumped Items (6127 cases, 50 percent) and graffiti (3614 cases, 30 percent) were

requested most frequently. Compared with the transcript data analysis, this result is consistent with the result of frequently asked areas via calls.

The more frequently an area or an action is referred to in the calls to the City, the more the area or the action would be demanded by the residents. Therefore, the team assumed that the four top areas and actions are highly demanded by the residents.

rank	Case Type	Number of cases	Percentage
1	Dumped Items	6127	50%
2	Graffiti	3614	30%
3	Tree Maintenance	2948	5%
4	Street Repair	1550	4%
5	Sidewalk Repair	1496	2%
6	Dead Animal Pickup	1066	2%
7	Light	1053	2%
8	Abandoned Shopping Cart	993	1%
9	Park Maintenance	674	1%
10	Trash & Debris	622	1%

Figure 5: Top 10 popular filed cases in 311 app

Findings from Analysis of the Search History on the City’s Website

We analyzed search frequency data. If the specific term is frequently searched, this suggests that the word is difficult to locate on the website. Figure 6 displays the result of frequently searched terms on the website (left column) along with a comparison with call

data (right column). There are some notable differences between the call data and the search data.

Area	Search On City's Website			Call Data		
	Number of queries	%	Rank	Number of calls	%	Rank
Parking	11836	45%	1	2675	9%	2
Employment	1824	7%	2	131	0%	8
Planning & zoning	1642	6%	3	470	2%	5
Business	1570	6%	4	951	3%	4
Marine	1376	5%	5	106	0%	11
Trash	1292	5%	6	5062	17%	1
Utility	1259	5%	7	2612	9%	3
Covid	1215	5%	8	131	0%	8
Event	1030	4%	9	42	0%	13
Park	910	3%	10	109	0%	10
Housing	796	3%	11	297	1%	7
Safety	519	2%	12	11	0%	15
Public work	416	2%	13	12	0%	14
Traffic	381	1%	14	69	0%	12
Tree	370	1%	15	372	1%	6

Figure 6: Popular Search Terms on the City of Long Beach website

“Trash,” which is most frequently referred to in the call data, is rarely searched on the City’s website. “Trash” is searched much less frequently than “parking”, even though it was more frequently asked about than parking in the call data. Those contrasting results suggest that trash-related digital services are more accessible than parking, which could have reduced residents’ confusion and resulted in fewer searches on the website for trash than for parking.

Comparison of Online Accessibility for “Trash” and “Parking”

There are significant differences in the request of digital services between trash and parking via the different modes of communication. Therefore, we compared the two services from two perspectives: 1) accessibility on the website and 2) accessibility on the mobile app. Possibly, difference in accessibility accounts for the discrepancy.

First, we compared accessibility of both services on the website, which seems to affect the frequency of intra-website searches most directly. Surprisingly, parking-related services seemed to have a better accessibility and user experience on the website than trash-related services. When the City's website was searched, “parking service” was secondly headed on the top page. The website also provides online payment services. After clicking the button, it was easy to find the “parking citations” button to go to the online payment page. With only two-page transitions, online payments are easily accessible by users (As Figure 4, 5 and 6 show). Furthermore, if residents search “Long Beach City Parking Ticket Payment” on Google, the exact online payment page will appear first.

On the other hand, the accessibility for trash-related services on the website seems insufficient. It was difficult to find trash related services on the top page. We had to click “All online services” and find out several separated trash or waste-related services from hundreds of services. Therefore, it is unlikely that the design of trash-related websites is the cause of the good accessibility to trash-related digital services suggested earlier. On the other hand, comparing the accessibility of trash-related services and parking-related services on the Go Long Beach app, the team found that trash-related services are much more accessible than parking-related services.

The Go Long Beach app is especially focused on reporting. In contrast, the FAQ function works as a portal to various digital services. Parking-related services are included in FAQs, and users need to find and access parking-related services among the hundreds of FAQs. On the other hand, residents using the trash service can easily make a request for the processing of dumped items as part of the reporting function.

Furthermore, dumped items are displayed prominently at the top of the app's initial screen. Therefore, accessibility of trash-related services on the app is very effective. This conclusion is also supported by the data showing that “dumped items” account for as much as fifty percent of the usage of the reporting feature in the Go Long Beach app. It appears that the accessibility of mobile apps, rather than the accessibility of websites, would have contributed to less confusion from residents about trash than parking. In addition, mobile apps generally have the potential to contribute to improvement of

accessibility of digital services. Websites alone may be insufficient. Adding parking-related features to 311 apps could reduce parking-related user confusion and calls, as well as confusion concerning trash.

Interview Results

The interview process was completed remotely, and it consisted of five interviews with local Long Beach CBOs including the Filipino Migrant Center, Long Beach Forward, United Cambodian Community, Long Beach Immigrant Rights Coalition, and Success in Challenges. Two City representatives were also interviewed from the Long Beach Public Works Department, and Long Beach Development Services. Both groups of interviewees provided key insights pertaining to the city's current relationship with constituent needs and the city's inefficiencies in addressing those needs.

Among the CBOs, several arguments remained prevalent throughout the various discussions:

- City services should be offered in more languages other than English.
- There should be increased community outreach campaigns focused on public, in-person exchanges with COVID-19 standards that are strictly enforced.
- City departments have vastly different approaches in how they mitigate similar constituent issues which are often confusing and misguided. This discrepancy should be eliminated.
- Technology should be designed with equity in mind from the get-go for people who can't afford technology, who suffer from visual impairments, or who are not very tech savvy.
- There is a high rate of security concerns among residents regarding the City's digital services initiatives and fears about government tracking and future deportation. The City should provide reassurance.
- CBO testimonials should be included when distributing information regarding city services to gain the trust of apprehensive residents.
- City translation services are "horrific," and the City should consider hiring translators for hearings who are more familiar with the community and City processes.

Language barriers continue to exist between city representatives and constituents. Moreover, the City has limited resources for addressing these challenges. Thus, many families in Long Beach continue to miss out on receiving existing city resources including COVID-19 related updates.

Our findings suggest that community leaders would like for the city to incorporate more traditional methods of communication, i.e., focusing on outreach via telephone, door-to-door exchanges, and establishing more presence at virtual/in-person town hall meetings. Community leaders also discussed the need for more uniformity when addressing constituent complaints. One example that was discussed pertained to how the health department conveys a nurturing role when providing health services to homeless individuals. But when the police department is called upon to oversee certain exchanges with the homeless, they do so with a more “paternalistic” approach. The police approach often prevents homeless individuals from seeking out municipal services. Greater uniformity should begin with the various departments improving communication with each other.

City representatives shed light on some of their key concerns for how the city functions on a day-to-day basis:

- There should be better cross talk and transparency between departments to better work together towards final goals.
- There should be implementation of a one-stop shop portal for residents to access detailed information.
- There should be improvements in how to best deliver information to residents in tandem with other changes within the City.
- City services should be provided more efficiently and successful initiatives that the City has undertaken since the COVID-19 pandemic should be promoted more effectively.

One of the primary issues discussed between city representatives was the issue of housing and how inadequate services are for potential renters seeking affordable housing. The idea of designing some type of universal portal for renters that could chart out questions related to housing affordability, safety, security, and other matters was specifically raised.

City Comparison and Evaluation

In addition to data analysis, we found it important to gather best practices from other leading cities’ actions toward digital inclusion. For example, Philadelphia, Boston, New York City and Oakland have their own smart city plans and 311 apps, and the city comparison gives us important insights. Figure 7 compares those cities with Long Beach.

	Philadelphia	Boston	Long Beach	Oakland	New York City
Smart City Plan	Smart City Philly Roadmap (2019)	Smart City Playbook (2020)	Smart City Initiative (2019)	No Plan Available on Website	NYC Digital Playbook 2021
311 App	Philly 311 Easy to use user interface with 22 services that range from abandoned automobiles to COVID-19 to resources. It is available in 16 languages and is integrated with GIS mapping software that gives the resident knowledge of nearby reports and gives real-time updates on the status of your report.	BOS: 311 It is designed only for reporting. (UI is simple and easy to use)	Go Long Beach Mainly for reporting. FAQ is linked to various city services, but not visible. 4 languages available.	OAK 311 Designed to make it easier than it has ever been for residents to request the City's help with issues including potholes in their streets, graffiti on their neighborhood public spaces, and piles of dumping left on their sidewalks.	NYC 311 Service requests are available (noise, heat/hot water, rat conditions, snowy streets, potholes, sidewalk conditions (20 total services) 311 phone app appears to have one language (English) or difficult to change language option, but website has 90+ options.
COVID-19 Response	The app and website both have the latest stats easily available along with	Link to transition from app to City's website	Available on the city's website accessible from FAQ on the 311 app	No COVID-19 info on the app only available on government website	Link in the app for the City's COVID-19 Website. There is also an

	resources for testing centers and vaccine sites to their GIS platform.				option to report a social distancing violation.
Trash	Good reporting options on both the app and website. The resident can take photos to upload as well as pinpoint the location of the GIS software.	Offered by different apps (“Boston Trash Schedule & Alerts”) (page transition from 311 app to trash app)	Available on the city’s website, accessible from FAQ on the 311 app. The website offers scheduling special pick up. Reporting related functions are included in the 311 App.	Reporting features to take photos of illegal dumping and can track what others have reported, which is visible on a live map.	Able to use an app to check if trash and recycling collections are suspended.
Parking	Residents are able to pay for permits and tickets on the website but there is nothing available on the app. There is also no information regarding availability of parking on either the app or website.	Online payment offered by the City’s website but not connected with the app.	Public parking “EZ Park LB” (searching public parking) “Passport Parking” (payment not only for city’s parking lot) Citation available on the city’s website, accessible from FAQ on the 311	App “parking” sends you to a website to pay, report, and challenge parking tickets.	Able to use the 311 app to check if alternate side parking and meters are suspended.

			app.		
Utility	Lots of service offered on their website but nothing on the app	Online services offered by the State's website, but not connected with the app.	Payment is available on the city's website. The FAQ on the 311 app is linked to the city's website, but not directly to the payment page.	Not included on the app but on the website individuals can apply for assistance, get permits, find tax information.	No option to pay for utility bill on app.
Animal	Not on the app and hard to find on the website.	Phone number offered by City's website.	Reporting related functions are included in the 311 app. Pet licensing is available on the city's website, but not linked to mobile apps.	App directs to Oakland Animal Services website.	There is an option to report animals limited to rodents.

Figure 7: City Comparison

Based on the city comparison above, we ranked each city's measures from the first to the fifth as displayed below. As Figure 8 demonstrates, Long Beach is doing relatively well in "utility" or "animal" but has room for improvement in "COVID-19", "311 app", "trash," "parking" and "business" in comparison to Philadelphia or Oakland. These results do not contradict the data analysis of call transcripts, 311 app filed cases and the frequently searched terms on the website, which showed especially high needs from residents in these categories. The results suggest that Long Beach City's priority and the potential policy direction toward digital inclusion should be directed towards these policy areas.

	Smart City Plan	COVID-19 Response	311 App	Trash	Parking	Utility	Animal
Long Beach	3	2	3	2	2	1	1
Philadelphia	2	1	1	1	3	4	5
Boston	1	3	2	3	4	5	2
New York City	4	5	5	4	5	2	4
Oakland	5	4	4	5	1	3	3

Figure 8: Evaluation of Each City’s Action

Long Beach Recommendations

Two broad types of policy can be recommended in order to realize digital inclusion in the Long Beach community. One is improving the function of digital services. The other is promoting it more widely to get recognized by more citizens.

Improvement of function of digital services

As the findings of data analysis show, there are several challenges with the user experiences and usability of digital services which make it difficult for citizens to utilize digital services fully in their daily lives. In order to realize digital inclusion, we recommend various policy changes:

Adding COVID-19 features on the Go Long Beach app. To supplement the COVID-19 articles buried in the FAQ section, it is important to include various statistics in the 311 app such as total cases of the disease, the COVID-19 positivity rate, potential infection hotspots, and total deaths. In addition, the app could provide information regarding testing centers, vaccine information and distribution centers. These features will add more utility to the application amid the global pandemic.

Provide payment services on 311 app. Residents could pay for various services pertaining to parking, utilities, and other licensing fees through the 311 app if the city prioritized the development of this function. The benefit of including these services in

the app would be promoting ease of access in allowing residents to pay for city services on their mobile phones instead of having to access these services through the City website or through phone calls. Specifically, parking, which is the most popular search term on the city's website, should be featured most prominently in the app.

Consolidate the several applications into one or two app. Peer cities have taken the consolidation approach, leading to higher user rates for their residents. Consolidating the apps would help make navigating the features of the several different apps into a more user-friendly experience for Long Beach residents.

Increase accessibility of mapping software into the website and 311 app. Mapping software would add utility to both the website and the 311 app. For example, the app could map locations of nearby COVID testing centers, food banks, City offices, public parking lots, and numerous other services. Mapping software could also help users find nearby 311 requests in their neighborhood.

Promotion of digital service

Among the findings of the interviews and data analysis, the promotion of digital services is very important. Even if the apps or web services are perfectly user friendly, there are several difficulties for citizens to find these services. In order to include more citizens within the digital public sphere, policies as below can be recommended:

Collaborate with local school districts in pre-downloading 311 app on tech devices. School districts across the state worked hard to allocate online resources such as computer desktops, hotspot devices, and other technology devices to low-income students. Long Beach should work with the local school district in an effort to pre-download its 311 apps on various devices being distributed to residents. The City should also install the app on mobile devices lent out to people across its library system. Pre-downloading the app would help increase the accessibility of services for low-income households with previously low usage rates.

Market the Go Long Beach app to targeted communities. Using the mobile app is more cost-efficient than having residents telephoning the City. The mobile app is also more time-efficient in terms of receiving, tracking, and providing status updates to a constituent's report. The discrepancy found between the 311 phone call data and reports on the 311 app is large. There were 30,000 phone calls made in a five-week time period in 2020 versus 10,000 app reports made in a six-month period within the same year. If the City were to target communities that have little knowledge of the application, it could make great headway in attracting more users to the app.

Long Beach should work with the leaders of local community groups to develop a flier that would accompany a physical utility bill. The flier would describe how to download the 311 app along with explaining some of the app's features and services. More importantly, In addition, the flier would contain testimonials from local community leaders in an effort to vouch for the safety and utility of the app in both English and the native language of the targeted community. In doing so, the testimonial would help alleviate the community's growing suspicion that the government's sole purpose for utilizing technology platforms was to obtain their personal data for policing.

Put a QR code on parking tickets that links to the government's website. Although residents can currently pay for parking tickets online, thirteen percent of calls to the city are about parking (twenty seven percent of calls to the city are about payment) and residents have difficulty finding the online payment service by themselves. One of the direct and low-cost solutions is to market the online service when the payment needs occur. Printing a QR code on the physical ticket will allow for an easy transition to the City's website and will help residents to use the online payment service with less hassle.⁷

Although these are the examples of policy options based on the data analysis and city comparisons, the two fundamental and underlying approaches (improving the function of digital services and promoting them more widely) can be applied to many cities in order to realize the digital inclusion. Based on the real voices from citizens and the data on the interactions between citizens and the City, it is important to overcome any obstacles to the two approaches.

Conclusion

As the world starts to recover from the COVID-19 pandemic, the stark contrast between those who are digitally connected and those who are not will only become more dramatic. The work done by the City of Long Beach and the other cities we studied is encouraging. But our findings demonstrate the work left to do.

The City of Long Beach has been ranked as a top ten digital city for a reason. Its services and offerings compete with the top cities in the United States that dwarf the City of Long Beach in size and resources. While the City of Long Beach has made great strides, it has struggled in catering to the diverse communities that reside within its

⁷ QR codes are more user-friendly than typing the link of the website. In addition, because of COVID, people - including older adults – have gotten used to QR codes in their everyday lives, e.g., in restaurants, testing centers, etc.

boundaries. Language access and trust in government have been recurring themes in this chapter. The current digital infrastructure of the City is good when compared with other municipalities, but it will have to adapt the technology to fit residents' needs in coming years. COVID-19 has highlighted the need for digital inclusion and digital equity. Other cities in California and the U.S. can learn much from the Long Beach experience.

Bibliography

Ben Green. *The Smart Enough City “Putting Technology in its Place to Reclaim our Urban Future.”* The MIT Press.

CBInsights. (2020). *Trends in Govtech/Smart Cities.*

<http://docplayer.net/146553424-Trends-in-govtech-smart-cities.html>

Centre for Public Impact. (2016). *Accessing Boston’s non-emergency services via BOS:311.* <https://www.centreforpublicimpact.org/case-study/updating-311-us-municipal-services/>

City of Boston. (2020). *City of Boston Broadband and Digital Equity Plan.* <https://www.boston.gov/innovation-and-technology/broadband-and-digital-equity>

City of Long Beach. (n.d.). *Connected LB.* EveryoneOn. Retrieved March 12, 2021, from <https://www.everyoneon.org/find-offers-longbeach>

City of Long Beach. (2019). *Analysis and Recommendations for Advancing Digital Inclusion in Long Beach.* <https://www.digitalinclusion.org/wp-content/uploads/2020/06/Analysis-and-Recommendations-for-Advancing-Digital-Inclusion-in-Long-Beach.pdf>

City of Long Beach Named Top 10 Digital City 10 Years in a Row. (n.d.).

Retrieved March 12, 2021, from <http://www.longbeach.gov/press-releases/city-of-long-beach-named-top-10-digital-city-10-years-in-a-row/>

City of Oakland. (n.d.). *City of Oakland Information technology*

Department. City of Oakland. Retrieved March 12, 2021, from <https://www.oaklandca.gov/departments/information-technology>

City of Philadelphia. (n.d.). *Office of Innovation and Technology |*

Homepage | City of Philadelphia. Retrieved March 12, 2021, from <https://www.phila.gov/departments/office-of-innovation-and-technology/>

City of Philadelphia. (2012). *Open Data Program | CityGeo | City of*

Philadelphia. <https://www.phila.gov/programs/open-data-program/>

City of Philadelphia. (2016, August). *Philadelphia: Using Technology to*

create a Smart City—Citymart. <https://www.citymart.com/philadelphia-smart-city>

City of Philadelphia. (2019). *Smart CityPHL-Roadmap.*

<https://www.phila.gov/media/20190204121858/SmartCityPHL-Roadmap.pdf>

City of Philadelphia. (2020a). *PHLConnectED | Mayor's Office of Education*

| City of Philadelphia. <https://www.phila.gov/programs/phlconnected/>

City of Philadelphia. (2020b, December 15). *Programs | Office of*

Innovation and Technology | City of Philadelphia.

<https://www.phila.gov/departments/office-of-innovation-and-technology/programs/>

City of Sacramento. (2014, 2015). *City of Sacramento Information Technology Digital Strategy Summary*.

<https://www.cityofsacramento.org/-/media/Corporate/Files/IT/SacCityDigitalStrategy.pdf>

City of San Jose IT Department. (2021). *City of San Jose Smart City Vision Plan*. City of San Jose. [https://www.sanjoseca.gov/your-](https://www.sanjoseca.gov/your-government/departments/information-technology/smart-city-vision)

[government/departments/information-technology/smart-city-vision](https://www.sanjoseca.gov/your-government/departments/information-technology/smart-city-vision)

Gavin Newsom. (2013). *Citizenville “How to Take the Townsquare Digital and Reinvent Government.”* The Penguin Press.

Govtech.com. (2017). *The Future of Tech in Government “Public CIO Report.”*

Govtech.com. (2020). *Digital Transformation: Reinventing the Business of Government*. <https://papers.govtech.com/Digital-Transformation-Reinventing-the-business-of-government-102759.html>

Information Technology Agency. (2019, 2021). *Information Technology Agency City of Los Angeles Strategic Plan*.

<https://ita.lacity.org/sites/g/files/wph1046/f/ITA%20Strategic%20Plan%20%282019-21%29.pdf>

Joanne Storin. (2020, December 3). *Councilors probe improvements to 311 system*. The Bay State Banner.

<https://www.baystatebanner.com/2020/12/03/councilors-probe-improvements-to-311-system/>

- Sarah Wray. (n.d.). *Boston gives \$100,000 for non-profits to close digital divide*. Smart Cities World. Retrieved March 12, 2021, from <https://www.smartcitiesworld.net/news/news/boston-gives-100000-for-non-profits-to-close-digital-divide-4700>
- Scott Morris. (n.d.). *311 Comes to Oakland*. Oakland Magazine. Retrieved March 12, 2021, from <https://www.oaklandmagazine.com/June-2018/311-Comes-to-Oakland/>
- Skip Descant. (2019, February 7). *Philadelphia Adopts Smart City Road Map*. <https://www.govtech.com/fs/Philadelphia-Adopts-Smart-City-Road-Map.html>
- U.S. Census Bureau. (n.d.). *U.S. Census Bureau QuickFacts: Long Beach city, California*. Retrieved March 12, 2021, from <https://www.census.gov/quickfacts/longbeachcitycalifornia>

Chapter 6

California's Growing Policy Crisis: Students Experiencing Homelessness

Joseph P. Bishop

Joseph P. Bishop is Director for the Center for the Transformation of Schools at the School of Education & Information Studies at UCLA.

There are 269,000 young people in California’s K-12 system couch surfing, living doubled up with other families, on the streets, or sleeping in cars, enough to fill Dodger stadium at a capacity of 56,000 almost five times (Bishop et al., 2020). These individuals are students without a place to call home often struggle academically. They are more likely to be suspended, miss significant class time, and are less likely to graduate, or to be prepared for college, compared to their non-homeless peers (Table 1) (Bishop et al., 2020).

