

## 3.1 Whose Law Is It Anyways?

### AGE RANGE

9th—12th grade

### TIME REQUIRED

60 minutes

### ACTIVITY OVERVIEW

Engage: Discussion Question

Explore: Student Reading

Explain: Discussion

Elaborate: Government Research

Evaluate: Discussion

### MATERIALS

Student Reading

Student Worksheet

Computers

### BASED ON:

The Great State by iCivics and  
Follow That Legislation by Katie  
Crosby, Colleton County High  
School

**LESSON TOPIC:** Levels of government

**ACTIVITY SUMMARY:** Students will explore their local type of government.

### OBJECTIVES:

Students will be able to:

- Demonstrate an understanding of the structure and function of government.
- Explain the impact of state agencies and commissions on citizens' lives and property.
- Describe the role of state governments in providing services and regulating activity.

**LESSON BACKGROUND:** There are three major levels of government that we are going to explore to better understand who is creating the laws, policies, and ordinances that impact sea-level rise adaptation, mitigation, and resilience: local, state, and federal.

State governments work almost exactly like the U.S. federal government. There are three branches of state and federal government: an executive branch, a legislative branch, and a judicial branch. At the state level, the head of the executive branch is called the governor, for the federal government it is the President of the United States. Every state except one, Nebraska, also has a bicameral legislature, meaning that the legislature is made up of two chambers. In most states, those chambers are called the Senate and the House of Representatives. A state's judicial branch normally includes a high court, often called the Supreme Court, and a system of lower courts. These lower courts include trial courts and appeals courts. A state's three branches interact just like the three branches at the federal level. The purpose of having three branches is to balance

power so that no one branch or person becomes too powerful. The state's legislature passes laws, a state's governor can veto laws that are passed and the executive branch enforces the laws, and a state's high court has the power to decide whether state laws violate the state's constitution and to interpret how those laws should be enforced.

## VOCABULARY:

Adoption	The act of accepting and entering new ordinance into the Code of Laws as a result of a majority vote in favor of the proposed ordinance.
Amendment	A change to the existing language in the ordinance.
Coastal Hazard	Physical phenomena that expose a coastal area to risk of property damage, loss of life and environmental degradation.
Coastal Resilience Index	A questionnaire for communities to assess their level of preparedness for extreme events.
Federalism	The division of powers among the local, state, and national governments.
Infiltration	The process by which water on the ground surface enters the soil.
Motion	A new idea or action.
Ordinance	An authoritative rule or law; a public injunction or regulation.
Policy	Definite course or method of action; a high-level plan embracing the general goals and acceptable procedures of a governing body.
Resilience	The capacity of a community, business, or natural environment to prevent, withstand, respond to, and recover from a disruption.

## ENGAGE:

Play the "Freddy the Fish Teaches About Stormwater" video for students:

[https://www.youtube.com/watch?v=jjPfLhjbdc0&feature=emb\\_logo](https://www.youtube.com/watch?v=jjPfLhjbdc0&feature=emb_logo) (4.5 minutes).

Explain to students that as sea-level rises, the drains for stormwater might be blocked with rising seas. Ask students to brainstorm who might need to be involved in decision making to ensure stormwater systems can be adapted to sea-level rise.

## EXPLORE:

Have students read the “Levels of Government” reading.

With the attention of the whole class, read a series of yes or no questions. Ask the class to answer “Yes” or “No,” alternatively students could each have a set of index cards one with “Yes” and one with “No” that they would vote with. Use each question as an opportunity to quickly discuss and follow up with additional questions about the material.

1. Do state governments have anything in common with the federal government? (Yes — they both have three branches)
2. Do state lawmakers represent citizens from a certain area of the state? (Yes — those areas are called districts)
3. Can a state governor veto bills passed by the state legislature? (Yes)
4. Does each state have its own constitution? (Yes)
5. Is a state’s legislature the only place or way laws can be adopted? (No — in many states, citizens can put laws on the ballot through the initiative process and municipalities can enact their own laws)
6. Can states always afford all the services they need to provide? (No — often they receive money from the federal government)
7. Do local governments provide any services? (Yes — schools, libraries, police, water, and many others)

Students will work on computers to research the type of government in their town or city and complete the questions below. Some of the cities along coastal Mississippi and Alabama are linked below.

