

OPINION

Austin American-Statesman

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WE SAY

Don't fall for Prop K. There's a better path

We all want a more efficient government that makes the best use of our tax dollars. But we don't think the efficiency audit mandated by Proposition K on the Nov. 6 ballot is the best way to get there — not in a city that already spends \$4 million a year on a highly effective auditor's office, not before Austin sees what improvements its new city manager can bring, not when efficiency audits elsewhere have produced some ideas that would be out of step with Austin values.

We're particularly troubled that the effort to get Prop K on the ballot was funded by "dark money" donors who have refused to disclose their names, leaving voters guessing whether this effort has taxpayers' interests at heart or is designed to serve another agenda. This isn't the path toward a

more transparent, accountable government. Voters should kill Prop K.

On the ballot

Proposition K would require the city to hire an independent auditor to conduct an efficiency study of Austin's operational and fiscal performance.

We say

NO. We think efficiency can be achieved through better means. Furthermore, we don't trust the anonymous backers of Prop K have Austin's interests at heart.

No doubt the call for an efficiency audit at Austin City Hall has an appealing ring to it, especially after city taxes and fees this year rose \$77 for the typical homeowner, on top of \$151 the year before that, on top of \$87 the year before that. The Citizens for an Accountable Austin easily collected signatures from more than 30,000 people to place the call for an "efficiency study" on the ballot.

However, we're skeptical the study would be worth the cost, which proponents peg at \$1 million to \$2 million, and the city estimates up to \$5 million. When you look past the eye-popping savings promised by these kinds of audits — \$227 million over two years in Wyoming, \$2 billion over five years in Kansas and \$2.7 billion over five years in Louisiana, to name a few — you'll find these studies produce a scattershot of worthy ideas and short-sighted proposals. Not surprisingly, those states so far have realized only a sliver of the promised savings.

Yes, Austin may be able to cut costs by changing the way it negotiates contracts or having several departments share support services. The City Council could send such ideas for vetting to the 26-member Office of City Auditor, which has a track record of identifying lapses and missed opportunities when it has put city departments under the microscope.

Other cost-cutting ideas we've seen in efficiency audits elsewhere would be at odds with Austin values, such as pushing more health care costs onto employees by switching them to high-deductible insurance plans; selling off government-owned land instead of using it for affordable housing or other needs; or outsourcing jobs to private companies that don't pay Austin's \$15-an-hour living wage, exacerbating the city's affordability woes.

We have no doubt there are inefficiencies at City Hall. Before turning to an outside auditor, however, residents should try to get their money's worth out of City Manager Spencer Cronk, who was hired in part to bring fresh eyes to city government. Cronk has been reorganizing his management team, and this year's budget was set up in a new way to tie funding to larger strategic priorities across department lines, such as promoting better transportation and economic opportunity. Cronk's efforts are still early but they show promise: He presented a budget with one of the lowest tax revenue increases in a decade.

Meanwhile, voters have reason to be wary of the Citizens for an Accountable Austin, which hired petition-gatherers to get Prop K on the ballot thanks to a single donor: the nonprofit Austin Civic Fund. The latter group refuses to list its contributors, but two members of its board of directors work for a janitorial company whose CEO, Don Dyer, chairs an advocacy group for the Texas Public Policy Foundation, a conservative think tank that has sued Austin over its paid sick leave policy and short term rental rules, among other issues. Indeed, the foundation filed a court brief in August arguing against the council-crafted ballot language on Prop K was biased against the measure (the court upheld the wording).

Michael Searle, who directs both Citizens for an Accountable Austin and the Austin Civic Fund, told us no TPPF funding is involved and the unnamed donors are all Austin residents who simply want to see their city run better. It's worth noting a separate Searle political action committee, Vote Yes on Prop K, has listed its donors, a mix of local conservatives, accountability activists and outgoing Council Members Ellen Troxclair and Ora Houston.

So why the anonymity for those placing Prop K on the ballot in the first place? "The city has reputation for being retributive," Searle told us.

Searle can't have it both ways, arguing for accountability at City Hall while shielding the Prop K originator from public view. Would this audit provide fuel to efforts to privatize Austin Energy or divert other city resources to the private sector? We can't trust the motives without knowing more about the players.

Austinites can call for greater accountability by electing a mayor and council members Nov. 6 who will advance efficiency reforms at City Hall. Voters should not put their trust in the opaque interests behind Prop K.

American-Statesman Editorial Board

From one physician to another: Scaremongering over CBD treatment is a real problem

By Dr. Karen Keough

With the Texas medical marijuana program still in its relative infancy, something has become apparent: Misinformation is a problem, and it's coming not just from reefer madness fearmongers but from physicians themselves.

Two recent occurrences hammered that home for me:

I asked a physician acquaintance if she had signed up on the Compassionate Use Registry of Texas. She said she hadn't, mainly because she had heard from another physician that insurance wouldn't cover visits from patients who are prescribed the cannabis derivative cannabidiol (CBD), and that you have to see patients every month. Neither of these statements are true, and that she heard them from a doctor makes it doubly disturbing.

While keeping up on CBD research and news, I watched a program on Medscape's Continuing Medical Education platform titled Pharmaceutical vs. Dispensary-Sourced Cannabinoids: What's the Difference? I was dismayed to hear two neurologists presenting information that included:

"It is illegal for physicians to prescribe any marijuana or marijuana-based product according to federal law."