Table 1. Educational Outcomes: Students Experiencing Homelessness in CA

Rates	Non-Homeless	Homeless
Suspension	3%	6%
Chronic Absenteeism	12%	25%
Graduation	86%	70%
UC/CSU Readiness	52%	29%

These alarming patterns in California are also true for 1.5 million young people across the country who are experiencing homelessness (National Center for Homeless Education, 2020; Moore et al., 2019; & Aviles de Bradley, 2015). There will likely be more students who will continue to experience housing instability in the coming months, highlighted in a recent study because of COVID. In fact, an estimated 400,000 students are not being counted homeless because of the pandemic (University of Michigan, School House Connection, 2020). Such undercounts, combined with spiking unemployment rates in states like California, Hawaii, Nevada, and Rhode Island because of COVID 19 (US Bureau of Labor Statistics, 2020), present significant challenges.

Lack of State Policy

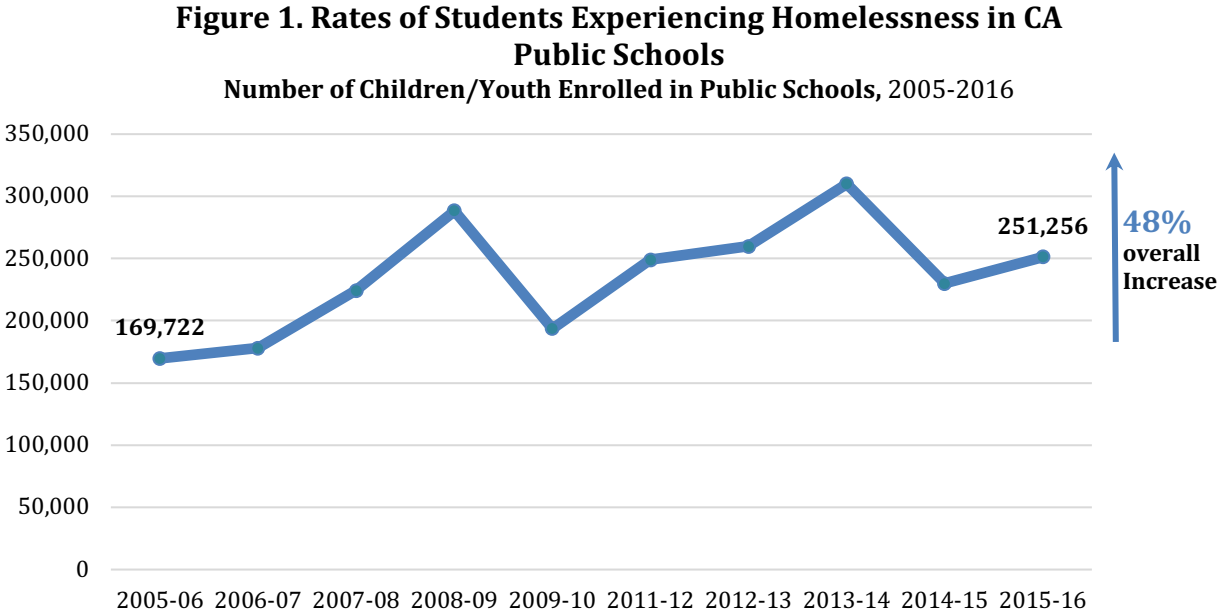
Despite a historic one-time federal investment of \$100 million coming to California as part of the American Rescue Plan Act (ARPA) (Education Week, 2021) to address the impact of COVID for students experiencing homelessness, the state still lacks a clear policy focus on housing insecure youth. Recent legislation reflects a new appetite from the legislature to develop state specific solutions, even though no funding source has been set aside to date for a growing student population. This chapter briefly describes the characteristics of young people experiencing homelessness based on publicly available data, findings informed by interviews with key stakeholders and state and district level recommendations to accompany findings.

Characteristics of Students Experiencing Homelessness in California

According to the U.S. Department of Housing and Urban Development (HUD) (2019), 27% (151,278) of all people experiencing homelessness, and 53% (108,432) of all unsheltered individuals in the United States live in California. The California Department of Education (CDE) reports that over 269,000 students in kindergarten through 12th-grade experience homelessness (Center for the Transformation of Schools, 2019). However, there is good reason to suspect that the number of students experiencing homelessness could be considerably higher. For example, a recent survey of 700 school districts in California found that many districts do not accurately report the number of homeless students due to factors such as the population's underreporting, high degree of mobility, and instability (Piazza & Hyatt, 2019a).

California has experienced a 48% increase in student homelessness over the last decade (U.S. Department of Education, 2018; See Figure 1). Such a dramatic increase in students experiencing homelessness has made implementing strategies for reducing the impact of homelessness on student education challenging to accomplish, especially in districts and counties where there is only one homeless liaison.

Figure 1. Rates of Students Experiencing Homelessness in CA Public Schools



Note: The decrease in homeless counts during 2009-10 coincide with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS), and the dip in 2014-15 coincides with a change in the way homeless data was collected in CALPADS.

The racial realities of student homelessness is something that cannot be ignored. Most students experiencing homelessness in California are Latinx (70%), followed by White (12%) and Black students (9%). This variation suggests housing insecurity is a structural and systemic challenge, impacting communities of color mostly in deep and profound ways across generations (Moore, Astor, & Benbenishty, 2019; & Aviles de Bradley, 2015).

Table 2. Rate of California Students Experiencing Homeless by Race & Ethnicity

Enrolled in California	Non-Homeless	Homeless
Latinx	54%	70%
White	23%	12%
Black	5%	9%
Asian	10%	3%
Two or More Races	4%	3%
Filipino	2%	1%
Not Reported	1%	0.8%
American Indian or Alaska Native	0.5%	0.8%
Pacific Islander	0.4%	0.6%

Defining Homelessness

A common obstacle when gathering accurate data on the number of students experiencing homelessness is the varying Federal definitions, regulations, and criteria for determining homelessness. Under the Federal McKinney-Vento Act (MVA), for example, a family in a doubled up living situation due to economic hardship, loss of housing, natural disaster, or living in a motel or hotel, is considered homeless and qualifies for educational supports. However, under the Department of Housing and Urban Development (HUD's) regulations around MVA, families in doubled up living situations, or living in motels or hotels are not classified as homeless. Eligibility differences can also limit the support levels, and types of services students and their families can receive. Out of the 269,000 California students experiencing homelessness, fewer than 20% qualify for HUD services. The summary table (Table 3) below compares both federal definitions and eligibility.

Table 3. Comparing Federal Definitions for Student Homelessness

Children and Youth and HUD’s Federal Homeless Definition	Mc-Kinney Vento definition for Early childhood providers and K-12 schools
<p>Category 1: Literal homelessness</p> <p>Individuals and families who live in a place not meant for human habitation (including the streets or in their car), emergency shelter, transitional housing, and hotels paid for by a government or charitable organization.</p>	<p>1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;</p>
<p>Category 2: Imminent risk of homelessness</p> <p>Individuals or families who will lose their primary nighttime residence within 14 days and has no other resources or support networks to obtain other permanent housing.</p>	<p>2. Children and youths who may be living in motels, hotels, trailer parks, shelters;</p>
<p>Category 3: Homeless under other federal statutes</p> <p>Unaccompanied youth under 25 years of age, or families with children and youth, who do not meet any of the other categories but are homeless under other federal statutes, have not had a lease and have moved 2 or more times in the past 60 days and are likely to remain unstable because of special needs or barriers.</p>	<p>3. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings</p>
<p>Category 4: Fleeing/ Attempting to Flee Domestic Violence</p> <p>Individuals or families who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking and who lack resources and support networks to obtain other permanent housing.</p>	<p>4. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or;</p>
	<p>5. Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above.</p> <p>Students must lack a fixed, regular, and adequate nighttime residence to qualify as homeless.</p>

The Responsibilities of Homeless Liaisons

According to the McKinney Vento Act (MVA), districts must designate a Homeless Liaison and ensure that the liaison is able to carry out his/her duties as legally required.

The liaison must:

- Ensure homeless children and youth are properly identified and immediately enrolled.
- Review/revise local policies and practices to ensure that students are not segregated or stigmatized (by school or program) because of their homeless status.
- Participate in professional development and technical assistance activities and ensure that school personnel providing McKinney-Vento services receive professional development and support.
- Assist unaccompanied homeless youth with enrollment, school placement, and obtaining records.
- Inform parent, guardian and unaccompanied homeless youth of educational opportunities available to ensure homeless students have equal access to magnet and summer schools, career technical education, advanced placement, and other Local Education Agency (LEA) programs.
- Disseminate public notice of McKinney-Vento rights in locations frequented by parents, guardians, and unaccompanied youth, in a manner and form understandable to parents, guardians, and youth.
- Ensure that preschool-aged homeless children and their families have access to and receive services, if eligible, under LEA-administered preschool programs (may include Head Start, Part C of the Individuals with Disabilities Education Act (IDEA), and other LEA preschool programs).
- Remove enrollment barriers, including barriers related to missed application or enrollment deadlines; fines or fees; records required for enrollment including immunization or other required health records, proof of residency, or other documentation; or academic records, including credit transfer.
- Ensure students identified as homeless have school stability, and parents and school personnel are informed about how school of origin extends to preschools, receiving schools, and providing transportation until the end of the school year, even if a student becomes permanently housed.
- Inform parent/guardian/unaccompanied homeless youth of all services, including transportation to the school of origin, and the criteria for transportation assistance.
- Coordinate and collaborate with different divisions within the LEA such as special education, migrant education, Title I, nutrition services, transportation, etc. to ensure homeless students are afforded the opportunities and additional resources to have the access of their housed peers.
- Develop and coordinate collaborations with resources, including: public and private child welfare and social services agencies; law enforcement agencies; juvenile and family courts; agencies providing mental health services; domestic violence agencies, child care providers; runaway and homeless youth centers; food banks, providers of services and programs funded under the Runaway and Homeless Youth Act; and providers of emergency, transitional, and permanent housing, including public housing agencies, shelter operators, and operators of transitional housing facilities.
- Ensure public notification of the educational rights of homeless students is disseminated in locations frequented by parents, guardians and unaccompanied youths,

including schools, shelters, public libraries, and soup kitchens, in an understandable manner and form.

- Ensure that parents and the LEA staff are aware of the importance of the privacy of student records, including information about a homeless child or youth's living situation.
- Mediate school enrollment disputes and attend, as authorized, Student Success Teams (SST), School Attendance Review Team/Board (SART/SARB), Individual Education Plan (IEP), Expulsion and Manifestation Determination meetings.
- Refer homeless families and students to housing services, in addition to other services. Liaisons may affirm whether homeless students meet the U.S. Department of Housing and Urban Development (HUD) definition of homelessness to qualify for HUD homeless assistance programs.

Methods & Research Questions

This chapter summarizes interviews conducted with over 150 stakeholders including students, teachers, school administrators, districts officials, county offices of education, nonprofits, and higher education leaders, providing a window into why student homelessness is becoming an escapable crisis for California, and what lawmakers and educators can do to take immediate action. Moving towards student and family-centered systems that embody greater coordination, capacity building and shared expertise between education, child welfare, and housing partners is a necessary vision for tackling the complexities of homelessness.

Findings

A tidal wave of factors is driving poor academic outcomes for students experiencing Homelessness in California. This section captures the nature of those factors to help shape state and local policy recommendations in the next section.

- 1. Homeless liaisons are among the few staff who shoulder the major responsibilities for the academic success and well-being of young people experiencing homelessness, including the initial identification of students.**

A California county homeless liaison shared the challenges of the growth of the

student homeless population combined with a lack of staffing and resources to help identify students experiencing homelessness.

“I call myself the one-woman band. The funding from the state is nonexistent for homeless education. All of our money comes through the federal government and we have a grant which we have to apply for every three years to receive funding. And so, it’s basically me and the county.”

- 2. Inadequate federal and state financial support and confusion in the field due to the varying definitions of homelessness between the McKinney Vento Act and the Department of Housing and Urban Development’s definition.** (HUD) Two out of three students experiencing homelessness in California attend schools that received no dedicated federal McKinney-Vento Act funding which makes it difficult to have enough staff to identify students and to get services to those students who need it once they are identified. The state currently has no K-12 funds committed to the educational success of students experiencing homelessness, a reality in most statehouses (National Conference of State Legislatures, 2019).
- 3. Colorblind policies, including funding and support strategies, present limitations when considering that most students experiencing homelessness are students of color.** The prevalence of Latinx and Black students experiencing homelessness requires racially and culturally responsive strategies in education practice and policy. Analysis of statewide statistics in California shows that Latinx (70%) and Black (9%) are more likely to have poor education outcomes and school experiences than their non-homeless peers. Addressing these patterns will require educators and policymakers to challenge the customary discourses related to homelessness. This includes challenging low-expectations and deficit mindsets of educators towards students of color that are sometimes reinforced in the classroom when students are not challenged academically or placed in low-level courses based on assumptions about students’ abilities (Bonilla-Silva, 1997, 2010).

- 4. Current professional capacity to support students experiencing homelessness is inadequate: comprehensive, targeted, and coordinated training is needed.** As one California district official explained, more training is needed for any adult that supports students in school systems.

“Many districts identify homeless students and refer them to dedicated staff, such as a family advocate, but do not necessarily integrate training and knowledge of student homelessness challenges into their regular practices (e.g., counselors need to provide additional services to homeless high school students).”

Additional training on common strategies that incorporate student supports are essential. These supports include trauma-informed care, restorative practices, and efforts that promote positive social and emotional development as part of a Multi-Tiered System of Support (MTSS) framework centered on universal support and targeted responses. This need for support is especially pressing for educators working directly with LGBTQ students who experience high rates of homelessness and housing insecurity often due to family rejection based on sexual orientation and gender identity (Durso & Gates, 2012; Page, 2017).

- 5. Improving academic outcomes for students experiencing homelessness requires a shift from a siloed approach, where different agencies work in fragmented and isolated ways, to a full system of support.** A local, regional, and statewide level system of support would alleviate the challenges of working in isolation, as shared by a district homeless liaison.

“We know we need to identify students, but sometimes the students are not identified because it’s one person trying to identify versus having a whole system put in place. So, it really becomes a whole support network. You need to have all levels communicating and working together.”

Greater coordination also acknowledges that no single public system can adequately respond to the needs of young people and families (Corporation for Supportive Housing, 2011). An example of this model in action is *One Door Anaheim*, a long-standing partnership between the city, school district, county agencies, and nonprofits that offers

a centralized place for families and youth to get an education, housing, and basic needs met. One intake form is used across partners and a single physical location is a geographic hub for supporting students and families experiencing homelessness.

The Anaheim partnership demonstrates that successful interventions must create linkages between housing, child welfare systems, and public education for three important reasons: (1) the problems that homeless and child welfare-involved families face are too complex for one system to address alone; (2) without stable housing, it is extremely difficult to address the other challenging issues families face; (3) schools can perform a role as service hubs that bring educational services and providers to students and families in ways welfare and housing agencies cannot do alone.

Recommendations: Prioritizing Policy Change

While greater coordination becomes essential as California prepares for tough budget decisions ahead, even after an unexpectedly positive budget season in fiscal year 2021-22, local, state, and federal policies that target students and families affected by homelessness are critical. Our research identifies many remedies for lawmakers to consider, but several are outlined here. Thinking broadly, coordinated responses from each education segment (e.g., early education, K-12, and higher education) are needed to facilitate more seamless educational pathways. They are needed to record sharing and connections across institutions better so that students experiencing homelessness encounter minimal disruption to their educational pursuits (Chapin Hall, 2019). While some of this coordination doesn't require specific policy to be adapted, changes must be made to existing law around student data systems, eligibility for state and federal funds, and strategies that encourage multipronged collaboration [e.g., strategies that build bridges to college success and job training]. Additionally, the state can focus on a host of policies to address the student homelessness crisis:

- Provide more targeted funding to augment Local Control Funding Formula (LCFF) in counties and districts that have the highest concentration of homelessness, identifying students experiencing as a key priority of the funding law.¹ Establish a regular funding stream.

- Continue to invest in data systems like the Cradle to Career longitudinal data system and standard procedures for identifying and tracking the educational progress and health of students experiencing homelessness, from birth to employment. Tracking data by race and community will be essential.

- Increase access to high-quality early education programs as a foundational strategy for targeting resources and services for young children and families.

- Expand investments in basic needs efforts across the state to help support families who may be struggling financially.

At the local level, school board members can help broker conversations and open doors between cities, early childhood providers, school districts, colleges, and counties to coordinate the access of resources to students and families experiencing homelessness. Such conversations can lead to the support of after-school programming and community services from businesses, faith-based organizations, and nonprofits.

Education is still largely a state and local issue, but the federal government can play a much bigger role in aiding states to prevent homelessness and support those impacted by housing instability. First, Congress could establish a standard, comprehensive definition for student homelessness to improve the identification of young people experiencing nuanced housing insecurities. A more expansive and clear definition of homelessness from Congress that includes students who are doubled up or living in temporary or unsafe housing. Funding could then provide some relief for young people who would benefit from having a place to call home.

Second, federal lawmakers must fund the McKinney Vento Act which historically has been an unfunded mandate for states serving over 1.5 million students across the nation (National Center for Homeless Education, 2020). Such funding would encourage

¹The LCFF was implemented under Governor Jerry Brown to provide more concentrated funding in school districts with disadvantaged students.

state efforts that strengthen coordination between early childhood education, colleges, housing, employment, and homelessness services providers. Federal resources must follow the needs of a growing challenge.

Conclusion

California remains profoundly economically, socially, and racially stratified (Bohn & Danielson, 2016). Such social stratification contributes substantially to the difficulties of serving students experiencing homelessness and highlights the fact that student homelessness is systemic, the result of many broken factors in our society. Students and educators across the state would benefit from a coherent state plan for students as they matriculate through the K-12 and continue along the education pipeline. Local, state, and federal lawmakers should act aggressively to address the alarming rates of food insecurity and gaps in basic needs as part of a comprehensive response to homelessness. Young people are waiting for us to care and act with urgency in response to student homelessness: California's growing policy crisis.

References

Aviles de Bradley, A. (2015). Homeless educational policy: Exploring a racialized discourse through a critical race theory lens. *Urban Education*, 50(7), 839-869

Bishop, J.P., Camargo Gonzalez, L., Rivera, E. (2020). State of Crisis: Dismantling Student Homelessness in California. Center for the Transformation of Schools, School of Education & Information Studies, University of California, Los Angeles. Retrieved from <https://secureservercdn.net/198.71.233.214/38e.a8b.myftpupload.com/wp-content/uploads/2020/10/cts-state-of-crisis-report.pdf>.

Bishop, J. P., & Noguera, P. A. (2019). The Ecology of Educational Equity: Implications for Policy. *Peabody Journal of Education*, 94(2), 122-141.

Bonilla-Silva, E. 1997. "Rethinking Racism: Toward a Structural Interpretation." *American Sociological Review* 62 (3): 465–480.

Bonilla-Silva, E. 2010. *Racism without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States*. New York : Rowman & Littlefield.

Bohn, S., & Danielson, C. (2016). Income inequality and the safety net in California. San Francisco, CA: Public Policy Institute of California.

Corporation for Supportive Housing (2011). Silos to systems: Preserving and strengthening families and children experiencing recurring child welfare system encounters and housing crises. New York, NY: Author.

Durso, L. E, & Gates, G. J. (2012). Serving Our Youth: Findings from a National Survey of Services Providers Working with Lesbian, Gay, Bisexual and Transgender Youth Who Are Homeless or At Risk of Becoming Homeless. UCLA: The Williams Institute. Retrieved from <https://escholarship.org/uc/item/80x75033>.

Moore, H., Astor, R.A., Benbenishty, R. (2019). A statewide study of school-based victimization, discriminatory bullying, and weapon victimization by student homeless status. *Social Work Research*, <https://doi.org/10.1093/swr/svz010>.

National Center for Homeless Education (2020). Federal Data Summary: School Years 2015-16 through 2017-18. The University of North Carolina at Greensboro. Retrieved from <https://nche.ed.gov/wp-content/uploads/2020/01/Federal-Data-Summary-SY-15.16-to-17.18-Published-1.30.2020.pdf>.

National Conference of State Legislatures (2019). Youth Homelessness Overview.

University of Michigan, School House Connection (2020). Lost in the Masked Shuffle & Virtual Void: Children and Youth Experiencing Homelessness Amidst the Pandemic. Retrieved at <https://www.schoolhouseconnection.org/lost-in-the-masked-shuffle-and-virtual-void/>.

Ujifusa, A. *Education Week*. See What the Huge COVID-19 Aid Deal Biden Has Signed Means for Education, in Two Charts. Retrieved at <https://www.edweek.org/policy-politics/see-what-the-huge-covid-19-aid-deal-biden-has-signed-means-for-education-in-two-charts/2021/03>.

US Bureau of Labor Statistics (2020). Economic News Release. Table 1. Civilian labor force and unemployment by state and selected area, seasonally adjusted. Retrieved from <https://www.bls.gov/news.release/laus.t01.htm>.

Chapter 7

Round 1: Bradley Versus Yorty

Daniel J.B. Mitchell

Professor-Emeritus, UCLA Anderson School of Management
and UCLA Luskin School of Public Affairs

“On election night, we got the first actual evidence that... (Yorty) won that election. It was an astounding thing for many people because, based on every poll that we had done and that others had done, there was no clue whatsoever that he would be able to pull off a reversal of the trend that had been building since the primary election. So, on election night as the returns came in, we could see from the first returns, the absentee ballots, and then the continuing election returns for the rest of the evening, it was clear that the campaign of racism, of fear had indeed paid off.”

Tom Bradley¹

In earlier editions of *California Policy Options*, we traced the 1961 and 1965 successful campaigns for mayor of the City of Los Angeles of Sam Yorty.² The first election marked the beginning of a turning point in L.A. history in which the downtown elite – and especially the *LA Times* – lost control of events. Yorty, the candidate who wasn’t supposed to win nonetheless carried the day. Yorty’s first election had a certain resonance to Donald Trump’s election to the presidency in 2016 – an election he wasn’t supposed to win. Both candidates used TV effectively, especially by making over-the-top charges and statements that attracted attention and newsworthy coverage. One difference back in 1961, however, was that Yorty didn’t use the racially-charged rhetoric that Trump did. Yorty could, in fact, claim that he had done more to integrate the city administration than his predecessors.