Biloxi, Mississippi: <https://www.biloxi.ms.us/pdf/GMAcitycontact.pdf>

Bay Saint Louis, Mississippi: <https://www.baystlouis-ms.gov/>

Foley, Alabama: <https://cityoffoley.org/#>

Mobile, Alabama: <https://www.cityofmobile.org/government/>

Name of Town or City:

Type of local government:

Name of Mayor:

Members of the town/city council:

Time, day, and location of council meetings:

## EXPLAIN:

The nation relies heavily on the economy of the Gulf coast.

Ports & Shipping – 2018 (Data from: 2018 National Economic Impact of the U.S. Coastal Port System by Martin Associates)

- \$321.1 billion in federal, state, and local tax revenues
- \$1.4 trillion in wages and local consumption
- 26% of Gross Domestic Product

Fishing – 2016 (Data from: *Fisheries Economics of the United States Volume 11* by NOAA)

- \$212 billion in sales
- 1.7 million jobs
- \$100 billion to the GDP

Culture (Data from: *State of the U.S. Ocean and Coastal Economies* by National Ocean Economics Program). Tourism & recreation accounts for:

- 28% of the coastal GDP
- 72% of coastal employment
- 41% of wages paid

Our coastal communities are valuable, but they are also vulnerable to sea-level rise. Ecosystems, communities, and economies all affect one another. So, we must give attention to all three areas to have safe and robust coastal communities, healthy natural resources, and a balanced system to ensure our communities, economies, and ecosystems can bounce back from current and future stresses. This is known as coastal community resilience.

### Healthy Economy

- Working waterfronts
  - Seafood
  - Tourism
  - Ports
- Agriculture
  - Food security
- Small businesses

### Healthy Environment

- Habitat protection and restoration
- Water resources
- Living resources
- Coastal planning

### Healthy Society

- Education
- Public safety
  - Health
  - Physical
  - Mental
- Infrastructure
- Housing
  - Insurance

### The Coastal Resilience Index

([http://masgc.org/assets/uploads/publications/662/coastal\\_community\\_resilience\\_index.pdf](http://masgc.org/assets/uploads/publications/662/coastal_community_resilience_index.pdf)) is a questionnaire for communities to assess their level of preparedness for extreme events. This helps communities discuss and discover their coastal hazard-related vulnerabilities. It is a self-assessment tool developed by the Mississippi-Alabama Sea Grant Consortium and NOAA's Coastal

Storms Program. To complete the index, community leaders get together and use the tool to guide discussion about their community's resilience to coastal hazards. The Index provides a simple, inexpensive method for community leaders to perform a self-assessment of their community's resilience to coastal hazards, identifying weaknesses a community may want to address prior to the next hazard event and guiding community discussion. The Index is not intended for comparison between communities.

The Index uses information that is readily available and asks mainly "yes" or "no" questions. It consists of an eight-page guiding document, and includes six sections (critical facilities and infrastructure, transportation issues, community plans and agreements, mitigation measures, business plans, and social systems). The Index can be completed in less than three hours.

At the community level, local governments work with stormwater management, flood insurance, beach closures, storm surge, saltwater intrusion, hypoxic zones, harmful algal blooms, and sea-level rise. The Index is a way to identify issues such as sea-level rise that can exacerbate weaknesses where communities are not as prepared as they might need to be.

## ELABORATE:

Local governments are on the frontlines of responding to sea-level rise. A number of tools are available to local governments to reduce the vulnerability of local coastal communities to flooding and sea level rise.

Zoning overlays, development setbacks, and buffer zones can be used to shift development to protect vulnerable coastal areas, accommodate rising sea levels, reduce flood risks, and lower flood insurance rates for residents and local businesses. Enacting building codes, subdivision ordinances, construction standards, and building design standards that consider future flooding frequency, depths, and extents can reduce potential damages during current and future flooding events as sea level rises.

Examples of places approaching the issue of sea-level rise through policy include using strategies of regulatory documents:

- The Comprehensive Plan
- The Code of Ordinances, mostly Building and Land Development Codes
- Stormwater Technical Standards Manual, for Public and Private
- Local Building Code Amendments
- The Transportation Technical Manual
- The Local Mitigation Strategy
- The Post-Disaster Redevelopment Plan

- The Environmental Protection Commission
- Regional Water Management District policies and guidelines

Examples of this in action from locations across the United States:

Commit to planning and permitting toward future sea level and groundwater height scenarios (comprehensive plan)

- Guarantee life-expectancy of projects
- Reduce risk for future taxpayers

Consider secondary impacts of sea-level rise (comprehensive plan)

- Hurricane storm surge and drainage issues are or will be increased
- In addition to the impact to property and structures, there are environmental and social issues to address