"It is important to remember that products currently available in dispensaries are not regulated, are not consistent, and do not have the same oversight as the purified plant-based medications that are going through the FDA approval process."

"There is no truth in labeling

with most dispensary products, which can be dangerous when the labels do not reflect the amount of CBD or ratio of THC and CBD available."

Let's recap what the Texas medical marijuana program entails: Per the Compassionate Use Act, patients with intractable epilepsy can only obtain Texas CBD medication through the prescription of a registered physician. The wording of the law provides concrete protections for physicians who prescribe low-THC, high-CBD medicine that's regulated by the state. (Disclosure: I am chief medical officer for licensed dispensary Compassionate Cultivation.)

The restrictive federal status of CBD and cannabis has been debated as a concern for Texas physicians. My point of view is that physicians not only should, but must be involved as prescribers.

CBD is a medication, and prescription of CBD is no different from other efficacious anti-convulsant medications. Within the context of the Texas Compassionate Use Program, I am practicing medicine as a responsible physician and providing my patients with the guidance they need to integrate CBD into their complicated medical regimens.

In the Medscape presentation that was ostensibly about cannabinoid education for physicians, it was disheartening to see the presenters deliver so many broad-stroke statements about unreliability of CBD products and anti-dispensary messaging. It's also important to note the presentation was funded through a grant from a pharmaceutical company

whose cannabis-derived drug Epidiolex has received approval from the U.S. Food and Drug Administration and is expected to be available by the end of the year.

These alarmist claims are not helpful to expanding an understanding of CBD among physicians, which is a pressing need as the number of states allowing some form of medical marijuana has grown to 46.

I call on my fellow physicians to dig deep into research when educating themselves about CBD and state regulations.

It's unfortunate, though understandable, that the tightly regulated Texas dispensaries could be relegated to assumption that their products are unreliable.

The national CBD market is unregulated, and inaccurate product labeling of CBD content is a known issue. This is indeed concerning and a primary reason I was initially wary of CBD. However, state law holds Texas dispensaries accountable to produce rigorously tested CBD oil products.

Having witnessed success in some of my most challenging cases since I first started to prescribe Compassionate Cultivation's CBD in February, my goal is to maintain access to treatment for all of my refractory epilepsy patients for sustainable care.

If physicians dismiss this promising, state-sanctioned treatment option, they miss the opportunity to alleviate suffering and improve the quality of life for many patients.

Karen Keough is a child neurologist and epileptologist who practices in Austin.

Recovering 'better' means smart land use planning

By Jaimie Masterson and Kateryna Wowk

One year later Texas communities are still grappling with the complexities of recovery from Hurricane Harvey. Communities are up against immense odds, especially when there are chronic and systemic challenges in planning for and regulating land to mitigate hazards.

Texas is pro-business, which can lead to robust local economies. Texas cities are some of the fastest growing in the US. Yet as we grow our economic prosperity, if we fail to also plan for known risks — flooding, drought, hurricanes, hailstorms and more — we create communities that fail all Texans and increase risk to life and property.

Texans increasingly live in complex "urban biomes," with expanding communities laying more concrete as they grow. This growth can be good, but it also can change drainage patterns over vast areas, causing unintended harm. We must better balance private property rights and public safety. Power is granted to establish and enforce laws for the welfare, safety, and health of the public under the 10th Amendment, but in some areas, local officials have neither the capacity nor authority to implement risk mitigation measures. As Texas continues to recover, federal and state officials should support locally-driven

approaches to mitigating risk and guiding growth.

Texas cities and counties are already advancing land use planning to protect people and property, and our state leaders can learn from these communities. Houston, for example, known for its laissez-faire development and lack of zoning, has made strides toward mitigating hazards. Seven months after Harvey, the Houston City Council approved a major overhaul of floodplain regulations, which now require residents build structures 2 feet above the floodplain. This is critical, as it is estimated that Harvey storm damage to 84 percent of homes in the floodplains could have been mitigated if these regulations had been in place.

Even rural communities are taking on land use regulation. From 2015-2016, Liberty County experienced five disaster declarations and over 100 days of floodwaters, with even more flooding from Hurricane Harvey. In an effort to foster smart development, the county and cities, once fierce rivals, came together to develop a strategic growth plan. Liberty County Judge Jay Knight was impassioned enough to address the Texas legislature to advocate for greater land use regulatory controls. Hurricane Harvey also flooded nearly 300 structures in the City of La Grange. Residents there have expressed a desire to create a river park and corridor,

using regulations to provide appropriate amounts of land to absorb flood impacts.

In Aransas County, where Harvey made landfall, local officials had already been working together to strengthen resilience for over a decade, including with adoption of the Aransas County Multi-Jurisdictional Floodplain Management Plan. Rockport further adopted several ordinances that provide a 'multiple defense' approach to building resilience.

Across the country, cities are reimagining resilience, and Texas can too. The Texas legislature should grant broader regulatory authority to counties while supporting city regulations to mitigate future disasters. Additionally, federal and state agencies should provide financial incentives to local governments and residents to get folks out of harm's way. Texas universities, with some of the world's foremost experts, can assist with science and data-driven approaches to building resilience.

If we align experts and programs with resources to help local communities, we can spur innovation for resilience, and secure prosperous communities and economies for the Lone Star State.

Masterson is associate director of Texas Target Communities at Texas A&M University. Wowk is with the Harte Research Institute for Gulf of Mexico Studies.

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