The 1965 election found Yorty winning the endorsement of the *LA Times* and the downtown elite. It turned out that the city had kept functioning during his first term in office to the surprise of the *Times*. Yorty, moreover, was happy to engage in the kind of civic boosterism that the elite liked. And unlike Trump, once the 1961 campaign was over, he didn’t keep attacking the *LA Times*. But soon after Yorty’s re-election in 1965, the Watts Riot occurred, and it became apparent that all was not well in Los Angeles. Moreover, the *LA Times* began to shift from its long-time conservatism and identification with Republican causes to being a more liberal newspaper.

Segments of elite opinion in the city began to shift as well, but Yorty remained much the same. An alliance of sorts began to form around the possibility of electing African American city councilmember Tom Bradley in 1969. There were liberals who liked Bradley both for his stance on issues and because they saw electing an African American mayor as a step forward for the city. And there were segments of the city’s elite who were still shocked by Watts, disappointed in Yorty, and had the idea that an African American mayor would in some way prevent another riot. With that alliance in opposition to the incumbent mayor, Yorty wasn’t supposed to win a third term in 1969, but – as in 1961 – he won anyway. And this time – unlike in 1961 - the issue of race became a major element of his campaign.

As was the case in the mayoral election of 1961, there was a resonance between much more recent elections and events back then. The Yorty vs. Bradley contest in 1969 has lessons for the present. As the old adage goes, history doesn’t repeat exactly, but it sometimes rhymes.

¹From “The Impossible Dream: Tom Bradley,” UCLA Oral History Program (1979?), p. 159. Available at https://oac.cdlib.org/view?docId=hb4c6009nh&brand=oac4&doc.view=entire_text.

²Daniel J.B. Mitchell, “The Trash-Talking Candidate Who Wasn’t Supposed to Win,” *California Policy Options 2018*, Chapter 6, pp. 134-156. Available at <https://archive.org/details/PolicyOptions2018>; Daniel J.B. Mitchell, “Before the Storm: Sam Yorty’s Second Election as Mayor of Los Angeles,” *California Policy Options 2021*, Chapter 4, pp. 73-89. Available at <https://archive.org/details/cpo-2021>.

Tensions and Divisions

“One traumatic event followed another as a wide array of social and political trends that had been building for years reached critical mass.”

From “1968: The Year That Changed America Forever”³

The late 1960s saw tensions and divisions along various dimensions. If one is searching for points in American history that were as divisive as today’s politics, that period is a good place to look. At the national level in that era, the Vietnam War was raging and had split the Democratic Party into pro-war and anti-war factions. In 1968, Democratic President Lyndon Johnson dropped out of contention as a candidate for reelection after anti-war candidate Eugene McCarthy made a strong showing in the New Hampshire primary for the Democratic presidential nomination. Senator Robert Kennedy – also seen as anti-war – became the major rival to Vice President Hubert Humphrey, largely displacing McCarthy. But Kennedy was assassinated in Los Angeles after winning the California primary. During the Los Angeles mayoral election of 1969, the trial of assassin Sirhan Sirhan was taking place as a reminder.

In any event, the Vietnam War was constantly in the news, along with the draft as a reminder. Although the public had been given assurances that the conflict in Vietnam was under control and that progress was being made, the so-called Tet Offensive by North Vietnam in 1968 – highly visible on television – suggested the opposite. Doubts about military assertions of optimism were developing.

The 1968 presidential contest eventually boiled down to Richard Nixon, making a comeback in Republican politics vs. Humphrey. The Chicago Democratic convention that year which nominated Humphrey was beset by major disturbances outside the hall and division within. Former Alabama Governor George Wallace ran on a segregationist platform as a third-party candidate and was a victim of a failed assassination that left him partially paralyzed.

Although there had been some urban disturbances before, the Watts Riot of 1965 eclipsed those earlier events and set a pattern for similar outbreaks in other cities during the late 1960s. In 1968, racial tensions were further heightened by the assassination of Martin Luther King, Jr. The civil rights movement – initially centered on the segregated south – began to be felt throughout the country, and more militant factions emerged such as the Black Panthers.

There was also in that period turmoil on college campuses. At UCLA, a clash between the Panthers and another faction for unclear reasons led to the on-campus murder of two persons.⁴ The first wave of the baby-boom generation was coming of age and – in response to Vietnam and civil rights – was producing increasingly dramatic student demonstrations, starting at UC-Berkeley, and then spreading. Although racial conflict in the U.S. was largely seen as a Black/White issue, in L.A. you had in addition the so-called Chicano Blowouts – walkouts from high schools of Mexican-American students in 1968 protesting educational deficiencies.

Histories of the period often focus on student protests, counter-culture “hippies” upsetting social conventions and using drugs, and Old Left vs. New Left political movements. But blue collar workers

³Kenneth T. Walsh, *US News*, December 31, 2017. Available at <https://www.usnews.com/news/national-news/articles/2017-12-31/1968-the-year-that-changed-america-forever>.

⁴Mike Davis and Jon Wiener, *Set the Night on Fire: L.A. in the Sixties* (New York: Verso 2020), pp. 440-452.

were also affected by the general slippage of the old order; a wave of strikes occurred, and older union officials complained about unrealistic demands of younger workers. Popular culture reflected changing social standards. Movies had long been subjected to a code of conduct that nixed any display of sex, drugs, or other taboos. But the sixties saw a shift from those norms, offending older generations.

In short, disorder and social change was seemingly everywhere, and the electorate shifted to the right in response. Ronald Reagan was elected governor of California, defeating two-term incumbent Pat Brown, in part on a platform of taming the radicals at UC-Berkeley. Nixon was elected over Humphrey by mobilizing what he termed “the silent majority” of voters on a law-and-order platform and the notion that he would somehow resolve the Vietnam conflict.

Of course, many of these issues were beyond municipal politics. The mayor of Los Angeles is not in charge of foreign policy (although Yorty often opined on foreign and military affairs). In particular, in Los Angeles – with its weak mayor system – even functions that in other cities are ultimately in the hands of the mayor are diffused in L.A. Elected school and community college boards handle education. The County of Los Angeles – not the city – handles “welfare,” public health, and jails. At the time, even the municipal police in L.A. were semi-autonomous. Nonetheless, the larger social and cultural tensions besetting national and state politics became part of the 1969 city mayoral elections.

Tom Bradley

“When many of us determined to pool our resources to accomplish the election of the first black member to the city council, a meeting was called by community leaders... When Tom rose to speak, everyone listened with some apprehension to this man whose background was that of a police officer. When he finished, it was clear that the community had found someone who could respond to need and provide leadership.”

Superior Court Judge Jack Tenner⁵

In the earlier chapters on Sam Yorty cited above, we learned something about his background. But who was Tom Bradley, Yorty’s rival for the mayoralty in 1969, and ultimately – but not in 1969 - Los Angeles’ first and only African American mayor?⁶ One author writing about the 1969 election contest tried to find parallels between the two men, such as their origins in the “American midlands” and the fact that they both had practiced law.⁷ But in fact the two men couldn’t have been more different.

Bradley was born in a small Texas town in 1917. He casually mentioned in his oral interview that among his siblings, five had died in infancy. His father was a sharecropper who kept accumulating debt and, after a series of moves, took the family to Los Angeles. Although neither of his parents had finished elementary school, both, he reported, “constantly pounded into my head the need to get a good education.”⁸ Although L.A. didn’t have the kind of legal segregation that prevailed in the south, Bradley reported various incidents of prejudice and roadblocks throughout his career. In school, he had a White

⁵“The Incredible Dream,” UCLA Oral History, *op. cit.*, Introduction, pp. viii-ix.

⁶His full name was Thomas Jefferson Bradley, but he used only Tom throughout his career. See <https://peoplepill.com/people/tom-bradley/> and <https://www.wikitree.com/wiki/Bradley-13745>.

⁷Richard L. Maullin, “Los Angeles Liberalism,” *Trans-action*, May 1971, p. 41.

⁸“The Incredible Dream,” UCLA Oral History, *op. cit.*, p. 8.

friend whose parents disapproved of them being together. So, they were friends at school but not openly outside.

While one elementary school teacher took an interest in Bradley, encouraged him to read (which he did), and gave him clothes his family couldn't afford, his junior high guidance counselor discouraged him from taking academic courses that could lead to college. Bradley was told instead that he should prepare for a career as a manual laborer. However, he pursued academic courses despite the advice and got the idea that being a good athlete would help him get into college. Bradley, as it happened, excelled in track and football.

In the high school he attended, which had a mixed student body, if interracial tensions developed, the school administrators would call on Bradley to mediate. Ultimately, he was elected president of the Boys League of the school. Obtaining support from, and getting along with, people of diverse backgrounds was to mark Bradley's later political career. *"As well as anybody could say that they are colorblind, I really believe that is a fact of my life,"* he said much later.⁹

While in today's political climate such a statement might be seen as naive or even politically incorrect, it was the way Bradley saw himself – or, perhaps more realistically – wanted to be seen by the general public in his campaigns. What his innermost thoughts were is hard to determine. Even his wife in an interview allowed that *"he doesn't tell anyone his private thoughts, not even me."*¹⁰

There was discussion in that era – despite the contemporary national turmoil – that the American south would soon be emerging into a *"post-racial"* era. In that new reformed south to come, so the argument went, general economic issues would come to dominate and would replace divisive racial appeals.¹¹ Some readers might be reminded of Barack Obama's much later approach to campaigning for the presidency. Obama played down race as much as possible and focused instead on such issues as dealing with the Great Recession and with national health care in order to build a sufficiently wide political coalition.¹²

In any case, Bradley's idea in high school that athletics would pay off proved correct. He was recruited to UCLA by an African American student track athlete, Jimmy LuValle, who later became a distinguished

⁹Quoted in James W. Johnson, *The Black Bruins: The Remarkable Lives of UCLA's Jackie Robinson, Woody Strode, Tom Bradley, Kenny Washington, and Ray Bartlett* (Lincoln, NE: University of Nebraska Press, 2017), p. 211.

¹⁰Quoted in Robert Kistler, "Councilman Bradley's Inner Cool: His Strongest Attribute," *Los Angeles Times*, March 27, 1969.

¹¹James T. Wooten, "Compact Set Up for 'Post-Racial' South," *New York Times*, October 5, 1971. Available at <https://timesmachine.nytimes.com/timesmachine/1971/10/05/79156105.pdf>.

¹²"*But even after I think a shift in perspective around George Floyd, we're still back into the trenches of how do we get different district attorneys elected? How do we actually reform police departments? Now we're back in the world of politics. And as soon as we get back into the world of politics, now it's a numbers game. You have to persuade, and you have to create coalitions.*" Former President Barack Obama interviewed in "Obama Explains How America Went From 'Yes We Can' to 'MAGA,'" The Ezra Klein Show, *New York Times*, June 1, 2021. Available at <https://www.nytimes.com/2021/06/01/opinion/ezra-klein-podcast-barack-obama.html>.

chemist.¹³ While at UCLA, Bradley was reported to have played the same kind of mediator role that he had played in high school.¹⁴

On something of a lark, Bradley took an exam to become a Los Angeles police officer and passed. Although the LAPD had a *de facto* quota on the number of African American officers it would accept – there was an attempt to disqualify Bradley on medical grounds despite being a college athlete – he became a police officer. As a result, he left UCLA before finishing his undergraduate degree.

Within the LAPD, Bradley rose through the ranks to detective and lieutenant. While a member of the police force, he pushed for better community relations and at least reducing some of the barriers faced by African Americans and Mexican Americans with the department. In his oral interview, Bradley notes that the department had been poorly run and corrupt until it came under the regime of Chief William Parker who had been selected to clean up the agency.

In 1938, then-Mayor Frank Shaw was recalled for corruption, in part connected with the LAPD, thus setting in motion a sequence of events that eventually led to Chief Parker being appointed twelve years later. Bradley acknowledged in his oral interview that Parker brought professionalism and better management to the department. But he also noted that Parker's alcoholism was a problem along with the fact that, when inebriated, the chief was known to express racially-charged views. Parker, in short, was a reformist in terms of administration, but not in terms of race.

In 1952, Bradley began taking night courses toward a law degree at Southwestern Law School. He graduated in 1956 and passed the California bar. He also became involved in local politics and began to be viewed as a "troublemaker" within the LAPD, in part because of his political activities on behalf of a city council candidate who was critical of the police. Bradley eventually resigned from the department and practiced law for several years.

When a vacancy arose in the city council district in which Bradley resided, a campaign was started by local businessmen to have Bradley appointed by the council to fill the slot. However, the council instead appointed a man named Joe Hollingsworth. An abortive attempt was made to recall Hollingsworth, but the recall petitions were rejected on technical legal grounds after some litigation.¹⁵

When election time for the seat now filled by Hollingsworth arrived, Bradley ran as a candidate for city council in 1963 against Hollingsworth. By that time, Yorty was mayor and apparently initially supported Bradley until warned off by Chief Parker.¹⁶ According to Bradley, Yorty's support was indirect and done through staff. Nonetheless, in a flattering biography of Yorty written by an *LA Times* reporter during the honeymoon period during which the *Times* supported him, Bradley was termed a "supporter" of Yorty.¹⁷

Calling Bradley a "supporter" of Yorty seems an exaggeration; he had no particular grudge against Yorty at that time and had not been a fan of Norris Poulson, the incumbent mayor whom Yorty had beaten in

¹³LuValle Commons on the UCLA campus is named for him.

¹⁴Referenced in the documentary "Bridging the Divide: Tom Bradley and the Politics of Race," by Lyn Goldfarb and Alison Sotomayor (2015). Available for purchase at <https://www.mayortombradley.com/>.

¹⁵Beeman C. Patterson, "Political Action of Negroes in Los Angeles: A Case Study in the Attainment of Councilmanic Representation," *Phylon*, Vol. 30, No. 2 (2nd Qtr., 1969), pp. 170-183.

¹⁶"Ask the Mayor: Samuel Yorty," UCLA Oral History Program (1987), p. 117.

¹⁷Ed Ainsworth, *Maverick Mayor: A Biography of Sam Yorty, Mayor of Los Angeles* (Garden City, NY: Doubleday, 1966), p. 186.

1961. Yorty, in his 1961 upset election campaign, was seen positively by the African American community according to Bradley, or at least more positively than the incumbent mayor. Bradley's 1963 campaign for city council took place in a council district that had a mixed population of various racial, religious, and ethnic groups. The African American-Jewish alliance of support that characterized Bradley's subsequent political career developed in that first district election and continued thereafter.¹⁸

Once elected to the council, Bradley actively pursued local nitty-gritty district issues such as installation of streetlights. He found the city council to be a relatively sleepy institution with members often not paying much attention to local issues and with local voters not paying much attention to their representatives. The members tended to regard their districts as their own fiefdoms despite the fact that even projects within districts required the support of the overall council. Bradley found that his efforts to investigate local controversies outside his district were not appreciated by his fellow councilmembers. Nevertheless, he took the position that if his vote was needed on such issues, he had a duty to investigate and to meet with local residents who had concerns.

Yorty indicated that Bradley was out of the country at the time of the Watts riots.¹⁹ Bradley – in his oral interview – said that there was nothing he could have done about the Watts situation until peace was restored by the National Guard.²⁰ In any case, after Watts, Bradley pushed for creation of a municipal Human Rights Commission. Yorty agreed to its creation, but the resulting Commission in Bradley's view didn't do much once established.

By the time Bradley came up for reelection as councilmember in 1967, he essentially had no opposition. Thus, by that time he was well positioned to run for mayor in the 1969 municipal elections. Meanwhile, a series of municipal scandals began to develop which tended to tarnish Yorty's reputation although there were no accusations against the mayor himself. Moreover, post-Watts, elements of the city's elite were beginning to doubt the ability of Yorty to manage municipal affairs and to maintain calm in a tense environment.

The 1969 Election: The Beginning

"The mayoralty race of 1969 would be the subject of as much nationwide scrutiny as any municipal campaign in California history. It would almost be the undoing of (Sam Yorty)."

Political scientists John C. Bollens and Grant B. Geyer²¹

¹⁸It might be noted that former state assembly speaker and mayor of San Francisco Willie Brown, in his oral history, claims to have played some undefined role in the political rise of Tom Bradley. Exactly what this role was is unclear and was not mentioned by Bradley nor by his biographers (nor by Brown's. There is also a reference by Willie Brown to Bradley appointing someone to the committee that examined the Watts Riot. However, the McCone Commission that looked into Watts was appointed by the then-governor Pat Brown. "First Among Equals: California Legislative Leadership, 1964-1992, Willie Lewis Brown, Jr.," Oral Interview, pp. 190, 219. Available at <https://oac.cdlib.org/ark:/13030/hb0b69n7k5/?brand=oac4>. Willie Brown wasn't elected to the assembly until 1965, so it's hard to see what role he could have played in Bradley's initial run for office. By the time of Bradley's much later run for governor (1982 and 1986), however, Assembly Speaker Brown could have been influential.

¹⁹"Ask the Mayor," UCLA Oral History Project, *op. cit.*, p. 171.

²⁰"The Incredible Dream," UCLA Oral History Project, *op. cit.*, p. 125.

²¹John C. Bollens and Grant B. Geyer, *Yorty: Politics of a Constant Candidate* (Pacific Palisades, CA: Palisades Publishers, 1973), p. 162.

There is no precise beginning of the mayoral election of 1969. Somewhat arbitrarily, we start the story in November 1968, also the date when Richard Nixon was elected president. Exactly when Mayor Yorty decided he would run for a third term is uncertain. Maybe he intended to do so from the beginning of his second term, if he didn't attain some higher office before that election occurred. But that possibility was a big "if" for Yorty. He had run unsuccessfully for the Democratic nomination for governor in 1966, losing to Pat Brown. When Pat Brown, in turn, lost in the general election to Republican Ronald Reagan, Yorty went to the Reagan celebration. Earlier in his career, Yorty had run unsuccessfully for the U.S. Senate.

In any case, Yorty had been shifting rightwards for some time – even before Watts. He supported Nixon over John F. Kennedy in 1960, and when Nixon won the presidency in 1968. Yorty seemed to think he was in line for an appointment in the incoming Nixon administration. He seemed to have the idea that he might be appointed Secretary of Defense, an idea which was satirized by a political cartoon in the *Los Angeles Times* by illustrator Paul Conrad.

Conrad's cartoon pictured Yorty as about to be carried off to a mental hospital by white-coated attendants. Yorty sued the *LA Times* and Conrad for \$2 million on the grounds that he had been libeled by the implication that he was insane.²² Not surprisingly, his lawsuit was not successful. But it followed Yorty's pattern of suing opponents – by that time he viewed the *LA Times* as an opponent – a pattern which he established by suing incumbent Mayor Norris Poulson in 1961 during the Yorty-Poulson contest. (Yorty dropped the suit after winning the election.) A *Times* editorial in response to the lawsuit said that maybe it was the newspaper that "was a little insane" when it had endorsed Yorty back in 1965.²³

By the time of the cartoon and lawsuit, the *Times* had clearly tired of Yorty. It had exposed a scandal involving a Harbor Commission member who had been involved in an improper contract award along with other figures within his administration. (There was never a charge that Yorty had done anything improper.) Yorty attacked the judge overseeing the trial of a former harbor commissioner who was convicted. But another scandal was developing related to Recreation and Parks Commission.

As might be expected, the scandals became an issue in the mayoral campaign. But it's interesting that Bradley didn't make much of them years later when he looked back at the 1969 election. In his subsequent oral history when he was asked about the 1969 election, Bradley didn't mention the scandals, although he certainly raised them during the campaign. His biographers argue that Bradley mainly felt that Yorty wasn't a good mayor because he lacked a vision for L.A.'s future. Bradley regarded Yorty as a part-time mayor who enjoyed being in the spotlight and travelling around the world,

²²The cartoon can be seen in Christopher Lamb, "Drawing the Line: An Absolute Defense for Political Cartoons," in Lucy Shelton Caswell and Jared Gardner (eds.), *Drawing the Line* (Columbus, OH: Ohio State University Press, 2017). Available at http://i412cartooning.weebly.com/uploads/6/4/2/2/6422481/legal_issues.pdf (p. 5). See also Court of Appeals of California, Second Appellate District, Division Two. December 15, 1970.]

Samuel W. Yorty, Plaintiff and Appellant, v. Otis Chandler et al., Defendants and Respondents. Available at <https://law.justia.com/cases/california/court-of-appeal/3d/13/467.html>.

²³"Mayor Yorty Finds a Laugh," *Los Angeles Times*, December 11, 1968.

ostensibly on behalf of the city.²⁴ But Bradley viewed Yorty as failing to tackle major civic issues. Bradley saw the corruption of appointees as a byproduct of the mayor's lack of attention to managing the city.

At the time, apart from the scandals, there was the usual set of local controversies that you might find in any city.²⁵ Yorty had proposed a golf course in the San Fernando Valley, but the city council was reluctant. He was also pushing a plan to recycle sewage water and use it for watering golf courses. Other public works were going ahead, however, particularly in the Valley which was the mayor's electoral base. At the time, the powerful and quasi-autonomous Community Redevelopment Agency was in the midst of various "urban renewal projects" that involved demolishing rundown areas such as Bunker Hill downtown and another such area in San Pedro.

Yorty, it might be noted, was opposed to Proposition 9 on the November 1968 ballot – a property tax limitation that was a forerunner of Prop 13 which was on the ballot ten years later. Property taxes were an important source of local revenue, so his opposition to Prop 9 was not surprising. But it put Yorty in an alliance of opposition with liberal groups such as the AFL-CIO and the NAACP, along with conservative politicians such as Governor Reagan.²⁶ (Ultimately, Prop 9 was defeated.)