Mapping and inventory of susceptible infrastructure (comprehensive plan)

- Publicly owned utilities, infrastructures, and buildings
- Coastal shoreline protection

Develop flexible coastline space (comprehensive plan)

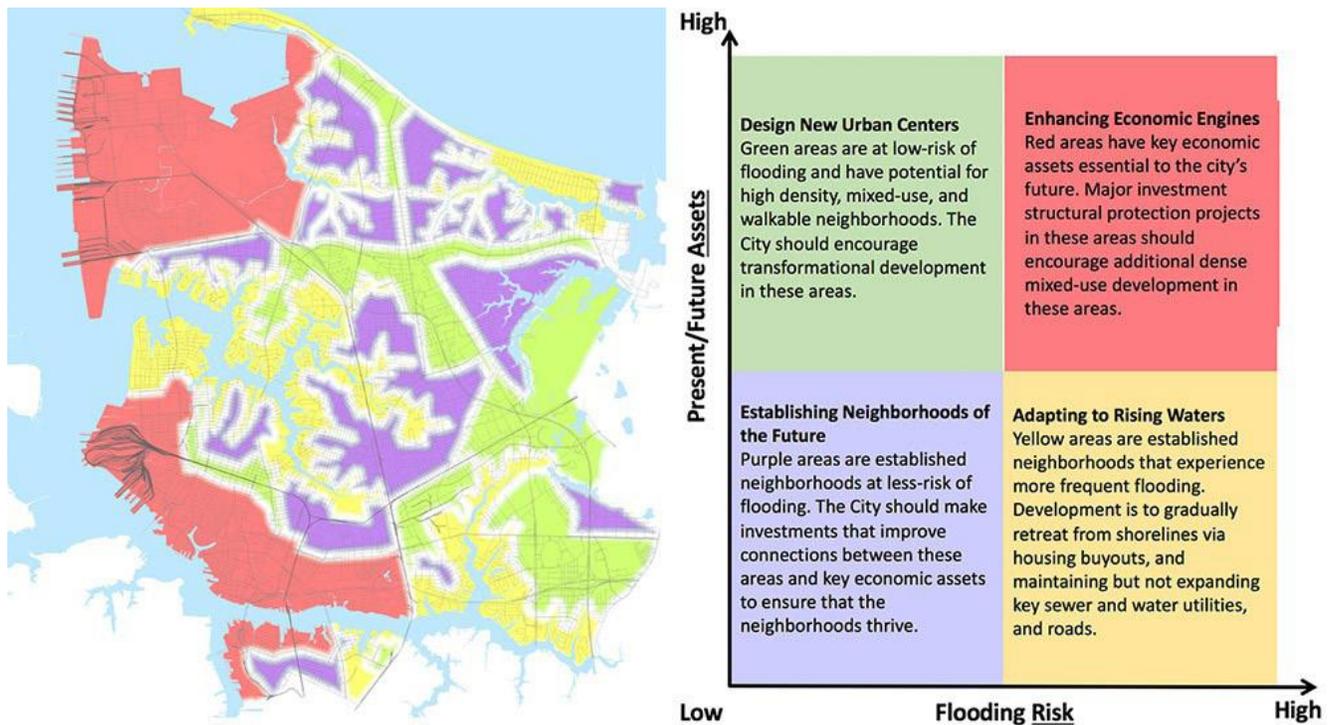
- Allows for habitat migration
- Reduces wave action and erosion
- Allows for adaptation depending on future scenarios
- Equity of coastal access
- Value to adjacent properties

Consider building height (bottom and top) (land development code, building code)

- FEMA Flood Insurance Rate Map and state building codes

Create overlay zones (land development code, comprehensive plan)

- FEMA Flood Insurance Rate Map zones
- Zones V, A, Coastal A (also a velocity zone), X
- A Protection Zone
- An Accommodation Zone
- A Managed Relocation Zone
- Can associate other stipulations, tax incentives, funding sources and disclosure policies with agreed upon planning and land development overlay zone
- Norfolk divided the city into 4 planning zones (corresponding image below)



Establish (erosion based) setbacks (land development code)