However, apart from local affairs, Yorty frequently commented on national issues. For example, he was supportive of the Vietnam War effort and accused President Johnson of "appeasement" of the enemy by temporarily halting bombing as an election gimmick. The war issue had split the Democrats, but Tom Bradley and others endorsed presidential candidate Hubert Humphrey as nonetheless preferable to Richard Nixon.

And there were local affairs that mirrored national concerns. At what was then known as San Fernando Valley State College (now California State University, Northridge), members of the Black Students Union and other student groups occupied an administrative building. An administrative aide from Yorty's office mediated their departure. But such events – as signs of disorder and social unrest – were to play a major role in the eventual defeat of Bradley by Yorty. Student unrest and social unrest were a major factor in the Nixon victory at the presidential level in November 1968. The same was to be true of Yorty's victory the following May, especially after the primary.

It took time for public attention to move from the national presidential election to the upcoming mayoral contest. Bradley had considered the option of running in 1969 after his reelection to the city council in 1967. But with the mayoral primary coming up, candidates would soon have to file officially to be on the ballot. Bradley made the final decision to run, probably by the time of the 1968 national election. Shortly thereafter, the liberal wing of the local Democratic Party was talking up a Bradley

²⁴J. Gregory Payne and Scott C. Ratzan, *Tom Bradley: The Impossible Dream* (Santa Monica, CA: Roundtable, 1986), pp. 84-85.

²⁵The narrative starting at this point is heavily dependent on LA Times articles available from ProQuest Historical Newspapers. We cite the specific articles mainly when direct quotations are involved.

²⁶Although Reagan was later to capitalize on the anti-tax fervor surrounding Prop 13, as governor – and as a conservative – he favored keeping issues at the local government level and feared that cutting the local tax base would push responsibility for local services up to the state.

candidacy.²⁷ By then it was widely assumed that Yorty would run for a third term, particularly since he wasn't being offered anything by the incoming Nixon administration.²⁸

In terms of demographic considerations for any candidate in deciding to run, the really big wave of immigration that was to alter the population mix of the state and the city had barely begun. The big demographic story of the 1960s had been the continued general influx of population from the rest of the U.S., not from abroad. The African American population increased by almost two thirds from Census years 1960 to 1970 compared to a general population increase of around 16 percent. About 11 percent of the City's population was African American. However, pollsters of the day estimated that about 18% of city voters were African American.²⁹

Statistics on Hispanic inhabitants were inconsistently measured in that era, and Hispanics were often lumped with Whites in official numbers. A much larger fraction of the Hispanic population consisted of native-born citizens at the time (and thus more likely to be entitled to vote) than was later the case. About 28% of the Hispanic population was foreign-born in 1970, compared with about half in 1990.³⁰ In the broader L.A. area, about 16% of the population was Hispanic but many lived in areas east of the L.A. city limits. Pollsters of the day believed that Mexican-Americans constituted about 13% of the vote.³¹

Official numbers on the Jewish population in L.A. are not kept by government statistical agencies which don't track religion. However, the Bradley campaign story is often linked to a Black-Jewish alliance. One estimate put the Jewish population at around six percent of the total in 1970.³² Of course, population and voting are not the same thing for any demographic group. Apart from basic requirements of age and citizenship as qualifications for voting, there is the issue of actual voter registration and, among those registered, the propensity actually to turn out in a given election. Then, as now, producing a turnout among friendly voters is a challenge for any candidate.

At that point in time, Yorty wasn't making race an issue. In early November, for example, he appeared as a guest on a local public TV show, "Black Perspective." And in February, he appeared with Kenneth Clark, the well-known African American sociologist, to discuss minority issues on another TV program. But there were signs of things to come.

Yorty debated African American congressman Adam Clayton Powell of New York City over the virtues of the American political system at the University of Illinois. On the other hand, Yorty was always happy to

²⁷Kenneth J. Nanucchi, "Democrats Analyze Ruins of Defeat, Find Split Party, Few Funds, Unrest," *Los Angeles Times*, November 17, 1968. A spokesperson for a local California Democratic Council (CDC) said there would be "great interest" in the CDC in backing Bradley.

²⁸Yorty never officially endorsed Nixon (or Humphrey) in the 1968 presidential campaign, but he reported giving campaign advice to Nixon. In early December, he saw Nixon in Palm Springs. Whether any positions were offered is unclear.

²⁹Ruben Salazar, "Bradley Seeking Racial Coalition in Mayor Race," *Los Angeles Times*, January 27, 1969.

³⁰Georges Sabagh and Mehdi Bozorgmehr, "Population Change: Immigration and Ethnic Transformation," chapter 3 in Roger Waldinger and Mehdi Bozorgmehr, eds, *Ethnic Los Angeles* (New York: Russell Sage, 1996), p. 95. The estimates are for the wider L.A. area, not just the City of Los Angeles. See also estimates from the Los Angeles Almanac available from <http://www.laalmanac.com/population/po20.php>.

³¹Salazar, op. cit.

³²City of Los Angeles, Department of City Planning, *SurveyLA: Jewish History* (2016). Available at <https://planning.lacity.org/odocument/cb3a43ec-8138-4517-95e1-3a1cf0947309/LosAngelesJewishHistoryContext.pdf>.

point to his appointments of African American officials. One of his executive staff, an African American woman, Ethel Bryant, received an award from a local business group. Yorty's major direct clash with Bradley was over Yorty's proposal for L.A. to donate \$500 for a bell to San Diego for that city's 200th anniversary. (Bradley wanted more information before city council approval; the bell was eventually approved.)

Bradley, however, by mid-November 1968 was talking in public about L.A.'s failure to address police-community relations. Poor housing and education were not being addressed by the city in Bradley's view. But an incumbent mayor has a natural platform that a challenger doesn't necessarily have. There is a flow of civic programs which provide a mayor with coverage and publicity. Yorty, for example, could announce a new program of having firefighters visit schools. Yorty was on hand for an announcement of a new hotel to be built on the redeveloped Bunker Hill. A statue of a mythical Native American boy was unveiled in Van Nuys and the mayor was also there. Similarly, the Iranian prime minister was greeted by the mayor at the L.A. airport.³³

Local controversies inevitably involved the mayor. Should (or should not) a tennis center be built in Cheviot Hills, for example? What about a controversy with the City of Inglewood over noise from the Los Angeles airport? What could be done to speed up construction of a swimming pool in Pacoima? And, apart from the swimming pool, should low cost housing be built in Pacoima in the face of resistance by residents?

Still, Yorty was not spending as much time in L.A. as he could to take advantage of the opportunities for publicity. He announced he would be travelling in December to Germany, Israel, and Ireland to "*decide... whether I want to run for mayor again.*"³⁴ Before he left, however, he sent a letter to Governor Reagan and the UC Regents complaining that he had been subject to "*boisterous, brash and insulting*" behavior at UCLA when he addressed a group of students on that campus.³⁵

In late November, Bradley officially announced that he would run for mayor. "*I hope no one votes for me just because I am a black man. But I also hope nobody opposes me just because I'm a black man,*" he said. In an indirect slam at Yorty, he promised if elected not to "*become a foreign affairs expert.*"³⁶ Although the municipal scandals were mentioned, they were not Bradley's focus. However, he did not really need to highlight the scandals to put them before the public. During this period, a former Recreation and Parks commissioner was under indictment and the news media, on and off, covered developments in his case. In fact, five members of various commissions who had been appointed by Yorty were under indictments. (A city council member was also under indictment at the time.)

Apart from Bradley, other public figures were also reported as contemplating entering the race, among them Baxter Ward, a local TV newscaster. Members of the city council other than Bradley were also mulling the race. With Yorty out of the country for significant periods, it was left for others to garner attention for their potential candidacies.

³³The U.S. and Iran had a very different relationship at the time than is currently the case.

³⁴"Metropolitan," *Los Angeles Times*, November 22, 1968.

³⁵"Yorty Protests Rude Greeting at UCLA Talk," *Los Angeles Times*, November 27, 1968.

³⁶Richard Bergholz, "Councilman Bradley Raps L.A. 'Scandals,' Will Run for Mayor," *Los Angeles Times*, November 27, 1968.

The 1969 Election: Announcement Time

"I run because I want a city where every citizen can walk the streets day or night with a sense of full security and dignity."

City council member Tom Bradley announcing his candidacy for mayor³⁷

"The derelictions of a few people shouldn't be used to blacken the name of the city... or to attack me."

Mayor Sam Yorty announcing his candidacy for reelection³⁸

To be in the race officially, candidates had to file the required papers between January 11 and 25. Thus, the first few days of January were decision time. After a week's vacation in Mexico, Yorty returned to Los Angeles and formally announced his candidacy on January 2. He dismissed the issue of corruption.³⁹

Bradley – in response – focused instead on the mayor's excessive fondness for international travel. While minor candidates also filed, the prominent individuals who would run against Yorty in the April 1 primary, apart from Bradley, would be another city council member – Robert J. Wilkinson, who represented parts of West L.A. and the San Fernando Valley, the above-mentioned local TV personality Baxter Ward, who claimed there were revenue problems at Los Angeles Airport, and the Republican congressional representative from L.A. area's Westside (including Malibu and Santa Monica) – Alphonso Bell.

Bell was what hardly exists nowadays in national and local politics, a generally liberal Republican. Bell was an advocate of public transit, among other issues. Another congressional representative, Thomas Rees, a Democrat, also joined the race, saying the city needed a surcharge on the state income tax to meet its budget requirements. But he soon dropped out saying he couldn't raise sufficient funds for a viable campaign.

It was also reported that other plausible candidates were waiting in the wings, believing that Yorty – despite his formal announcement – would ultimately drop out and would not actually file by the deadline. Bradley, however, was taking Yorty's announcement seriously. He charged that Yorty has *"done little or nothing"* regarding civic issues and challenged him to a series of debates.⁴⁰

Yorty still seem absorbed by the soon-to-take-office Nixon administration and by foreign affairs. He claimed to have advised Nixon on who he should appoint to be U.S. representative to the Paris peace talks on the Vietnam War. He flew to the east coast, in part to tape what were termed educational TV shows including one at Brandeis University. He dismissed the corruption issue as something drummed up by the *LA Times* and said that with hundreds of appointees, he couldn't guarantee that a few wouldn't misbehave.

There were other offices up for election in the 1969 cycle. Among them were members of a newly-created junior (now "community") college board. And among those running for the board was a relatively unknown Edmund G. Brown, Jr. (Jerry Brown) who figured that having the same name as his

³⁷Quoted in *ibid.*

³⁸Quoted in Richard Bergholz, "Yorty Announces He Will Seek Third 4-Year Term as Mayor," *Los Angeles Times*, January 3, 1969.

³⁹*Ibid.*

⁴⁰Quoted in "Metropolitan," *Los Angeles Times*, January 5, 1969.

dad – the former governor – would be a plus. It was. Jerry Brown was ultimately to achieve his first elective office in that campaign.

It might have been expected early on that Yorty could count on coming in first in the primary, given the number of his opponents, even if he didn't win a majority and thus avoid a runoff. Name recognition – as Jerry Brown believed – counts for something. Yes, scandals in the Yorty administration were an issue, but many voters in L.A. were not especially attentive to local affairs, so long as nothing tangibly bad was happening to them.

Moreover, the local area was growing and developing, and although the mayor's travel propensities were potentially an issue, they were also a source of publicity for the mayor. Nonetheless, a report in the *LA Times* indicated that the major mayoral candidates all believed that if forced into a runoff, Yorty would lose. But the candidates' advisors, other than Bradley's advisors, all believed that Bradley was the weakest opponent to Yorty because of the race issue.⁴¹

Yorty could continue to get his name in the news by attending civic events and making announcements. On the day he announced his candidacy, for example, he also announced a small federal grant for summer youth programs. A few days later, he announced completion of a codification of city practices for city council consideration.

The mayor was able to report on traffic statistics of the Port of L.A. And he promised not to run for the U.S. Senate if reelected. A new booster film was unveiled by the mayor: "*Los Angeles – Where It's At.*" (Candidate Bell complained that the film had too much footage promoting Yorty as opposed to the city.) And the city's population had reached 2.9 million, Yorty was able to report. The contract for the new city Convention Center – whose location had long been an issue - was awarded and the site would be near Pico Boulevard and Figueroa Street, Yorty announced. Similarly, he could point to a project that was to be undertaken to restore the Venice canals.

As mayor, Yorty held periodic news conferences which were televised. Not all publicity was good, however. The mayor had to testify in a bribery trial of a city councilman involving a zoning matter in which he was peripherally involved. While there was no implication that Yorty had done anything improper, the trial was a reminder of seemingly sordid goings on in city government. (The jury ultimately deadlocked, producing a mistrial.)

The 1969 Election: Quiet Time

"What Catholicism was for Jack Kennedy in 1960, color is for Tom Bradley – a sometime hindrance and a sometime help and a thing that plain won't go away."

Columnist Art Seidenbaum⁴²

In the immediate period after the major candidates' identity was established, Yorty did not especially hammer on the culturally divisive issues of the day. On the student occupation of Valley State back in November, Yorty opined that the college's authorities should have suspended the students rather than calling the police. But, on the other hand, he opposed amnesty for those students involved. Yorty said he wondered whether the college had broken some promises made to minority students, thus

⁴¹Richard Bergholz, "Yorty Discounts Adage on Runoff Defeats," *Los Angeles Times*, January 19, 1969.

⁴²Art Seidenbaum, "The Thing Now Is What You're Running Against," *Los Angeles Times*, January 29, 1969.

provoking the unrest. However, he also warned about communist involvement in the Valley State affair. In short, he could be all over the map on the student protest issue. Whatever he said on the issue got him attention, even if what he said was somewhat inconsistent.

One of his appointees was involved in an organization pushing for greater Mexican-American representation in the movies. Deputy Mayor Eleanor Chambers was the first woman to hold that rank in the city; she had been associated with Yorty and his various political campaigns since the late 1940s. Another long-time associate was an African American woman, Ethel Bryant, who – as previously noted – was the mayor’s administrative assistant.

Yorty, particularly since Watts, had emphasized law and order. He complained that when police are deployed into difficult situations, they were being disrespected and were called pigs. In late January, Yorty and L.A. Police Chief Tom Reddin attended a “Salute to Law Enforcement” dinner. Reddin had been the subject of criticism by Bradley for insufficient attention to training police in community relations, although as chief he was somewhat more receptive to such ideas than his predecessors.

Until about a month before the April 1 primary, the mayoral contest – once the identity of the serious candidates had been determined – was largely dormant. Yorty feuded with the city council about the municipal budget and about various tax proposals emerging from the council that he considered unrealistic. The mayor touted various construction projects, planned or underway, that were a sign of economic advance. He announced plans for a summer youth program. In short, the Yorty campaign at this point was largely a matter of staying in the news with opinions and projects.

A mayor’s committee was established to deal with drug abuse. The mayor approved an ordinance to establish what became the LA-owned Palmdale Airport (a project that to this date has turned out to be a white elephant.) He announced a program to aid in a cleanup of the Watts area. And – as seepage of oil from an off-shore oil field threatened to soil LA-area beaches – Yorty announced protective measures. He also announced establishment of a senior center in MacArthur Park and plans for an art museum in Barnsdall Park.

Fundraising efforts by the candidates began. A “Citizens for Mayor Yorty” planned a fundraising dinner at the beginning of March. A “Westside Citizens for Councilman Tom Bradley” was formed as was a “Reseda Committee for Tom Bradley for Mayor” and a “Harbor Area Bradley for Mayor Committee.” The Harbor Area was at the time complaining of neglect by Yorty, and both Bradley and Candidate Bell were promising residents there more attention from City Hall.

Although mayoral elections are officially non-partisan in L.A., Bradley began to emerge as the unofficial Democrat in the race (although Yorty was also a registered Democrat at the time). Bradley charged that Yorty was a “nominal, fictitious Democrat” who actually supported Republican candidates.⁴³ Bradley talked of possible tax relief but said it would require more federal and state aid to education. Yorty, he said, wasn’t sufficiently aggressive in seeking such aid. Candidate Baxter Ward talked of tax relief through unnamed greater efficiencies in city government administration. However, he also pushed for some kind of rail transit system for the city (something that was later a Bradley priority when he finally became mayor).

⁴³“Bradley Charges Yorty Is a Failure as Mayor,” *Los Angeles Times*, February 12, 1969.

Bradley complained that the city was not enforcing its own equal employment opportunity policies in government contracting. Yorty had endorsed creating a special entity for enforcement, but he couldn't get the city council to go along. An African American member of the Fire Commission resigned, and there were suggestions he had been pushed out. Bradley called for an investigation. The campaign began to heat up.

The 1969 Election: The Run Up to the Primary

"Funds are being channeled to disruptive elements in Los Angeles through the Chinese Communists, National Council of Churches sources and others."

L.A. Police Chief Tom Reddin⁴⁴

In early March, Richard Hatcher, the African American mayor of Gary, Indiana arrived to support the Bradley campaign. While saying that as an outsider, he *"would not pretend to tell the people here how to vote,"* Hatcher opined that Bradley was the *"most qualified candidate for mayor"* and that he was the only real Democrat in the race.⁴⁵

Although Bradley was wrapping up a series of endorsements from prominent Democrats, Yorty said that he didn't *"believe in making this a partisan campaign and the people don't either."*⁴⁶ Bradley also was reported to have the unofficial endorsement of many in local organized labor, although some union leaders, fearful that an African American couldn't be elected, preferred to back someone else who was more likely to win.⁴⁷ (Most unions ultimately did support Bradley after the primary.)

A Yorty aide was reported to have directed city departments and commissions to be sure and keep news releases flowing until the April 1 primary. And the news from and about the mayor did flow. New traffic signal systems were announced, said to reduce congestion. An L.A. promotion event in Paris was touted as generating substantially more economic activity than it had cost. A new tennis center was announced for the San Fernando Valley.

The mayor also promoted the idea of a new city ordinance – likely unconstitutional – that would allow police to arrest individuals who made insulting comments to them. Yorty continued his local TV broadcasts, advertised as reports to the citizens. He suggested implementation of what is now called a "split roll" for property taxes, with homeowners paying a lower rate than commercial properties. And he announced that there would be a "Hector Berlioz Opera Week," saluting the long-deceased composer on the occasion of an opera performance at the Shrine Auditorium.

Baxter Ward criticized the planned expenditures to develop the Palmdale Airport, a position that in hindsight seem prescient, but at the time didn't provide him with much electoral traction. However, Ward didn't oppose the new airport *per se*; he wanted some of the cost to come from the County. Ward also came out in favor of reforming the city's system of commissions.

⁴⁴Quoted in Charles T. Powers and John Kumbula, "Black Students Vow to Renew School Boycott," *Los Angeles Times*, March 16, 1969.

⁴⁵Eric Malnic, "Mayor of Gary, Ind., Arrives to Aid Bradley," *Los Angeles Times*, March 1, 1969.

⁴⁶"Southland," *Los Angeles Times*, March 2, 1969.

⁴⁷Harry Bernstein, "Big Majority of Union Leaders Unofficially Support Bradley," *Los Angeles Times*, March 4, 1969.

Councilman Wilkinson leaned on the corruption issue, pledging to fire any city commissioner who refused to testify before an investigative body. Bradley pointed to the “*disgraceful abuse of the public trust practiced by several of Mayor Yorty’s appointees.*”⁴⁸ Alphonso Bell indicated that he supported creation of what are now called neighborhood councils. And he argued that because Yorty got into personal fights with federal, state, and county officials, the city received less funding than a more effective mayor could bring in.

Yorty said little about his opponents at this point, content to let them attack each other. He was reasonably assured that he would survive the primary, and then he could attack whoever was his lone opponent in the following runoff election. Instead, he continued appearing at ceremonial events and events aimed at wooing particular audiences. For women, for example, he sponsored a “Brunchette” in which various women appointees, volunteers, and wives of appointees were feted before an audience of female journalists. Yorty’s TV ads emphasized that his trips abroad brought business and economic development to L.A. And he charged that the *LA Times* deliberately omitted positive developments reported in his numerous press releases and announcements.⁴⁹

Although the *LA Times* opposed the reelection of Yorty, before the primary it hedged its bets saying both Bradley and Bell were highly qualified, and that both would make fine mayors. Since the *Times* said it thought Bell had a better chance – probably because of doubts about the electability of an African American – it endorsed Bell.⁵⁰ It didn’t, however, explain explicitly why it viewed Bell as more electable. Most likely the *Times* editorial board thought that the explanation would be obvious to readers and maybe was best left unsaid. Bell, picking up on that theme, advertised himself as the one candidate in the primary who could beat Yorty in the runoff election.

On the other hand, it was clear from the editorial that were the post-primary race to come down to Yorty versus Bradley, the *Times* would almost certainly back Bradley. Bradley, as noted, was anxious to play down the race issue: “*I am not the Negro candidate for mayor. I am the candidate for mayor deeply committed to a liberal Democratic philosophy, who is black,*” he said.⁵¹ His ads stressed competence and taking action on such issues as smog, traffic, and preventing corruption. But racial issues would keep popping up in the local news.

A group called the “Black Student Alliance” announced a strike/walkout in South L.A. junior high schools and high schools. It demanded removing police from campuses and “*the appointment of Negro principals and administrators in all schools in the black community.*” It said it would soon take its demands to City Hall and Mayor Yorty.⁵² And various trials stemming from the Valley State affair were underway, and some of the Valley State activists became involved in the school strike. The strike did succeed in closing some schools for several days.

The question, perhaps not considered by the *LA Times*, was whether at least a segment of the electorate might think that an African American mayor might do a better job than Yorty could in dealing

⁴⁸Jerry Gillam, “Bradley Calls Yorty Government ‘Most Corrupt in Recent History,’” *Los Angeles Times*, March 5, 1969.