- Accommodate for future conditions
- Use historic erosion rates

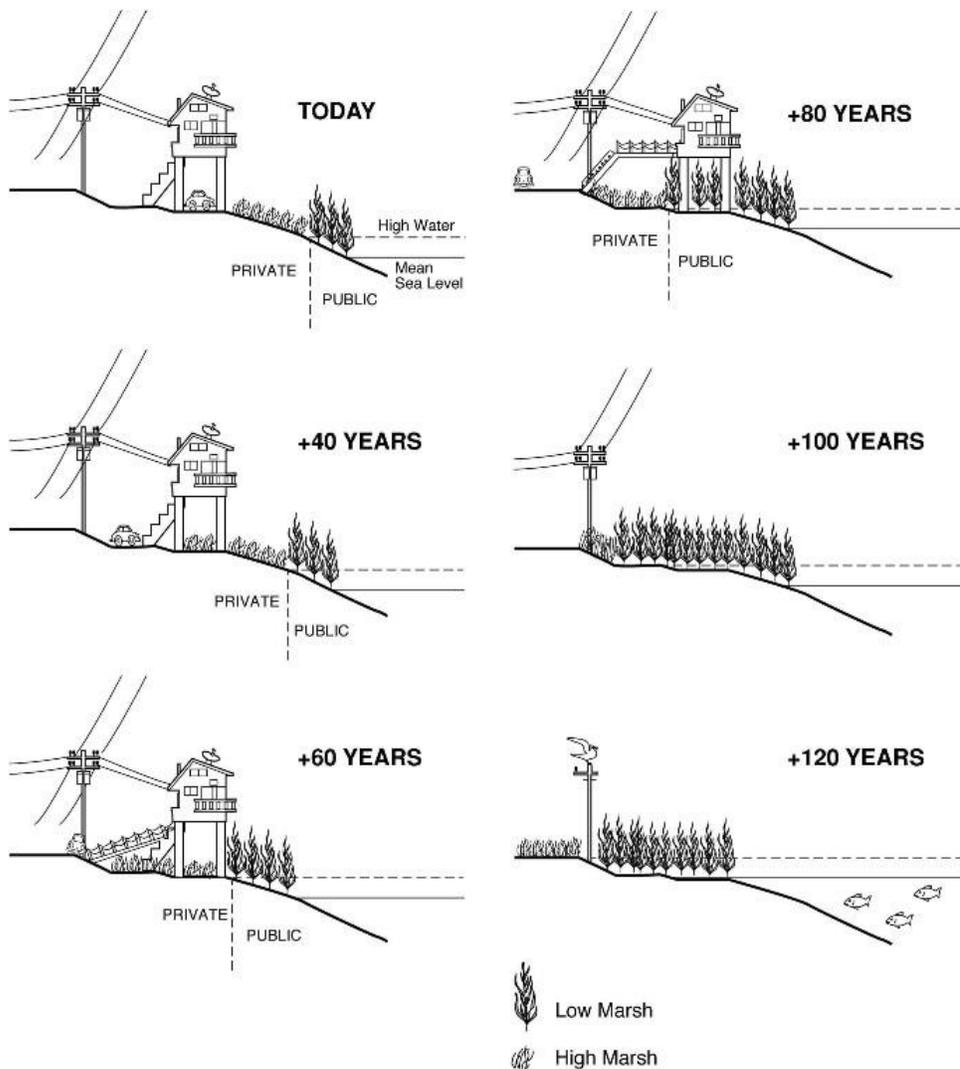
Establish sea wall standards (land development code, building code)

- Create build-to standards
- In Broward County, structures must be at least 5 feet above NAVD88 (local mean sea level). The height applies to all new or substantially repaired or rehabilitated seawalls, banks, and berms
- Sea walls must be in good repair or face fines

- Work towards the removal of sea walls to aid in habitat migration and ecosystem functionality

Options for managed relocation (land development code, comprehensive plan)

- Planning and engagement is important
- Working within property rights
- Incentivize development in non-vulnerable locations
- Rolling easements (corresponding image below)
  - Municipality purchases future land rights
  - Must allow coastline to migrate
  - Preserve for conservation or for future public access



Real estate disclosures (land development code, comprehensive plan)

- For properties that have been impacted by flooding
- If a property falls within an overlay zone, whether from FEMA or otherwise

Broward County, Policy 2.21.7 <https://www.broward.org/climate/pages/usace.aspx>

Owners must include:

“This real estate is located in a tidally influenced area. The owner may be required by county or municipal ordinance to meet minimum tidal flood barrier elevation standards during construction or substantial repair or substantial rehabilitation of seawalls, banks, berms, and similar infrastructure or when required to abate nuisance flooding.”