⁴⁹Richard Bergholz, “Yorty Opens Drive on TV, Calls L.A. Best-Governed City,” *Los Angeles Times*, March 10, 1969.

⁵⁰Editorial: “No Third Term for Yorty,” *Los Angeles Times*, March 9, 1969.

⁵¹Quoted in Richard Bergholz, “Mayor Race Spotlights Struggle on Race Issue,” *Los Angeles Times*, March 9, 1969.

⁵²John Kumbula, “Black Students Strike Endorsed by Parents,” *Los Angeles Times*, March 10, 1969.

with such tensions. Indeed, Bradley said – when the school strike occurred – that the mayor wasn't attending to improving education and simply had blamed the strike on outside agitators and on too much publicity by the news media. Bell chimed in that Yorty had contributed to the unrest.

Yorty continued to defend his propensity to travel. At a rally in Chinatown, he declared that “*any mayor must understand the Orient,*” using the language of that era. His travels brought trade through the harbor and were “*trade missions and not junkets.*”⁵³ Still, he was willing to sign an ordinance enacted by the city council limiting travel of high city officials (not the mayor). And, in terms of economic development, he announced that President Nixon had invited him to Washington to discuss unemployment matters.

The mayor urged the city council to avoid paying too much attention to the upcoming election and instead to focus on the city's budgetary concerns. Yorty also called for reforming the zoning process, a process that had been involved in some of the corruption schemes that had come to light. He aired both five-minute and thirty-minute broadcasts as “reports to the people” on local TV.

Yorty believed that he had enjoyed strong support in the African American community until the Watts Riots took place. Then, because as mayor he was responsible for the police, the relationship soured for some in the Black community. But the riots were caused, in his view, by outside influences, not local conditions. He argued before the primary that he still had lots of “*support in Negro areas. When I go down there in a parade or something, it's nothing but 'Hi, Mayor Sam,'*” he said in an interview.⁵⁴ After the primary, his depiction of residual African American support was to shift.

Yorty pointed to the past history of the *LA Times* in endorsing and opposing mayoral candidates, notably its role in unseating incumbent reformist mayor Fletcher Bowren in 1953. “*If you do not go along with the Los Angeles Times' policies of city domination, they will attempt to cut you to pieces.*”⁵⁵ In response, the *Times* went back further in history and noted that Yorty had campaigned for Frank Shaw in 1933, the mayor later removed by recall for corruption in 1938.⁵⁶ Yorty wrote back that while he supported Shaw in 1933, by 1938 he had opposed retaining him in the recall. And he pointed out that the *Times* supported retention of Shaw.⁵⁷

As the primary day approached, both Bradley and Bell released financial statements and challenged Yorty to do the same. Yorty rejected the challenge as a “*phony issue*” and said he didn't have time to produce an accounting. He declared that in any case, his top opponent was “*Otis Chandler (publisher) of the Times.*”⁵⁸

Ward, as the primary date approached was apparently thinking of dropping out of the campaign entirely, and he suspended campaigning. His wife was the daughter of a known gangster, and Ward intimated that rumors that were circulated by Yorty were going around about her. Ward then got back into the race and accused Yorty of lying when he denied circulating the rumors. Bradley, meanwhile – in

⁵³“Metropolitan,” *Los Angeles Times*, March 11, 1969.

⁵⁴Jack Smith, “Yorty Points to His Record in Campaign for Third Term,” *Los Angeles Times*, March 25, 1969.

⁵⁵“Yorty Assails Times Views on Election,” *Los Angeles Times*, March 20, 1969.

⁵⁶Editorial: “Mayor Yorty Cries ‘Smear,’” *Los Angeles Times*, March 21, 1969.

⁵⁷Letter to the Editor by Yorty, *Los Angeles Times*, March 29, 1969.

⁵⁸Quoted in Richard West, “Candidates' Wealth Declaration Phony Issue, Yorty Says,” *Los Angeles Times*, March 27, 1969.

part because Yorty was running for a third term – endorsed the notion of a two-term limit for L.A. mayors.⁵⁹ (Bradley was elected to five terms eventually, however, starting in 1973.)

Shortly before the primary, Yorty announced he would be submitting a “balanced” budget to the city council that would not require any property tax increase. However, he defined “balance” as including drawing down the reserve fund, so that in fact there was a deficit.⁶⁰ Bradley called Yorty’s budget a “*political campaign gimmick*” and pledged he (Bradley) would submit a balanced budget with no tax increase if elected.⁶¹

Despite the fiscal issue, Yorty ran ads in the *LA Times* – his nemesis – using the slogan “Keep Los Angeles Great!” And despite the *LA Times*’ preference for Bell as the most viable opponent for Yorty, polls taken shortly before the primary were showing that Bradley was the leading candidate in the primary, followed by Yorty, Ward, and Bell in that order. If the polls were correct, the runoff contest would then be a Yorty vs. Bradley race. Moreover, the polling indicated that if the runoff came down to *any* one of the top-three opponents to Yorty surviving into a race with Yorty, that survivor would defeat the incumbent mayor.⁶²

Of course, the final poll was the primary itself on Tuesday, April 1. Monday had been declared a national day of mourning for former President Eisenhower who had died a few days before. Thus, campaigning on Monday, March 31, was suspended, and the city awaited the primary’s outcome. As it happened, on the day of the primary, voters were reminded of the various city scandals by the indictment of yet another former city official.

The 1969 Election: Primary Results and Immediate Aftermath

“Oh Christ, they would endorse a mad dog against Yorty... They have no principles and no ethics... anyone to beat Yorty.”

Mayor Yorty asked whether the *LA Times* would endorse Bradley in the runoff⁶³

The primary results validated the poll’s rankings of the candidates. The final vote result for the top-four candidates was:

Bradley: 42%

Yorty: 26%

Ward: 17%

Bell: 14%⁶⁴

⁵⁹“Bradley Endorses Proposal to Limit Mayor to 2 Terms,” *Los Angeles Times*, March 27, 1969.

⁶⁰Yorty, in a letter to the editor of the *Los Angeles Times* of April 29, 1969, defended the decrease in reserves and said the new level was still the average of the last eight years.

⁶¹Quoted in Erwin Baker, “Bradley Assails Yorty’s Budget as ‘Pure Campaign Gimmick,’” *Los Angeles Times*, March 29, 1969.

⁶²On the pre-primary polls, see “Bradley Now in Substantial Lead Over Yorty, Poll Shows,” *Los Angeles Times*, March 29, 1969; “Metropolitan: Yorty Would Lose Runoff, Poll Says,” *Los Angeles Times*, March 30, 1969.

⁶³Quoted in Kenneth Reich, “Grim Yorty Accuses Bradley of Making ‘Great Racist Appeal,’” *Los Angeles Times*, April 2, 1969.

⁶⁴“Election Results,” *Los Angeles Times*, April 3, 1969. It might be noted that Jerry Brown, making his political debut, came in first among the myriad candidates for what was then called the Junior College Board.

With over two thirds of the vote going to Bradley and Yorty, the runoff would depend on 1) how the voters who went for Ward, Bell, and other candidates would split their votes between the two frontrunners, 2) whether Bradley or Yorty could increase turnout of potential supporters who hadn't voted in the primary, and 3) whether the two frontrunners could hang on to their supporters in the runoff. But Bradley's strong showing in the primary – and Yorty's poor showing – gave hope to Bradley's backers that he could beat Yorty in the runoff election.

Once the primary votes were tallied, Yorty accused Bradley of making “*a great racist appeal*” to “*radical Democrats and the bloc Negro vote.*”⁶⁵ He dropped the idea that he still had significant residual support among Black voters. Bradley, in contrast, said that he had “*ignored the racial issue, hoping the voters would.*”⁶⁶ With Bell now out of the picture, the *LA Times* officially endorsed Bradley, noting that Yorty could be expected to mount an aggressive campaign against his opponent. The *Times* warned that “*by raising the ugly racial issue, Yorty himself gave a clue as to his campaign tactics*” during the runoff. “*His declaration that 'I haven't let loose on him yet,' further indicates the kind of campaign that Yorty intends to conduct.*”⁶⁷

Bell, the *Times*' previous choice, strongly endorsed Bradley, too. One of Bell's key aides, a former campaign official for Ronald Reagan's campaign for governor in 1966, also endorsed Bradley. Bradley said he had talked with Ward's people and claimed their support, but Ward made no endorsement.

Aides to Yorty were said to have been surprised by the outcome and indicated they had not expected Bradley's strong showing. Yorty himself challenged Bradley to debate and said Bradley should have been indicted for soliciting a bribe from a developer; an accusation Bradley denied a few days after the primary as a witness in the trial of the developer. When Bradley appointed a committee to negotiate the format for a debate, Yorty dismissed the proposal because he didn't want a debate with restrictive ground rules that might constrain what he could say.

As the incumbent, Yorty had the continued ability to make news as part of his normal civic duties. The mayor proposed a property tax cut to be financed by drawing down city reserves. His budget also included a new swimming pool in Pacoima, a minority population area. And he announced a panel to study traffic problems.

But Yorty also could campaign directly. The mayor accused Bradley of being anti-police, despite Bradley's background as a former police officer. Bradley had quit the police force, according to Yorty, in order to “*cater to the militants and the antipolice people.*”⁶⁸ Yorty advised voters to “*ask any policeman they know and ask him how they feel about Tom Bradley.*”⁶⁹

⁶⁵Quoted in Kenneth Reich, “Grim Yorty Accuses Bradley of Making ‘Great Racist Appeal,’” *Los Angeles Times*, April 2, 1969.

⁶⁶Quoted in Robert Kistler, “Early Returns Show Race Not Campaign Issue, Bradley Says,” *Los Angeles Times*, April 2, 1969.

⁶⁷Editorial: “Tom Bradley vs. Sam Yorty,” *Los Angeles Times*, April 3, 1969.

⁶⁸Quoted in Kenneth Reich, “Law Enforcement May Be Yorty's Key Issue,” *Los Angeles Times*, April 5, 1969.

⁶⁹Quoted in Kenneth Reich, “People Should Ask Police for Opinions on Bradley --- Yorty,” *Los Angeles Times*, April 9, 1969.

A week after the primary, with Yorty pushing the police issue, L.A. Police Chief Tom Reddin abruptly resigned and announced he would soon become a newscaster on a local TV station.⁷⁰ Reddin said he had been in negotiations with the station before the primary and that his decision to step down had nothing to do with politics. Yorty, however, attributed the resignation to the possibility “*that you could get an antipolice mayor*” if Bradley were elected. Bradley in response said that he would have retained Reddin who was “*a good man.*”⁷¹ He accused Yorty of attempting “*to use the Police Department as a political football.*”⁷²

Yorty said that even if a new police chief could be chosen before the runoff election, “*If I appointed a chief who is not acceptable to (Bradley’s) extremist-militants and the kind of people who are backing him, I doubt if he could resist the pressure to remove such a chief.*” Asked for examples of the extremists, he cited the ACLU and movie star Burt Lancaster. Lancaster was a Bradley supporter and an associate of the ACLU.

Yorty charged, in addition, that Bradley had “*almost stole*” the primary election through “*deceptive tactics.*” He said he hoped that when Reddin became a TV commentator – something scheduled to happen before the primary – the former chief will “*speak out loud and clear*” and that Bradley was somehow trying to keep the departing chief from speaking out on television.⁷³ Yorty hinted that there could be mass resignations of police if Bradley were elected. But Reddin said that he expected a reduced rate of retirements in the coming fiscal year.⁷⁴

While this back and forth on the police was occurring, aides from the Yorty and Bradley campaigns began meeting about a debate format, despite Yorty’s earlier position that he wanted no restrictive ground rules. Bradley challenged Yorty to a series of three debates. Yorty said that any debate should be in a TV studio rather than an auditorium because Bradley would pack an auditorium with “*extreme militants.*”⁷⁵

However, friction was reported within the Yorty campaign on strategy. Some folks in the Yorty campaign believed that Bradley had used TV advertising more effectively than Yorty. Yorty had put money into lengthy format TV shows – what today might be termed “*infomercials*” – whereas Bradley had used short spot advertisements. What seemed to be at the heart of the internal campaign conflict, however, was Yorty’s preference for making unscripted statements and his tendency to express opinions spontaneously on all manner of issues.

The mayor might talk about local matters such as police or the need for new sewer projects. (The mayor was in conflict with the city council over sewer expenditures at the time.) But he might also opine on

⁷⁰Reddin remained on TV as a newscaster after stepping down until the 1973 election – the election in which Bradley finally defeated Yorty. Reddin competed in the 1973 primary for mayor, but he came in fourth.

⁷¹Quoted in Dial Torgerson, “Reddin Resigns,” *Los Angeles Times*, April 10, 1969.

⁷²Quoted in Richard Bergholz, “Both Yorty, Bradley Express Regret at Reddin Resignation,” *Los Angeles Times*, April 10, 1969.

⁷³Quoted in Kenneth Reich, “Reddin Resignation May Help Him in Runoff, Yorty Says,” *Los Angeles Times*, April 12, 1969.

⁷⁴Erwin Baker, “Reddin Indicates Police Retirements Will Drop in 1970,” *Los Angeles Times*, April 12, 1969.

⁷⁵“Bradley Urges Yorty to Join Him in 3 Public Discussions,” *Los Angeles Times*, April 12, 1969.

military and foreign affairs such as support for an antiballistic missile system being proposed by the Nixon administration. By mid-April, however, the Yorty campaign had been reorganized under Henry Salvatori, a major figure in Republican politics and a close associate of Governor Reagan.

In addition, members of the city council allied with Yorty formed a “truth squad,” ostensibly to expose Bradley’s record on police and other matters. Subsequently, however, two of the three squad members dropped off. One said he had nothing to add to the truth squad. The other announced that while he favored Yorty, he would find some other way to help him.⁷⁶

Yorty’s strategy had to be primarily to capture voters who had supported candidates other than Bradley and increase turnout among potential Yorty-leaning voters. “*I just hope there is a big turnout,*” he said about the runoff, “*because obviously there was a large Negro bloc vote in the primary.*”⁷⁷ Leftist militants, Yorty told a Republican group, want to use Bradley “*to take over the government for their own purposes*” using “*a bloc vote based on color alone.*”⁷⁸

Although Bradley had the official support of organized labor after the primary, there were conservative segments of the labor movement which were potentially antagonistic. The AFL Film Council was said to have greeted an address by Bradley with “stony silence” and then focused questions to him on police and a on former Communist Party member – Don Rothenberg - who was involved in the Bradley campaign.⁷⁹ Similarly, officials in the Democratic Party for the most part supported Bradley. But some party associates did support Yorty – who remained a registered Democrat – leading to heckling of a Yorty supporter at a party event.⁸⁰

The theme of a left-wing takeover of the city was repeated as the campaign went along. Yorty said that there was a “*left-wing effort to put together a racial coalition with left-wingers to take over your city.*” He charged there was “*an alliance of the Los Angeles Times with the extreme left-wing, with the Rothenbergs and people like that.*” They would start with Los Angeles but had bigger plans. “*In the nation, we badly need an authoritative government agency to tell the people of the United States the truth about subversive activities in their own country,*” the mayor said.⁸¹

Bradley’s appeal to African Americans was like John F. Kennedy’s appeal to Catholics, Yorty said, noting he had opposed Kennedy in 1960 for that reason. Such appeals, Yorty said, could backfire: White voters would say, “*Well, if blacks vote for him because he’s black, maybe we should vote against him because*

⁷⁶“Was on Truth Squad 1 Day, Lamport Says,” *Los Angeles Times*, May 9, 1969.

⁷⁷Kenneth Reich, “Big Vote in ‘Other Areas’ Will Aid His Chances, Yorty Says,” *Los Angeles Times*, April 20, 1969.

⁷⁸Quoted in Kenneth Reich, “Yorty Says Bradley Is Trying to Build Leftist-Negro Bloc,” *Los Angeles Times*, April 21, 1969.

⁷⁹Richard Bergholz, “Mayor Needed to Unite People, Bradley Says,” *Los Angeles Times*, April 23, 1969.

⁸⁰Carl Greenberg, “Democratic Women Hit Heckling of Speaker,” *Los Angeles Times*, April 23, 1969.

⁸¹Quoted in Kenneth Reich, “L.A. an Experimental Area for Radical Takeover, Yorty Says,” *Los Angeles Times*, April 24, 1969.

he's black."⁸² A report appeared in the news that Chief Reddin had made remarks to a reporter indicating support for Yorty. Reddin denied the report.⁸³

The continuous charges from the mayor and his supporters put Bradley on the defensive. He wasn't in favor of violence. He wasn't a dupe of leftists. Rothenberg was a loyal American who had left the Communist Party a long time ago, and he wasn't going to kick him out of the campaign. He wasn't anti-police. When one of the city council members supporting Yorty identified two other former communists supporting Bradley, Bradley said he couldn't check on every volunteer in his campaign.⁸⁴ While Yorty's tactics were denounced as divisive and dirty by Bradley and his supporters, they were also having an effect. Bradley's campaign strategists by late April were reportedly concerned that he had to take a more offensive position.⁸⁵ Denying Yorty's accusations didn't add up to a sufficient campaign. The positive Bradley message of good governance was being drowned out.

The 1969 Election: The Runup to the Runoff

"They think they've got it won. And they're very confident. I don't think they have any reason to be confident."

Mayor Sam Yorty⁸⁶

May 27 was the date of the runoff and as May approached the contest had heated up. Both Bradley and Yorty appeared together at the Valley Jewish Community Center in North Hollywood. The format was supposed to be controlled. Under the rules of the program, the candidates were to speak for fifteen minutes and then respond to written questions from the audience which consisted of a women's group.

It didn't stay controlled. Yorty spoke without interruption. But when Bradley spoke, Yorty interrupted and began speaking. When the moderator insisted, Yorty eventually sat down – and Bradley continued. Yorty complained during the question portion and later that some of the questions posed were either irrelevant or unfair. He denied that a Yorty associate had accused Bradley of antisemitism saying, *"he's too fine a young man"* to have done so.⁸⁷

Bradley announced that he was suspending negotiations with the Yorty team for a TV debate saying he had *"no intention of joining Mr. Yorty in the gutter."* Yorty responded that Bradley never intended to debate on TV.⁸⁸ TV or not, given the nature of the contest, the Los Angeles runoff election increasingly attracted national attention, mainly because of the racial component.

⁸²Quoted in Kenneth Reich, "Bradley, Kennedy Vote Appeals the Same, Yorty Says," *Los Angeles Times*, April 29, 1969.

⁸³Statement on Yorty Denied by Reddin," *Los Angeles Times*, April 30, 1969.

⁸⁴Richard Bergholz, "Councilman Links 2 in Bradley Camp to Reds," *Los Angeles Times*, April 25, 1969.

⁸⁵Richard Bergholz, "Bradley Plans Move to Seize Campaign Offensive This Week," *Los Angeles Times*, April 27, 1969.

⁸⁶Kenneth Reich, "Bradley 'Arrogant,' Refuses to Debate Issues, Yorty Says," *Los Angeles Times*, May 16, 1969.

⁸⁷Richard Bergholz, "Bradley, Yorty Face Questions in 1st Campaign Confrontation," *Los Angeles Times*, May 1, 1969.

⁸⁸"Bradley Suspends Negotiations for TV Debate With Yorty," *Los Angeles Times*, May 1, 1969.

Not surprisingly, major Democrats of the era – such as Senator Ted Kennedy of Massachusetts – endorsed Bradley. But some national Republicans did, too, among them New York Senator Charles Goodell. Yorty repeatedly denied that his connecting of Bradley to “*black militants*” was improper. In fact, Yorty claimed that he (Yorty) had “*created such a good climate for race relations in (Los Angeles) that a black man can be a serious candidate for mayor.*”⁸⁹ That is, Yorty took credit for Bradley being able to run.

Meanwhile, over forty commissioners appointed by Yorty met at a Valley restaurant to plan how they could support the mayor. When news of the restaurant meeting leaked out, Bradley then pledged that any commissioners he would appoint as mayor would be instructed not to get into politics. Another face-to-face (but not televised) confrontation between the two candidates occurred at a lawyers’ group. Although there were no interruptions this time, Yorty’s themes of the campaign were repeated.

Meanwhile, the *LA Times* continued to editorialize against Yorty. A political cartoon appeared on May 5th showing a group of old women giving the “*Little Old Ladies in Tennis Shoes Award*” to Yorty. (The *Little Old Ladies* phrase was often used to caricature a type of right-winger during that period.) The *Times* also seized on the revelation of the meeting of commissioners backing Yorty as improper and underlined the legal problems of other commissioners Yorty had appointed.

It noted that in one case, Yorty had called a former commissioner’s trial a “*legal lynching*” and attacked the judge, the district attorney, and the jury.⁹⁰ (Bradley announced that he would establish a special citizens’ task force to vet any commissioners he would appoint.) As it turned out, the *Times* won a Pulitzer Prize for exposing commissioner corruption. Yorty opined that the newspaper “*must have used all its influence*” to win.⁹¹

The *Times* also cited a Field Poll of registered voters indicating that Bradley would win in the runoff. By early May, the poll suggested, 52 percent would vote for Bradley, and that Bradley would in addition pick up 30 percent of Bell’s primary voters.⁹² Thus, 52 percent was the minimum Bradley could expect. Another poll conducted for the *Times* produced a similar 52 percent for Bradley and 35% for Yorty. Using the racial/ethnic terminology of the day, the *Times* reported the cross-sections below of Bradley vs. Yorty:⁹³

Caucasian: 45% for Bradley to 43% for Yorty

Negro: 90% to 19%

Mexican-American: 49% to 41%

Oriental: “nearly two-to-one” for Bradley

Democrat: 65% to 25%

Republican: 55% to 32%

Protestant: 50% to 39%

⁸⁹Quoted in Kenneth Reich, “Made Good Climate for Race Relations in City, Yorty Claims,” *Los Angeles Times*, May 7, 1969.

⁹⁰Editorial: “Sam Yorty Tries to Alibi,” *Los Angeles Times*, May 5, 1969.

⁹¹“Mayor’s Comments on Times’ Awards,” *Los Angeles Times*, May 6, 1969; “Two Pulitzers for the Times,” *Los Angeles Times*, May 11, 1969.

⁹²“Bradley Holding Lead Over Yorty, Special Poll Shows,” *Los Angeles Times*, May 6, 1969.

⁹³“Don M. Muchmore, “Bradley Leads Yorty by 16%,” *Los Angeles Times*, May 9, 1969.

Catholic: 41% to 47%

Jewish: 72% to 17%

Descriptively, the *Times* reported that younger voters favored Bradley and older voters favored Yorty.

Generally, Bradley's campaign, when he could control the message as in advertisements, continued to be about good governance. When pushed on racial issues, Bradley tended to take moderate-to-conservative positions. Thus, what we now call affirmative action – was OK, according to Bradley, but he couldn't agree that students should be admitted without some standards. Violence at schools should be dealt with by police, but authorities should also listen to student grievances. Black studies programs at colleges were fine in order to provide a more true history. But their course enrollments should not be "*limited to black students and controlled exclusively by blacks*," he said. "*I can't agree*" with that position (taken by some student activists), he said.⁹⁴ If he were mayor, Bradley said, appointments in his administration would not be made using a "*quota system*."⁹⁵

However, it was hard for Bradley to control the issue, both because of events that would occur, and because Yorty would point to such events. A church service was disrupted by what was described in the *Times* as a dozen black militants. As a result, Mayor Yorty announced he had instructed the interim police chief to protect churches and synagogues. (Reddin had by this time stepped down and begun his TV career)

More generally, Yorty predicted that if Bradley were elected, "*militants could come down and intimidate the City Council*."⁹⁶ In another incident, this one at L.A. City College just a few days before the election, a fist fight developed involving Black Student Union members and student government leaders. Mayor Yorty ordered the police to provide protection for the student leaders.⁹⁷

Although there were still ongoing matters in court and elsewhere that might have reminded voters of the corruption issues of the city, the high volume of charges being made tended to eclipse whatever influence the corruption issue might have had. In mid-May, an apparently forged letter was circulated under the signature of a Bradley supporter saying that "*Bradley is the puppet of the strong Chandler regime*." (The Chandler family owned the *LA Times*.) "*Should he become mayor, our city's guidance will not come from City Hall, but will come from Times Mirror Square*."⁹⁸ The Yorty campaign denied circulating the letter, but – of course – the publicity surrounding the affair reinforced the Yorty message.

Despite Bradley's favorable results in opinion polls, there were indications that the race could be close and might be moving in Yorty's favor. A week before the election, the city council was split in terms of its support in the runoff. Six members favored Yorty, five favored Bradley, and the remaining four were

⁹⁴Quoted in "Adults Must Listen to Complaints of Youth, Bradley Says," *Los Angeles Times*, May 14, 1969.

⁹⁵Quoted in Richard Bergholz, "Bradley Says Yorty Fails to Publicly Report on \$700,000," *Los Angeles Times*, May 19, 1969.

⁹⁶Quoted in Kenneth Reich, "Militants Could Harass Council if Bradley Wins, Yorty Suggests," *Los Angeles Times*, May 15, 1969.

⁹⁷Dave Felton, "Student Reports Differ on Fist Fight at LACC," *Los Angeles Times*, May 24, 1969.

⁹⁸Quoted in William Endicott, "Letter Backing Yorty Puzzling to Both Sides," *Los Angeles Times*, May 16, 1969. The reference is to the old *LA Times* building close to City Hall. In its much diminished state, the *Times* is now located in El Segundo.

neutral.⁹⁹ A controversy developed over a poll commissioned by the Yorty campaign that was confined to White and largely non-Jewish areas of the city. Not surprisingly, the results favored Yorty. However, what the poll may have been designed to do was to see if those areas – in which Yorty’s post-primary appeal might be most effective – were increasing his support in both votes and turnout.¹⁰⁰

The Yorty campaign may well have had an indication that its messaging was effective. Shortly after the Yorty poll controversy, a large ad was placed in the *LA Times* of May 22nd with the headline, “*Will Your Family Be Safe?*” The ad focused on the issues of police, left-wing militants, and former communists in the Bradley campaign. A Field Poll – the last before the election - showed Bradley with 43%, Yorty with 38%, and 19% undecided, but with a suggestion that the undecided voters would tilt toward Bradley.¹⁰¹ However, a poll conducted for the *LA Times* shortly before the election continued to show Bradley winning with at least 53 percent.¹⁰²

Contemporary readers may find the racial dichotomy of the 1969 campaign odd. But as noted earlier, what today might be termed the Latinx population of the city (then referred to as Mexican-American) was much smaller than today. Mexican Americans tended to be lumped with African Americans in the assumptions of some (White) observers of that era as the “minority” population. But as the polls cited in the *LA Times* indicated, the Mexican-American vote was not anywhere near as supportive of Bradley as the African American vote.

Bradley had appealed to Mexican-American voters during the campaign by supporting the grape boycott of Cesar Chavez and the United Farm Workers union. Toward the end of the campaign, he supported the creation of more city council seats to increase the chance that a Mexican American would be elected. (There were none on the council at that time.) Nonetheless, the election tended to be seen, especially in national commentaries, through a Black/White lens.

On election night, early figures showed Yorty ahead, and the results continued to favor Yorty until the final tabulation. Yorty received 53% of the vote compared to Bradley’s 47%. (Although no one was paying close attention, Jerry Brown secured his first electoral office on the Junior College Board.) Bradley’s victory speech, which he had prepared, but – of course – had not ended up giving, was found on the backseat of the car that had taken him to his campaign dinner party. It spoke of voters who had come out motivated “*not by fear but by hope; not by hate but by love.*” Instead, Bradley had to tell his supporters that they should “*keep the faith with what we’ve been trying to do*” and await the final election results in the morning.¹⁰³ Bradley was not alone in feeling defeat; the *Times*’ pollster, shortly after the election, promised to study why he had been so wrong.

As noted, the Bradley-Yorty contest had become national news. It was clear, after the election, that Yorty’s message of law and order, of a threat from the left, and of a threat to the police, had resonated

⁹⁹“Backs Yorty, Shepard Says,” *Los Angeles Times*, May 20, 1969.

¹⁰⁰“Poll Cited by Yorty Camp Was Taken Only in Limited Areas,” *Los Angeles Times*, May 22, 1969.

¹⁰¹Mayor Race Narrows, Latest Survey Shows,” *Los Angeles Times*, May 24, 1969.

¹⁰²Don M. Muchmore, “Bradley Keeps 15% Lead Over Yorty in Race,” *Los Angeles Times*, May 26, 1969.

¹⁰³Quoted in Robert Kistler, “Bradley Fans Never Hear Message on Which He Toiled,” *Los Angeles Times*, May 29, 1969.

sufficiently to win the election. But the issue was in part why it resonated and with whom that resonance had succeeded.

Prominent, and relatively conservative, national columnist Joseph Alsop blamed the defeat of Bradley on student radicals who were responsible for *“the dreadful troubles at Berkeley, by the fools from SNCC, and by the left-wingers at UCLA, who virtually forced that great university to celebrate its 50th anniversary in the coal cellar.”*¹⁰⁴ While it was true that UC-Berkeley student protests had played a role in Ronald Reagan’s winning the governorship in 1966, there was little in the L.A. campaign overtly about Berkeley or UCLA. If anything, it was the conflict at Valley State College that played some role. Of course, Alsop, writing from Washington, DC may well have never heard of Valley State and may also have had no knowledge of the local school walkout in L.A. during the campaign. Still, the notion of student disruptions as a causal factor – a general climate of disorder – was widespread. Another prominent national columnist of that period, Joseph Kraft, saw the Yorty victory as part of the national move to the right, noting that President Nixon had also focused on *“student radicals.”*¹⁰⁵ Bradley himself connected his defeat to Yorty’s linking him to *“racial and student unrest.”*¹⁰⁶ Whether he was referring to Valley State and the local school strike or to student unrest in general is not clear.

The one statistical analysis available – which unfortunately was published with little background on the underlying methodology – suggests that turnout among all groups was much higher in the runoff than in the primary. It found that the reaction of both Whites and Mexican Americans was in fact similar; higher turnout and a similar move away from Bradley toward Yorty. The Jewish voters that the Bradley campaign counted on had given him 52% in both elections. But that meant that Jews who voted for Bell, Ward, or the other candidates in the primary had largely shifted to Yorty.¹⁰⁷ As expected, the African American vote went heavily to Bradley in both the primary and the runoff.

Not the End

“I only hope the mayor realizes what he has done to this city.”

Tom Bradley after the runoff election¹⁰⁸

“We go forward together in a spirit of unity. We are a city of many ethnic origins, nationalities, and religions. We desire to live, work and hope together in this, our chosen home, with mutual respect and understanding.”

Sam Yorty, Third Inaugural Address¹⁰⁹

¹⁰⁴Joseph Alsop, “Reading the Lessons of the Los Angeles Election,” *Los Angeles Times*, May 30, 1969. SNCC stood for the Student Nonviolent Coordinating Committee, a civil rights group viewed as militant.

¹⁰⁵Joseph Kraft, Nixon Flirting With the Right,” *Los Angeles Times*, June 9, 1969.

¹⁰⁶Quoted in Lee Dye, “Bradley Declares Fear Formed Basis for Reelection of Yorty,” *Los Angeles Times*, June 2, 1969.

¹⁰⁷Maullin, op. cit. Sometimes, the African American-Jewish alliance in the Bradley coalition is said to have been an African American-Westside Jewish Alliance, with the implication that it primarily included a liberal Jewish population on the Westside as opposed to the San Fernando Valley. The Valley, of course, was Yorty’s home base. However, available poll results do not make the regional division.

¹⁰⁸“Yorty Surprise: A 3rd Term,” *Los Angeles Times*, June 1, 1969.

¹⁰⁹Quoted in Kenneth Reich, “Yorty Takes Oath of Office for Third Term,” *Los Angeles Times*, July 1, 1969.

Readers looking back at the 1969 election have the advantage of hindsight. They know that when the Bradley-Yorty contest repeated four years later, the outcome reversed, and they know that Bradley ended up serving as mayor of Los Angeles for twenty years thereafter. Thus, the story of the 1969 election is often forgotten as a kind of bump in the road of the Bradley story. But in some respects, the 1969 election, looked at in hindsight, seems a forerunner of much more recent elections and political divisions.

As noted in the introduction, a chapter in an earlier volume of *California Policy Options* told the story of Yorty's first election as mayor in 1961.¹¹⁰ In that election, the Yorty candidacy had certain Trump-like elements, mainly campaigning against the elite who ran the city and against the news media, mainly the *LA Times*. The 1961 campaign also featured Yorty making charges against his opponent that would inevitably attract attention, i.e., a constant stream of free publicity, and his adroit use of television to echo his remarks.

Yorty campaigned as an outsider in 1961, although he had been in and out of local politics during his earlier career. But in 1961, he did not play on the racial issue. Indeed, he was happy to draw votes from any group that had votes available. And he legitimately claimed later that in his first term he had done more to integrate his administration than any of his mayoral predecessors.

By 1965, when Yorty ran for his second term, he had (temporarily) won over the *LA Times*, mainly by being a booster of city development.¹¹¹ But not long after his second election as mayor came the Watts Riot. Yorty seemed to take Watts as a personal affront. He was not especially receptive to reforms that might be needed or at least to having the city paying for them. From his viewpoint, African Americans were not sufficiently appreciative of the gains he had provided pre-Watts. By the runoff in 1969, he had largely written off the African American vote, and said so explicitly.

As a result, in the 1969 election, Yorty appealed to White voters almost exclusively. He was not deterred by those folks, including moderate Republicans, who were repelled by a divisive campaign. The state had already moved to the right with the election of Ronald Reagan as governor three years earlier. The country had moved to the right with the election of Richard Nixon, a California native son. Los Angeles, with its very different demographics then as compared to what was to evolve, had followed the national shift in response to the same forces driving national politics.

Did Bradley, once the results of the 1969 election were clear, have immediate plans to run again in 1973? In a much later interview, he said that he did.¹¹² In the short term, however, he had to deal with a personal problem. One of his two daughters, Phyllis – who had already been put on probation for theft – was arrested for shoplifting, although the department store involved eventually decided not to press charges. Phyllis Bradley was destined to play a troublesome Hunter Biden-type role for Bradley

¹¹⁰Daniel J.B. Mitchell, "The Trash-Talking Candidate Who Wasn't Supposed to Win," in Daniel J.B. Mitchell, ed., *California Policy Options 2018* (UCLA Luskin School, 2018), pp. 134-156. Available at <https://archive.org/details/YortyCPO2018>.

¹¹¹Daniel J.B. Mitchell, "Before the Storm: Yorty's Second Election as Mayor of Los Angeles," *California Policy Options 2021* (UCLA Luskin School, 2021), pp. 73-89. Available at <https://archive.org/details/before-the-storm>.

¹¹²Payne and Ratzan, op. cit., p. 111.

throughout his subsequent career. In any case, Bradley chose not to attend Yorty's third inauguration ceremony. Perhaps – even if his plans to run again were not as fully firmed up as he later said – he knew that in politics, nothing is forever. And, in this case, it wasn't.

Chapter 8

Interrupting the Cycle of Incarceration for Individuals with Mental Illness: An Analysis of Los Angeles County's Rapid Diversion Program

Jess Bendit, Joshua Segui, Courtney B. Taylor, Rachel Vogt

Jess Bendit, Joshua Segui, Courtney Taylor, and Rachel Vogt are all graduates of the MPP program at the UCLA Luskin School of Public Affairs. This chapter is based on a capstone project prepared for the Los Angeles County Office of the Public Defender.

Jails and prisons are currently the nation’s largest providers of mental health services.¹ The U.S. Department of Justice estimates that 37% of people in federal prison and 44% of people in jail have been diagnosed with a mental health problem.² Since the 1990s, the number of justice-involved individuals with a mental illness has steadily increased.³ Further, people with a mental health diagnosis are significantly more likely than the rest of the population to ever come into contact with the justice system.⁴ The arrest rate for the general population is 1.2%; that number goes up to 2.4% for people with a mental health diagnosis, and 16.1% for those with a dual diagnosis involving both mental illness and substance abuse.⁵

In this chapter, we analyze a program in Los Angeles County that is aimed at diverting individuals who have been arrested for acts that may be related to mental illness to providers of mental health services. The objective is to remove such individuals where appropriate from the criminal justice system and provide treatment in a more effective manner. After the analysis, we provide suggestions for changes in policy that would facilitate the diversion effort.

The Criminalization of Mental Illness in Los Angeles County

Los Angeles County has the largest jail population of any county in the nation and has a growing proportion of incarcerated individuals who have a mental health diagnosis.⁶ In 2020, on average, the jail mental health population represented 38% of all incarcerated inmates, a proportion that has been rising as shown on Figure 1.⁷

¹ E. Fuller Torrey, Aaron D. Kennard, Don Eslinger, Richard Lamb, and James Pavle, *More Mentally Ill Persons Are in Jails and Prisons Than Hospitals: A Survey of the States* (Arlington, VA: Treatment Advocacy Center, 2010), 1, https://www.treatmentadvocacycenter.org/storage/documents/final_jails_v_hospitals_study.pdf.

² Jennifer Bronson and Marcus Berzofsky, *Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2017), 1, <https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf>.

³ Richard D. Schneider, “Mental Health Courts and Diversion Programs: A Global Survey,” *International Journal of Law and Psychiatry* 33, no. 4 (2010): 201-2, <https://dx.doi.org/10.1016/j.ijlp.2010.07.001>.

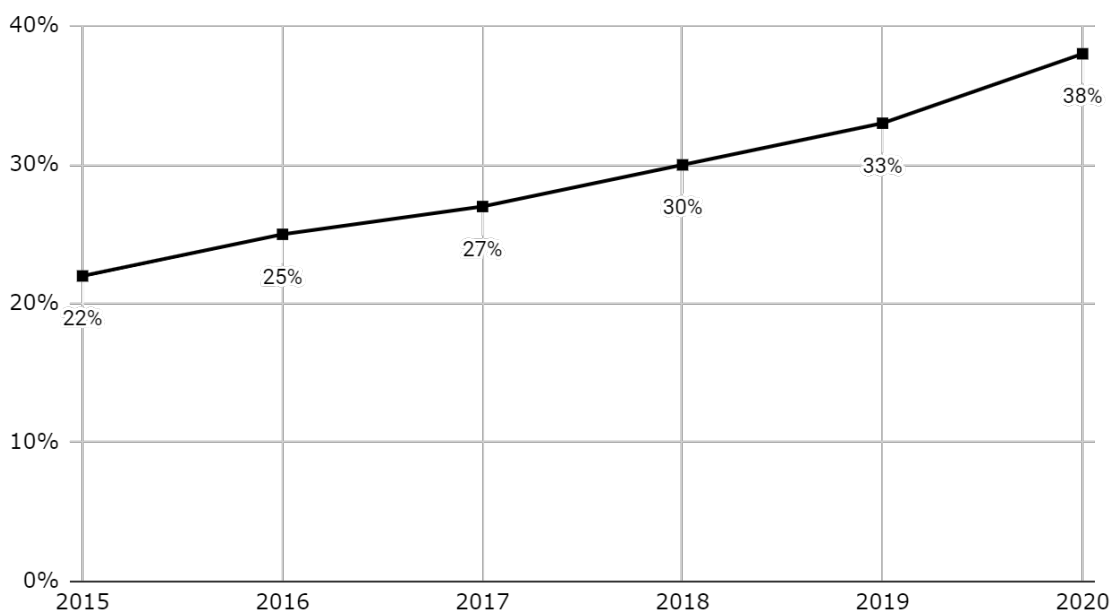
⁴ Cristie Glasheen, Sarra L. Hedden, Larry A. Kroutil, Michael R. Pemberton, and Ingrid Goldstrom, *Past Year Arrest among Adults in the United States: Characteristics of and Association with Mental Illness and Substance Use* (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2012), 5, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.362.442&rep=rep1&type=pdf>.

⁵ Glasheen, *Past Year Arrest among Adults in the United States*, 5.

⁶ Sarah B. Hunter, Maya Buenaventura, and Matthew Cefalu, *Local Evaluation Report for Los Angeles County’s Mentally Ill Offender Crime Reduction (MIOCR) Program* (Santa Monica, CA: RAND, 2018), 1, https://www.rand.org/content/dam/rand/pubs/research_reports/RR2400/RR2411/RAND_RR2411.pdf; “Custody Division Population Quarterly & Yearly Reports,” Public Data Sharing, Los Angeles County Sheriff’s Department, accessed April 11, 2021, http://www.la-sheriff.org/s2/page_render.aspx?pagename=info_detail_20; Los Angeles County Sheriff’s Department, *Custody Division Population Year End Review 2020* (Los Angeles: Los Angeles County Sheriff’s Department, 2020), 4, https://lasd.org/wp-content/uploads/2021/04/Transparency_Custody_Division_Population_2020_Year_End_Report_040821.pdf.

⁷ Los Angeles County Sheriff’s Department, *Custody Division Population Year End Review 2020*, 4.

Figure 1. Share of Los Angeles County Jail Inmates with a Mental Health Diagnosis



Source: Los Angeles County Sheriff's Department. "Custody Division Population Quarterly & Yearly Reports." Public Data Sharing. Accessed April 11, 2021. http://www.la-sheriff.org/s2/page_render.aspx?pagename=info_detail_20; Los Angeles County Sheriff's Department. *Custody Division Population Year End Review 2020*. Los Angeles: Los Angeles County Sheriff's Department, 2020. https://lasd.org/wp-content/uploads/2021/04/Transparency_Custody_Division_Population_2020_Year_End_Report_040821.pdf; created by authors.

In many cases, there is a link between the arrest charge and the person's mental illness.⁸ For example, common misdemeanor charges like criminal threats, disorderly conduct, and disturbing the peace are all frequently associated with mental disorders.⁹ As one expert from the Department of Mental Health commented:

"With schizophrenia, symptoms of the condition itself, of not being stable enough, and of not receiving treatment can affect your interaction with the criminal justice system directly due to effects of the illness. People with uncontrolled symptoms could be hallucinating, experience delusional thinking, and not be fully aware of what they're doing, and end up violating a variety of laws, including misdemeanors such as trespassing."¹⁰

⁸ "Criminalization of Individuals with Severe Psychiatric Disorders," Mental Illness Policy Org, accessed April 11, 2021, <https://mentalillnesspolicy.org/consequences/criminalization.html>.

⁹ Mental Illness Policy Org, "Criminalization of Individuals with Severe Psychiatric Disorders"; The Sentencing Project, *Mentally Ill Offenders in the Criminal Justice System: An Analysis and Prescription* (Washington, DC: The Sentencing Project, 2002), 7, <https://www.sentencingproject.org/wp-content/uploads/2016/01/Mentally-Ill-Offenders-in-the-Criminal-Justice-System.pdf>.

¹⁰ DMH Forensic Psychiatry Division Representative, email to authors, March 25, 2021.

Regardless of a defendant’s initial mental health status, the research literature suggests that incarceration imposes some level of baseline psychological strain.¹¹ Coupled with the fact that mental health treatment in jails is often inadequate or nonexistent, an individual’s mental health condition is likely to become more severe during incarceration.¹² As current Los Angeles City Councilman Mark Ridley-Thomas aptly wrote, “You simply can’t get well in a cell!”¹³ The additional negative impact of incarceration on this population therefore necessitates a targeted intervention.

The Rapid Diversion Program

Los Angeles County’s Rapid Diversion Program (RDP) diverts people with behavioral health disorders out of the justice system and into community treatment.¹⁴ As of this writing, the Board of Supervisors has approved the expansion of the RDP to a total of eight courthouses across Los Angeles County.¹⁵ As part of this expansion, the Public Defender’s Office has created two connected goals for the program:

1. **Increase uptake:** Incentivizing take-up of the RDP is directly related to the Public Defender’s mission of reducing incarceration for people with behavioral health issues.¹⁶ Understanding why potential participants may choose not to enter the program is a first step towards increasing the number who do.
2. **Ensure uniformity:** As the RDP expands to other courthouses and begins accepting felony charges, the Public Defender’s Office hopes to establish a consistent program model so that participants can expect a similar level of high-quality service provision regardless of where they are arrested.¹⁷ To achieve this goal, the RDP will need to standardize its model, including staffing, program eligibility, and types of treatment offered.

Policy Questions Facing LA County

In this chapter, we consider how LA County can improve and expand the RDP to break the cycle of incarceration for individuals with unmet behavioral health needs. We provide some

¹¹ Craig Haney, *The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment* (Washington, DC: U.S. Department of Health & Human Services, 2001), 5-7, <https://aspe.hhs.gov/system/files/pdf/75001/Haney.pdf>.

¹² Haney, *The Psychological Impact of Incarceration*, 5-7.

¹³ Mark Ridley-Thomas (@mridleythomas), “You simply can’t get well in a cell! Moving from incarceration to hope. @LADAOoffice @LAPubDef @EveryoneIn_LA @LAHomeless,” Twitter, August 8, 2019, <https://twitter.com/mridleythomas/status/1159505046431682561>.

¹⁴ Chidinma Ume and Brett Taylor, “Expanding the Toolkit: Mental Health Diversion in Los Angeles,” Center for Court Innovation, last modified May 18, 2020, <https://www.courtinnovation.org/about/announcements/LA-mental-health-diversion>.

¹⁵ CCI Representative 1, email to authors, March 29, 2021.

¹⁶ “About Us,” Law Offices of Los Angeles County Public Defender, accessed April 12, 2021, <https://pubdef.lacounty.gov/about-us/>; CCI Representative 2, personal interview.

¹⁷ CCI Representative 1, personal interview, January 11, 2021; CCI Representative 2, personal interview.

background information first. Then we describe the RDP process in more detail. Finally, we describe our method of analysis and some recommendations.

Background

In June 2019, the RDP began diversion at a high-volume LA County courthouse, the Clara Shortridge Foltz Criminal Justice Center.¹⁸ The program diverts individuals with behavioral health issues out of jail through pre-plea diversion.¹⁹ Specifically, the RDP assists a population currently underserved by existing diversion programs: individuals with misdemeanor charges who have unmet behavioral health needs.²⁰ A driving goal of the RDP is to connect this population to treatment and services.²¹

Traditionally, the process to divert a defendant with a mental illness in LA County can take months, as the individual needs to be screened by a clinician, request a hearing for diversion, and be placed into treatment.²² In contrast, the RDP aims to divert individuals rapidly before arraignment—an opportune time when defendants may be willing to consider treatment.²³ Unique among Los Angeles diversion programs, RDP defendants do not have to plead guilty to receive treatment and participate in the program.²⁴

The RDP Process

Screening individuals for eligibility to participate in the RDP is grounded in statutory criteria.²⁵ California Penal Code 1001.36(b)(1) states that people with a mental illness as defined by the latest edition of the Diagnostic and Statistical Manual of Mental Disorders qualify for diversion, with several conditions excluded.²⁶ PC 1001.36(b)(1)(B) also requires a nexus between the alleged crime and the defendant’s mental illness.²⁷ We refer to these criteria as the “statutory eligibility criteria.”

When a case arrives at the Public Defender’s Office, the defense attorney looks through the police report and criminal history to determine whether or not the defendant shows signs of having a mental illness or a substance use disorder. A further question is whether there is a connection between their illness and the alleged crime.²⁸ The public defender then interviews

¹⁸ Ume and Taylor, “Expanding the Toolkit.”

¹⁹ Ume and Taylor, “Expanding the Toolkit.”

²⁰ Ume and Taylor, “Expanding the Toolkit”; CCI representative 1, email to authors, April 6, 2021.

²¹ Ume and Taylor, “Expanding the Toolkit”; CCI Representative 1, email to authors, April 6, 2021.

²² CCI Representative 2, personal interview; Public Defender Representative 2, personal interview; ODR Representative 2, personal interview.

²³ Ume and Taylor, “Expanding the Toolkit.”

²⁴ Ume and Taylor, “Expanding the Toolkit”; CCI representative 1, personal interview.

²⁵ Cal. Pen. Code § 1001.36(b)(1).

²⁶ Cal. Pen. Code § 1001.36(b)(1).

²⁷ Cal. Pen. Code § 1001.36(b)(1)(B).

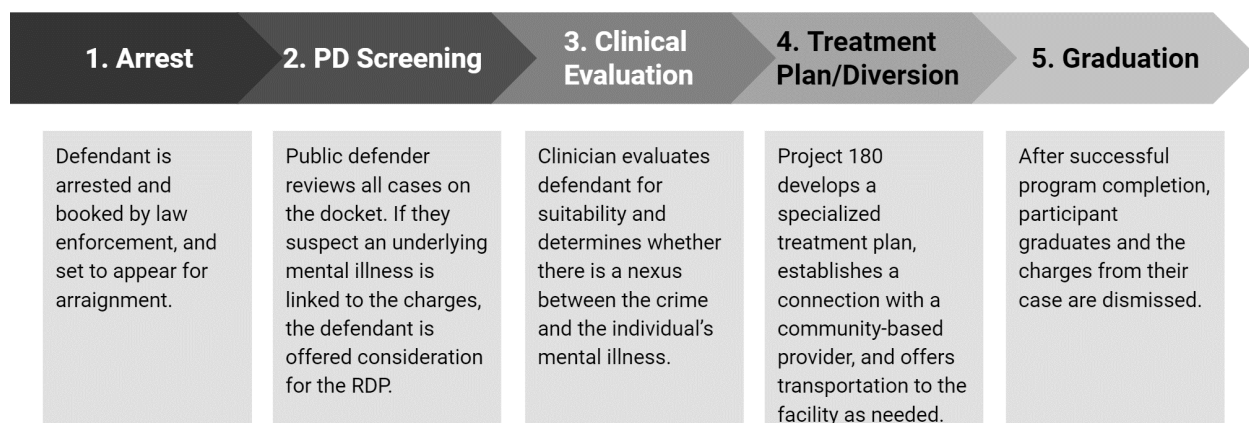
²⁸ Public Defender Representative 2, personal interview.

the defendant to see if they (1) identify as having a mental illness, (2) are open to treatment, and (3) are a suitable participant for the program.²⁹

If the defendant is deemed a good candidate and opts to participate, an in-court clinician evaluates the defendant in coordination with Project 180, a local non-profit services provider, to determine if the defendant would be a good fit for the program.³⁰ If the defendant agrees to move forward with their tailored treatment plan, Project 180 works to find an appropriate placement.³¹ Once a participant is diverted, Project 180 provides them with transportation to the treatment provider and checks in throughout the individual’s participation in the program.³²

Due to its tailored nature, no two participants receive the same services or level of care, resulting in treatment plans best-suited to the individual’s evolving needs over time.³³ Participants who graduate from the program are celebrated at a graduation ceremony at the court, where the judge presents certificates for completion and encouraging remarks.³⁴ Figure 2 provides a visual depiction of the RDP process.

Figure 2. Flowchart of the Rapid Diversion Program Process



Source: Project 180 Representative 1, personal interview, January 15, 2021, Project 180 Representative 2, personal interview, January 15, 2021, Public Defender Representative 2, personal interview; created by authors.

Quantitative and Qualitative Methods of Analysis

We analyzed a variety of quantitative metrics collected and provided to us by staff at the Public Defender’s Office and at Project 180. We looked at participant-level data to create a demographic profile of participants in the RDP program, as well as data on the number of

²⁹ Public Defender Representative 2, personal interview.

³⁰ Project 180 Representative 2, personal interview.

³¹ Public Defender Representative 2, personal interview.

³² Project 180 Representative 1, personal interview.

³³ Public Defender Representative 2, personal interview.

³⁴ Public Defender Representative 2, personal interview.

potential participants screened in a given time period. These data helped us understand how individuals typically move through the system from arraignment to diversion.

The purpose of this analysis was threefold. First, we sought to describe the participant population. Second, we sought to identify any potential roadblocks to, or opportunities for, improvement in the current process structure. Third, we set out to learn what data were currently being collected to provide recommendations for improving the data collection and monitoring process more broadly.

While quantitative data provided a high-level view of the RDP, our analysis required understanding the program’s operations and its impact on participants, things that numbers alone could not capture. Therefore, we conducted 30 intensive interviews with individuals across five stakeholder groups, groups with varying levels of involvement in the RDP program.

The selection of our key respondent groups was based on the universe of agencies and organizations involved in RDP. Defining the RDP universe was an iterative process, as interviews with our clients from CCI and the Public Defender’s Office helped us identify key players in the RDP’s creation and implementation. These key players are summarized on Table 1.³⁵

Table 1. Key Respondent Categories, Titles, and Counts

Stakeholder Category	Title of Individual or Agency	Interviewee Count
Participants	RDP Participants	3
Implementation Staff	Public Defender’s Office	1
	Alternate Public Defender	1
	Project 180	3
	DMH - Clinician	1
	Los Angeles City Attorney’s Office	3
	Judges	1
Experts	Center for Court Innovation	2
	Public Defender’s Office	2
	Office of Diversion and Reentry	3
	Department of Health Services	1
	DMH Forensic Psychiatrist	1
	Community Advocates	1
Agencies	Alternatives to Incarceration	2
	LAHSA Commissioner	1
	Los Angeles Sheriff’s Department	1
Researchers	Academics	2
	Policy Research Associates, Inc.	1
Total Number of Interviews		30

³⁵ Robert Weiss, *Learning from Strangers: The Art and Method of Qualitative Interview Studies* (New York: The Free Press, 1994), 25.

Key Findings

Five key findings speak to challenges and opportunities the RDP faces to expand capacity, to ensure program uniformity across courthouses, and to provide a high-quality experience for all participants. These findings drive our proposed policy options which aim to build upon the RDP's success thus far.

[1] Participants' success in staying with the RDP and developing a hopeful outlook towards the future was rooted in feeling heard and supported by the RDP team.

All interviewed participants stated that they were in a better and more stable place than when they were offered participation in the RDP.³⁶ As one participant stated,

"If it weren't for [the RDP public defender], I don't know where I would be right now, mentally, physically, spiritually, I'm in the best place I've been in for a really long time... I'm just so grateful and thankful to work on myself and get the treatment I've gotten and continue receiving. It's a second chance at life."³⁷

The RDP is well-positioned to entice participation at arraignment by offering an option to avoid jail, a key motivating factor cited by all RDP participants.³⁸ Beyond this incentive, the RDP team's care and attention from initial contact with the public defender to the clinical evaluation made participants feel genuinely supported, a rare situation for individuals who have been routinely failed by various systems and institutions.³⁹

The RDP team's commitment to building meaningful relationships with participants is foundational to diversion candidates' acceptance of and success in the program. Whether it was securing reliable transportation for appointments, family reunification, or finding housing, participants knew they could always rely on the RDP team. One participant recalled,

"I never felt like they forgot about me or let me down, I've been their priority and that's a beautiful feeling."⁴⁰

The RDP team's dedication has had a profound impact: all interviewed participants underscored how they were in a better place in life because of the RDP. One participant reported:

"[The RDP] opened up my eyes...my future is way different now. I'm able to see my kids. I have a job now... I feel proud of myself that I'm not in the streets, and I'm not feeling bad about myself. I feel good about myself now."⁴¹

³⁶ RDP Participant 1, personal interview, January 22, 2021; RDP Participant 2, personal interview, January 22, 2021; RDP Participant 3, personal interview.

³⁷ RDP Participant 2, personal interview.

³⁸ RDP Participant 1, personal interview; RDP Participant 2, personal interview; RDP Participant 3, personal interview.

³⁹ RDP Participant 1, personal interview; RDP Participant 2, personal interview; RDP Participant 3, personal interview; Policy Research Associates, Inc. Representative, personal interview.

⁴⁰ RDP Participant 2, personal interview.

⁴¹ RDP Participant 1, personal interview.

These outcomes highlight a critical shift for participants. They now exhibit hope about their lives and futures, far from the concern and apprehension expressed prior to diversion.

[2] Current success of the RDP has relied on reform-driven perspectives, as well as the unique skill sets and relationships of RDP leads. Achieving interagency coordination and the alternatives to incarceration mission when scaling up will be a challenge.

The Second Chances model - that dropping out of the RDP does not preclude future participation - is an important element of the RDP.⁴² This philosophy aligns with the mentality that relapse is an expected stage in the process of behavioral change.⁴³ Apart from philosophy, the approach is supported by data analysis of RDP outcomes, which show that of those individuals who drop out of the program at any point, 36% re-enter, and of those who re-enter, 32% graduate.

Although many of the reform-oriented diversion experts and agency representatives we spoke to endorsed second chances, the RDP faces significant challenges in implementing this approach as it expands geographically.⁴⁴ California's history of carceral expansion and punitive approaches to justice have not disappeared even as Los Angeles implements elements of rehabilitation models for progressive reform.⁴⁵ Thus, the RDP process may encounter resistance.

Early conflict between RDP stakeholders illustrates this slow process of change management. When the RDP was first implemented, defendants could not complete an intake interview with the clinician and service navigator from a holding cell due to an existing Sheriff's Department policy restricting telephone access.⁴⁶ This logistical hurdle slowed down the diversion process, increasing the possibility of a defendant's mental health deteriorating while in jail.⁴⁷ Ultimately, this unwritten policy had to "flex and bend" until the Sheriff's Department staff were comfortable with permitting defendants access to a telephone.⁴⁸

The RDP is likely to experience similar setbacks as it moves to jurisdictions with varying approaches to courthouse operations and comfort with alternatives to incarceration, as one of our interviewees noted:

"As far as other courthouses and courtrooms, I think it's really just personality-dependent ... Here in our world people really have to work well together because they're in there every day running cases ... These high-volume courtrooms are very challenging for everybody for a lot of reasons, and it just really depends on the ability for people to

⁴² City Attorney Representative 2, personal interview, February 3, 2021; Public Defender Representative 2, personal interview.

⁴³ CCI Representative 1, personal interview.

⁴⁴ City Attorney Representative 2, personal interview; LA County Judge, personal interview, February 10, 2021.

⁴⁵ Alternate Public Defender Representative, personal interview, February 5, 2021.

⁴⁶ LASD Representative, personal interview, February 12, 2021; CCI Representative 1, email to authors, May 29, 2021.

⁴⁷ CCI Representative 1, email to authors, May 29, 2021.

⁴⁸ LASD Representative, personal interview.

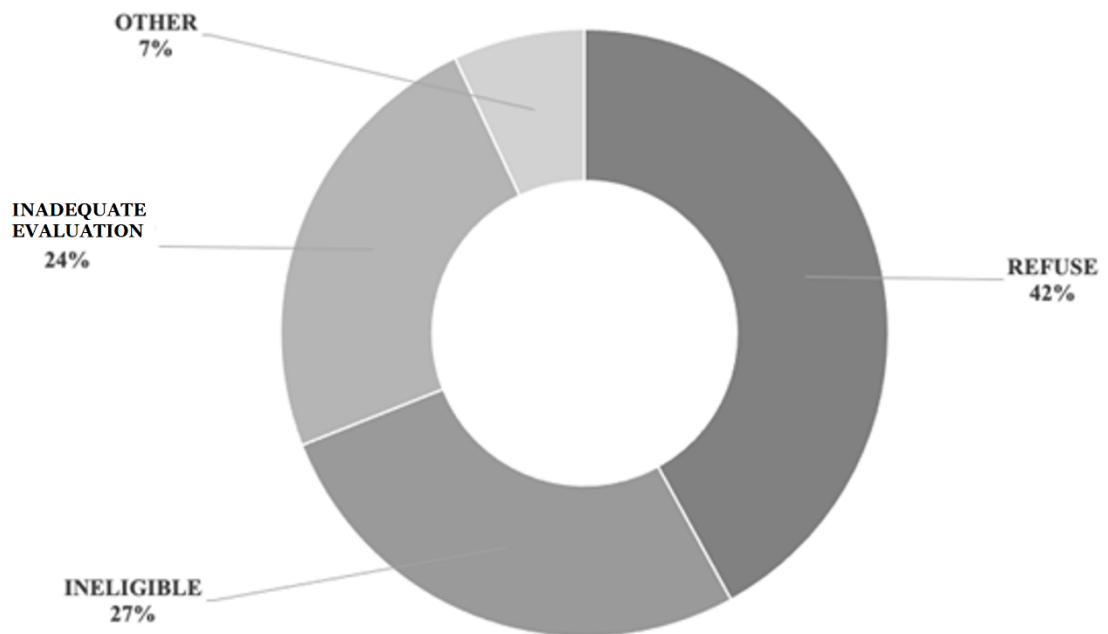
talk to each other openly, honestly, not in any way that people take it personally, and collaboratively, and I saw a lot of success as well.”⁴⁹

When there was open communication, it helped RDP stakeholders begin to develop the trusting relationships that underpin the program’s success.⁵⁰

[3] RDP offerings do not adequately incentivize participants to take up this voluntary program.

Choosing to participate in the RDP gives defendants the opportunity to access treatment, have their charges dismissed, and avoid jail time. On average, however, 42% of people screened by the public defender refuse services (Figure 3). This rate is far higher than those who are screened out due to lack of eligibility (27%) or incompetence (24%).

Figure 3. Cases Dropped at PD Screening

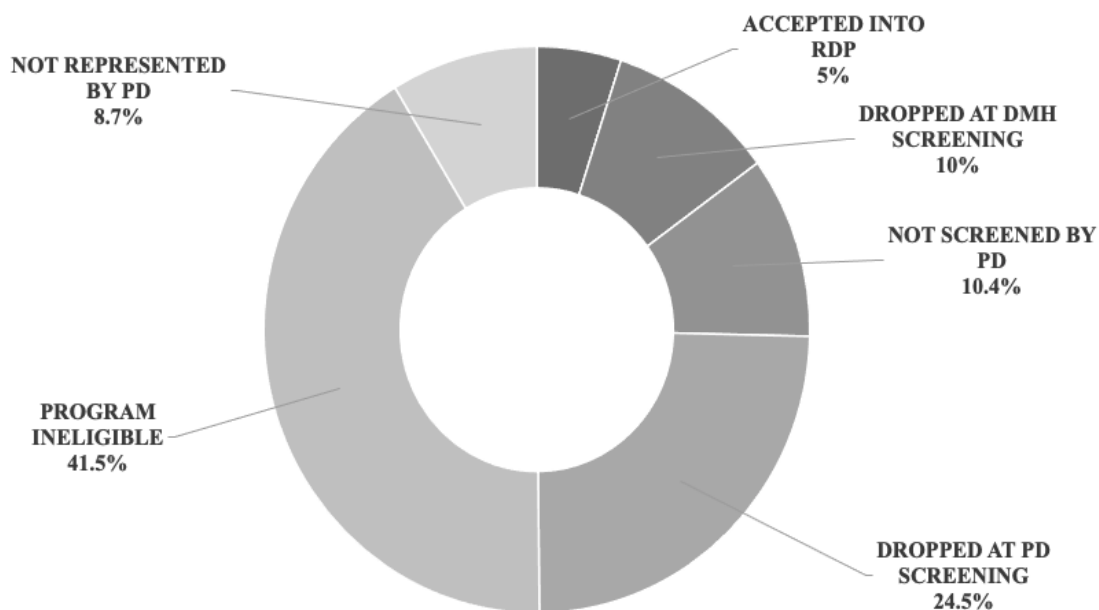


Source: RDP selection and take-up data; created by authors.

⁴⁹ LA County Judge, personal interview.

⁵⁰ LA County Judge, personal interview.

Figure 4. Statutorily Eligible Cases



Source: RDP selection and take-up data; created by authors.

A similar pattern appears at the next stage of the diversion process. Of those individuals who are deemed eligible by the public defender and who move on to the clinical screening, Figure 4 shows that 10% are dropped after this screening. Of these individuals, 55% refuse to participate, either because they do not want to wait in custody (13%), they do not want treatment (21%), or because they decline the specific treatment plan offered (21%).

Anecdotally, multiple interview respondents discussed challenges with incentivizing diversion because of the choice between seemingly cumbersome treatment requirements and a relatively short stay in jail for a misdemeanor conviction.⁵¹ A former RDP judge noted:

“One of the other challenges that was presented a lot in that courtroom in particular, is that a lot of times people would resolve a case because practically speaking they would pretty much get out right away if they just ate the case and took the time, if it was 30 days or something like that, the jail may not hold them 30 days, and they may be out

⁵¹ DMH Forensic Psychiatry Division Representative, personal interview, February 3, 2021; LA County Judge, personal interview.

*that night. And so, people didn't want to deal with diversion, because it's a lot of work, and they just said, 'Give me the time, I don't care.'"*⁵²

RDP-eligible defendants are presented with a plan that lasts at least twelve months, much longer than their jail sentence would be if they pled guilty.⁵³ Typically, the maximum sentence for a misdemeanor is twelve months minus time served if they were in custody.⁵⁴ In these cases, offering a diversion program that is many months longer than the alternative jail sentence disincentivizes defendants from choosing to participate.⁵⁵

[4] Program criteria are more restrictive than statutory criteria, and screen out potential good-fit participants.

Although 98% of cases that appear in court every day are statutorily eligible for participation in the RDP, 42% of these statutorily eligible cases are dropped because they are ineligible under the terms of agreement set between the City Attorney's Office and the Public Defender's Office, as shown in Figure 4. The net effect of this negotiated policy is that many cases and candidates for the program are being screened out due to charge ineligibility alone. Thus, the policy leads to a much smaller subset of the target population being able to benefit from the program.⁵⁶

Charges that are ineligible under program criteria but admissible under statute include: gang, firearm, romantic partner domestic violence, and exceptionally violent offenses.⁵⁷ This screen-out process was created in order to satisfy concerns from the City Attorney's Office and leads to some inconsistencies in application. As the public defender noted:

*"That means we can take a domestic violence case that involves a brother, a mother, other kinds of relationships. But domestic partners that had a romantic relationship, the city attorney thought that was just not the type of situation they wanted involved in [the program]. Unfortunately, that can be a lot of the cases and especially post-COVID that's a huge amount of the cases in custody. So that takes out some chunk. I would say the largest chunk."*⁵⁸

These screen-outs are seen as politically necessary, to accommodate the City Attorney's Office and facilitate smooth implementation of the RDP. They also represent precisely the type of obstruction that PC 1001.36, the statute that animates the RDP, was designed to overcome. Prior to the enactment of PC 1001.36, prosecutors had veto power over mental health

⁵² LA County Judge, personal interview.

⁵³ Project 180 Representative 2, personal interview.

⁵⁴ Substance Abuse and Mental Health Services Administration, *Municipal Courts: An Effective Tool for Diverting People with Mental and Substance Use Disorders from the Criminal Justice System* (Rockville, MD: U.S. Department of Health and Human Services, 2015), 10, <https://roar.nevadaprc.org/system/documents/3972/original/NPRC.2988.MunicipalCourts.pdf?1459809163>.

⁵⁵ Substance Abuse and Mental Health Services Administration, *Municipal Courts*, 10.

⁵⁶ Public Defender Representative 2, personal interview.

⁵⁷ Public Defender Representative 2, personal interview; Public Defender Representative 3, email to authors, April 2, 2021.

⁵⁸ Public Defender Representative 2, personal interview.

diversion, and used this power to obstruct the process. In an interview, one of the AB1810 authors shared that eliminating prosecutorial veto was an essential component of the legislation.⁵⁹ These screen-outs undercut the intent of the animating legislation and prevent the RDP from serving as many people as it could.

[5] The RDP currently excludes potential good-fit individuals who, with additional support, could benefit from services. This exclusion stems from a stabilization requirement for RDP admission combined with a lack of community providers who are willing to accept candidates in crisis.

RDP service referral staff thread a fine line when gauging defendant eligibility for the program. On the one hand, in order to participate in the RDP, there must be a nexus between the charge and the defendant's behavioral health diagnosis. In addition, defendants must acknowledge that they have a behavioral health issue.⁶⁰ On the other hand, defendants who are actively in crisis, or deemed a potential threat to themselves or others, are excluded from the RDP as the original focus of the program was to prioritize low acuity individuals.⁶¹

Of the cases screened by the clinician and resource navigator (about 15% of all cases in court each day), 67% are screened out. Of those cases, which represent 10% of all statutorily eligible cases from Figure 4, Figure 5 shows that 21% are turned away because the defendant is actively a threat to themselves or others. Thirteen percent are screened out because there is no appropriate level of care available. Each of these groups constitute a population that might be able to benefit from RDP services. But their participation is limited by a lack of treatment services available for high acuity individuals.⁶²

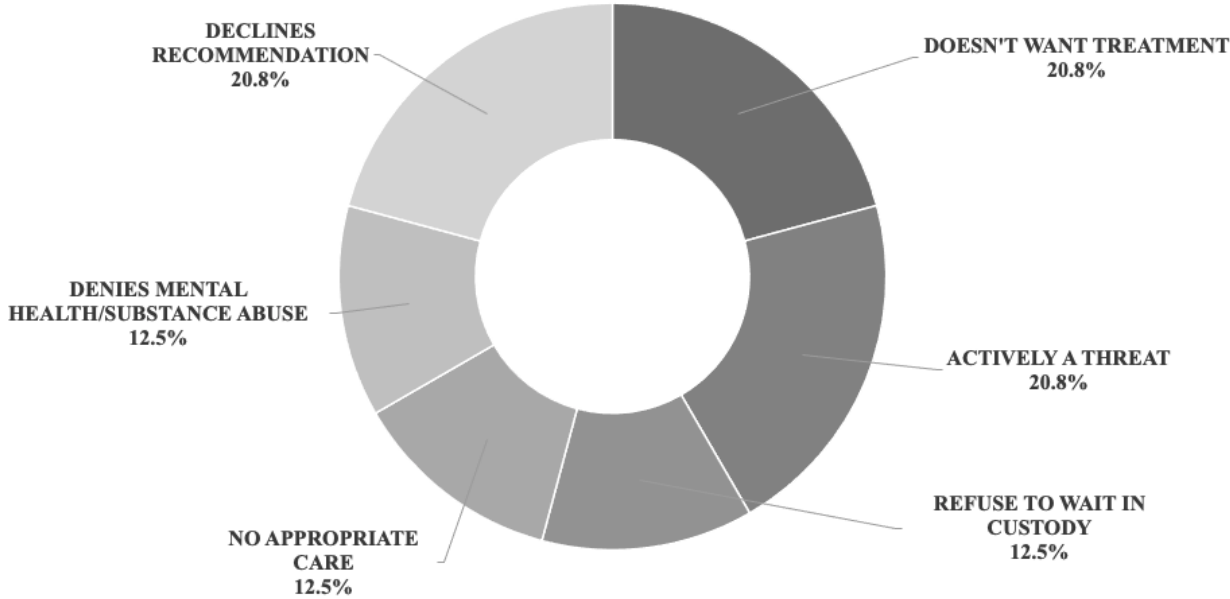
⁵⁹ Public Defender Representative 3, personal interview.

⁶⁰ Public Defender Representative 2, personal interview.

⁶¹ CCI representative 1, email to authors, March 29, 2021.

⁶² Public Defender Representative 2, personal interview; Project 180 Representative 2, personal interview; Project 180 Representative 3, personal interview.

Figure 5. Cases Dropped at DMH Screening



Source: RDP selection and take-up data; created by authors.

Defendants with high acuity needs are those who have “challenging medical conditions ... [who] often have significant, unpredictable needs,” and require “frequent observation to ensure that they improve or remain stable.”⁶³ This category includes those at risk of suicide or harm to others.⁶⁴ Individuals may be also screened out if the clinician judges that their substance use might interfere with their ability to participate in the program.⁶⁵ Identifying more crisis providers for these high acuity candidates could help expand the program and allow more people to benefit from the services offered through RDP.

Policy Options Facing LA County

The following policy options align with each of our key findings and with one of the central goals of the Public Defender’s Office and the RDP: to reduce the incarceration of people with behavioral disorders in Los Angeles.⁶⁶ The full set is outlined in Table 2 below. Four options are discussed in detail.

⁶³ “What is High-Acuity Nursing?” Nursing, Arkansas State University, last modified February 6, 2017, <https://degree.astate.edu/articles/nursing/high-acuity-nursing.aspx>.

⁶⁴ Public Defender Representative 2, personal interview.

⁶⁵ Project 180 Representative 3, personal interview.

⁶⁶ Law Offices of Los Angeles County Public Defender, “About Us.”

Table 2. Key Findings and Policy Options

Key Findings		Policy Options
1	Participants’ success in staying with the RDP and developing a hopeful outlook towards the future was rooted in feeling heard and supported by the RDP team.	At each RDP courthouse, hold both an initial Second Chances training module and ongoing all-hands meeting with all RDP staff.
2	Current success of the RDP has relied on reform-driven perspectives, as well as the unique skill sets and relationships of RDP leads. Achieving interagency coordination and the alternatives to incarceration mission when scaling up will be a challenge.	
3	A decentralized and incomplete data collection process inhibits the RDP's ability to gauge its own success or make evidence-based program improvements.	Create a data infrastructure that tracks RDP participants across public health systems to identify frequent utilizers and understand whether RDP participation is an effective tool for interrupting this costly cycle of incarceration.
4	RDP offerings do not adequately incentivize participants to take up this voluntary program.	Shorten the up-front commitment defendants must make to participate in RDP, embracing a harm reduction model and lowering barriers to access.
5	Program criteria are more restrictive than statutory criteria, and screen out potential good-fit participants.	Base eligibility to the RDP on readiness to start treatment and less on charge-based criteria.
6	The RDP currently excludes potential good-fit individuals who, with additional support, could benefit from services. This exclusion stems from a stabilization requirement for RDP admission combined with a lack of community providers who are willing to accept candidates in crisis.	Build partnerships with treatment providers that have the capacity to accept defendants in a crisis or who need round-the-clock supervision before stabilizing.
7	The case manager is often the last hire at an RDP site, and as a result, the program is frequently understaffed. When this role is not filled, the RDP service referral team is too overburdened to provide the intensive case management this population needs to comply with RDP requirements.	Establish a three-person service referral team, including a case manager role to be participant-focused.
8	Lack of affordable (below market-rate) interim and long-term supportive housing in Los Angeles limits both incentives to enter treatment and the efficacy of the RDP itself.	Address the housing deficiency

[1] At each RDP courthouse, hold both an initial Second Chances training module and ongoing all-hands meeting with all RDP staff.

To build buy-in for the RDP model, each courthouse would host:

- A multi-session Second Chances training module during site implementation, which will include the prosecutor, public defender, clinician, resource navigator, case manager, bench officer (presiding judge), and court officer (Sheriff's Department)
- Ongoing biweekly meetings with all RDP staff, which includes the prosecutor, public defender, and three-person service referral team

The **training session** would be delivered by an experienced facilitator with deep familiarity with the needs of this population. In addition to discussion about the RDP model, the training would provide education about:

- Mental illness, homelessness and substance abuse
- Stages of Change and “meeting people where they are at”
- Holistic defense, harm reduction and person-centered care⁶⁷

This training would provide the foundation for a Second Chances mentality: behavioral change is hard, and relapse is part of the process towards change.⁶⁸

At an **ongoing all-hands meeting**, each RDP court team should discuss any obstacles, including discussing the current slate of treatment providers, general operations, and participant experiences.⁶⁹ Additionally, these meetings should serve as a space to assess the effectiveness of different programs utilized by the RDP.⁷⁰ The meeting should not include discussion of adversarial legal issues, which should be managed through an outside process. Instead, meeting attendees should be encouraged to see one another as members of the same team, working towards participant success in the RDP.

[2] Shorten the up-front commitment defendants must make to participate in RDP, embracing a harm reduction model and lowering barriers to access.

Instead of offering a 12-month treatment plan, the RDP should consider offering shorter treatment plans, with the caveat that if the person is not in compliance or has many slip ups, treatment may be extended. As the program administrative data show, many people decline to participate in RDP because they do not agree with the treatment plan or do not want to commit to a treatment program for an extended period of time.⁷¹ Shorter treatment plans will allow participants to benefit from both diversion and treatment without needing to make a lengthy commitment to the program.

⁶⁷ ODR Representative for LEAD, personal interview, February 18, 2021; Policy Research Associates, Inc. Representative, personal interview; Public Defender Representative 2, personal interview.

⁶⁸ CCI Representative 1, personal interview.

⁶⁹ CCI Representative 1, email to authors, March 29, 2021.

⁷⁰ CCI Representative 1, email to authors, March 29, 2021.

⁷¹ Public Defender Representative 2, personal interview; Project 180 Representative 2, personal interview; Project 180 Representative 3, personal interview; CCI Representative 2, personal interview.

Research studies from other jurisdictions support the finding that even brief engagement in treatment can have lasting, beneficial effects. An evaluation of the Mental Health Court in Seattle, a voluntary program focusing on misdemeanor charges, showed that all participants, regardless of whether they completed the program or not, increased their use of mental health services. The number of their contacts with the criminal legal system also declined.⁷²

Another example comes from the Law Enforcement Assisted Diversion program in Seattle, designed for those in need of substance use services. That program takes an explicit harm reduction approach, even going so far as to not require that participants remain sober.⁷³ An evaluation of the program found encouraging outcomes in terms of recidivism. Even after six months of service, the evaluation found a significant decrease in the likelihood of arrest for program participants.⁷⁴ Both Seattle programs indicate that there can still be positive benefits for participants who do not remain in treatment for the full length of the program.

[3] Base eligibility to the RDP on readiness to start treatment and less on charge-based criteria.

RDP stakeholders would revisit informal agreements that govern charge eligibility for this program. Interviews revealed that criminal charges can sometimes be inflated and not an accurate portrayal of an individual's intent or actions.⁷⁵ For example, for people experiencing homelessness, carrying a weapon can be a critical means of self-defense.⁷⁶ However, if police find an object that can be used as a weapon during arrest, that factor may result in additional charges and decreased likelihood that the individual will be eligible for the RDP.⁷⁷ This policy option would allow for more flexibility in deciding if a person is a good candidate for the RDP, potentially serving more people than the program is currently screening and admitting.

[4] Establish a three-person service referral team, including a case manager role to be participant-focused.

The agency with which the Public Defender's Office has a contract would ensure that the courthouse is "fully staffed" with a complete, three-person service referral team: a clinician, a resource navigator, and a case manager.⁷⁸ This team is responsible for a variety of tasks including identification of an appropriate treatment program, keeping contact with the participant once admitted to the RDP, and reaching out to treatment providers for court-

⁷² Law & Policy Associates, *Seattle Municipal Mental Health Court Evaluation* (Seattle: City of Seattle, 2013), 6, 10, <https://www.seattle.gov/Documents/Departments/Court/MHCEvaluation2013.pdf>.

⁷³ Susan E. Collins, Heather S. Lonczak, and Seema L. Clifasefi, "Seattle's Law Enforcement Assisted Diversion (LEAD): Program Effects on Recidivism Outcomes," *Evaluation and Program Planning* 64 (2017): 49, <http://dx.doi.org/10.1016/j.evalprogplan.2017.05.008>.

⁷⁴ Collins, Lonczak, and Clifasefi, "Seattle's Law Enforcement Assisted Diversion," 52.

⁷⁵ Community Organizer and DHS Representative, personal interview; ODR Representative for LEAD, personal interview; LAHSA Commissioner, personal interview, January 28, 2021.

⁷⁶ ODR Representative for LEAD, personal interview.

⁷⁷ ODR Representative for LEAD, personal interview.

⁷⁸ Project 180 Representative 1, personal interview; Project 180 Representative 2, personal interview; Project 180 Representative 3, personal interview.

mandated progress reports.⁷⁹ Ideally, these specialized tasks would be carried out by three individuals to avoid overburdening the team and reducing the quality of RDP services. This approach is particularly important for expansion to new courthouses, where having a fully staffed team prepared prior to diversion rollout would ensure effective implementation from day one.

A Project 180 supervisor reported that the pandemic has created lag time between RDP admission and placement in a treatment program, which has enabled more one on one check-ins and relationship-building with the participant.⁸⁰ He expressed concerns over continuing this level of support once caseloads increase. This feedback further indicates the imperative that all teams be fully staffed with a clinician, resource navigator, and case manager.

Recommendations and Conclusions

Based on an evaluation of the proposed policies on criteria including impact on individual participants and program capacity, political feasibility, administrative feasibility, and relative cost, we suggest that the RDP should implement the policies listed below by timeframe and respective ranking as show on Table 3.

Table 3. Policy Recommendations

Short-Term Recommendations	
Tier 1	<ul style="list-style-type: none"> Establish a three-person service referral team, including a case manager role to be participant-focused.
Tier 2	<ul style="list-style-type: none"> At each RDP courthouse, hold both an initial Second Chances training module and ongoing all-hands meeting with all RDP staff.
Long-Term Recommendations	
Tier 1	<ul style="list-style-type: none"> Build partnerships with treatment providers that have the capacity to accept defendants in crisis or who need round-the-clock supervision before stabilizing. Create a data collection strategy that allows for information sharing across stakeholders and supports evaluation as RDP expands.
Tier 2	<ul style="list-style-type: none"> Shorten the up-front commitment defendants must make to participate in RDP, embracing a harm reduction model and lowering barriers to access. Base eligibility to the RDP on readiness to start treatment and less on charge-based criteria.

⁷⁹ Project 180 Representative 3, personal interview.

⁸⁰ Project 180 Representative 1, personal interview.

In addition to being relatively easy to implement, the short-term policies described in this chapter can pave the way for long-term policies by generating increased support for diversion more broadly. As previously noted in the text, the RDP diversion model may face resistance as it expands. Establishing faith in the diversion model and its process is central to acceptance of mental health diversion. Creating a standard RDP training curriculum will address and alleviate the concerns of defenders, judges, prosecutors, and law enforcement agents who are unfamiliar with diversion. Courthouses that are fully staffed with a three-person service referral team are likely to see improved participant outcomes, creating support for the RDP through observed program success.

These policies can help normalize diversion as an effective alternative to incarceration for individuals with mental health issues. Diversion can increasingly become the rule, instead of the exception. RDP stakeholders will then experience less political and administrative resistance to adopting some of the long-term policies discussed here.

The RDP provides an avenue toward restoration for a population whose involvement with the criminal legal system is a direct result of mental health needs and a service system which could not preemptively address these needs. Relegating these people to jails rather than connecting them to services exacerbates their trauma, effectively perpetuating a cycle of incarceration which may eventually escalate beyond minor offenses into long-term imprisonment. The RDP's model intercepts people with mental health issues at an early stage to avoid this escalation.

In this chapter, we have provided a number of recommendations to bolster current RDP operations and to standardize the implementation at other courthouses as the RDP expands. These recommendations are the first steps in refining the RDP process and they are intended to address the current state of the RDP. As the program gains buy-in, especially in the context of the shift in Los Angeles County toward alternatives to incarceration, greater strides can be taken to provide services and restoration to a larger group of justice involved individuals who will benefit from care, rather than incarceration.

Bibliography

- Arkansas State University. "What is High-Acuity Nursing?" Nursing. Last modified February 6, 2017. <https://degree.astate.edu/articles/nursing/high-acuity-nursing.aspx>.
- Bronson, Jennifer, and Marcus Berzofsky. *Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2017. <https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf>.
- Collins, Susan E., Heather S. Lonczak, and Seema L. Clifasefi. "Seattle's Law Enforcement Assisted Diversion (LEAD): Program Effects on Recidivism Outcomes." *Evaluation and Program Planning* 64 (2017): 49-56. <http://dx.doi.org/10.1016/j.evalprogplan.2017.05.008>.
- Glasheen, Cristie, Sarra L. Hedden, Larry A. Kroutil, Michael R. Pemberton, and Ingrid Goldstrom. *Past Year Arrest among Adults in the United States: Characteristics of and Association with Mental Illness and Substance Use*. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2012, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.362.442&rep=rep1&type=pdf>.
- Haney, Craig. *The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment*. Washington, DC. Department of Health and Human Services, 2001. <https://aspe.hhs.gov/system/files/pdf/75001/Haney.pdf>.
- Hunter, Sarah B., Maya Buenaventura, and Matthew Cefalu. *Local Evaluation Report for Los Angeles County's Mentally Ill Offender Crime Reduction (MIOCR) Program*. Santa Monica, CA: RAND, 2018. https://www.rand.org/content/dam/rand/pubs/research_reports/RR2400/RR2411/RAND_RR2411.pdf.
- Law & Policy Associates. *Seattle Municipal Mental Health Court Evaluation*. Seattle: City of Seattle, 2013. <https://www.seattle.gov/Documents/Departments/Court/MHCEvaluation2013.pdf>.
- Los Angeles County Sheriff's Department. "Custody Division Population Quarterly & Yearly Reports." Public Data Sharing. Accessed April 11, 2021. http://www.la-sheriff.org/s2/page_render.aspx?pagename=info_detail_20.
- Los Angeles County Sheriff's Department. *Custody Division Population Year End Review 2020*. Los Angeles: Los Angeles County Sheriff's Department, 2020. https://lasd.org/wp-content/uploads/2021/04/Transparency_Custody_Division_Population_2020_Year_End_Report_040821.pdf.
- Mental Illness Policy Org. "Criminalization of Individuals with Severe Psychiatric Disorders." Accessed April 11, 2021. <https://mentalillnesspolicy.org/consequences/criminalization.html>.

- Law Offices of Los Angeles County Public Defender. "About Us." Accessed April 12, 2021.
<https://pubdef.lacounty.gov/about-us/>.
- Substance Abuse and Mental Health Services Administration. *Municipal Courts: An Effective Tool for Diverting People with Mental and Substance Use Disorders from the Criminal Justice System*. Rockville, MD: U.S. Department of Health and Human Services, 2015.
<https://roar.nevadaprc.org/system/documents/3972/original/NPRC.2988.MunicipalCourts.pdf?1459809163>.
- Schneider, Richard D. "Mental Health Courts and Diversion Programs: A Global Survey." *International Journal of Law and Psychiatry* 33, no. 4 (2010): 201-6.
<https://dx.doi.org/10.1016/j.ijlp.2010.07.001>.
- The Sentencing Project. *Mentally Ill Offenders in the Criminal Justice System: An Analysis and Prescription*. Washington, DC: The Sentencing Project, 2002.
<https://www.sentencingproject.org/wp-content/uploads/2016/01/Mentally-III-Offenders-in-the-Criminal-Justice-System.pdf>.
- Torrey, E. Fuller, Aaron D. Kennard, Don Eslinger, Richard Lamb, and James Pavle. *More Mentally Ill Persons Are in Jails and Prisons Than Hospitals: A Survey of the States*. Arlington, VA: Treatment Advocacy Center, 2010.
https://www.treatmentadvocacycenter.org/storage/documents/final_jails_v_hospitals_study.pdf.
- Ume, Chidinma, and Brett Taylor. "Expanding the Toolkit: Mental Health Diversion in Los Angeles." Center for Court Innovation. Last modified May 18, 2020.
<https://www.courtinnovation.org/about/announcements/LA-mental-health-diversion>.
- Weiss, Robert. *Learning from Strangers: The Art and Method of Qualitative Interview Studies*. New York: The Free Press, 1994.