Information adapted from the presentation “Opportunities for Regulatory Response” by Brian Cook, ASLA, PLA. Brian Cook’s affiliations and contact information follows: Visiting Assistant Research Professor, Florida Center for Community Design + Research, School of Architecture + Community Design, University of South Florida email: [brianraycook@usf.edu](mailto:brianraycook@usf.edu), 4202 E. Fowler Ave HMS 301, Tampa, FL 33620-8340

Students will think about the issue of storm water management and **write an initiative** that their local government could adopt to increase sea-level rise resilience.

## EVALUATE:

Discuss with the class the difficulty in accessing the information and talk about what they already knew and if anything surprised them during their local government research.

## STUDENT PAGE | Whose Law Is It Anyways?

Research your local government to complete the following questions.

Name of Town or City:

Type of local government:

Name of Mayor:

Members of the town/city council:

Time, day, and location of council meetings:

In low-lying localities, rising water tables, increased inundation, and increasingly high-intensity rainfall events are already impacting the function of traditional stormwater management systems and will reduce the effectiveness of some stormwater practices in the future. Many localities have traditional stormwater management systems like culverts, drainpipes, & detention basins that are already generating street flooding due to backflow of tidal waters into low-lying pipes and drainage ditches.

Green infrastructure practices like cisterns, rain gardens, bioswales, permeable pavement, green roofs, and bioswales meet water quality goals and reduce stormwater runoff, flooding, and combined sewer overflows. All system upgrades and retrofits should plan for sea-level rise adaptation by incorporating more storage and infiltration to minimize flooding. Infiltration is the return of surface water to groundwater.

**Write an initiative that your local government could adopt to increase sea-level rise resilience through stormwater management.**

### Levels of Government

There are three major levels of government that we are going to explore to better understand who is creating the laws, policies, and ordinances that impact sea-level rise adaptation, mitigation, and resilience: local, state, and federal.

State governments work almost like the U.S. federal government. There are three branches of state and federal government: an executive branch, a legislative branch, and a judicial branch. At the state level, the head of the executive branch is called the governor, for the federal government it is the President of the United States. Every state except one also has a bicameral legislature, meaning that the legislature is made up of two chambers. In most states, those chambers are called the Senate and the House of Representatives. A state's judicial branch normally includes a high court, often called the Supreme Court, and a system of lower courts. These lower courts include trial courts and appeals courts. A state's three branches interact just like the three branches at the federal level. The purpose of having three branches is to balance power so that no one branch or person becomes too powerful. The state's legislature passes laws, a state's governor can veto laws that are passed, the executive branch enforces the laws, and a state's high court has the power to decide whether state laws violate the state's constitution and to interpret how those laws should be enforced.

Each state is divided into legislative districts that contain roughly the same number of citizens. Citizens in each district elect representatives to serve in the state legislature. That means the state legislators represent the citizens who live in their district.

The head of a state's executive branch is the state governor. The governor has the power to veto bills passed by the state's legislature. A state's executive branch also includes many departments. States usually have their own departments of education, transportation, health, and other services. These departments carry out the laws passed by the state's legislature.

Just like the U.S. has the Constitution, each state's constitution describes how the state's government must operate. In addition to the state constitution and the state legislative branch, there are usually other ways that state-wide laws can be made in a state. In many states, the initiative process allows citizens to draft laws they would like to see adopted. If citizens collect enough signatures, the law will be placed on the ballot for state citizens to vote on. The referendum process works the same way but is used to let citizens vote on a law already passed by the state legislature. No matter how a state law is adopted, the law only applies inside that state.

State governments provide many services to state citizens. These include things like police, fire safety, roads, schools, and parks. One of the biggest services is maintaining the state's infrastructure—the basic support structures that serve a geographic area, such as transportation,

communication, and power systems. These services cost money and are paid for with taxes collected from citizens. When states cannot afford to provide all the services citizens need, they use federal grants, which are sums of money designated for a certain purpose such as improving an airport or providing health care to low-income households.

Local governments, such as cities and counties, get their power from the state government. The state decides what services cities and counties are responsible for providing and what kinds of laws cities and counties are allowed to make. A municipality is a city, town, or county with a state-granted charter to make decisions. Because local governments are the closest to citizens, often they are the ones that can most easily provide services. Municipal governments provide services such as schools, libraries, police, water, and trash collection, while also regulating zoning and city ordinances. Local governments must follow both state and federal laws when providing these services and not all municipal governments have all of these powers.

Large municipalities generally follow one of three types of government: council-manager, mayor-council, and commission. In council-manager, there is a city council that oversees general administration and policy procedure. The council appoints a professional city manager for daily administrative operations and a mayor is often chosen from the council. In mayor-council the mayor is elected separately from the city council and has significant administrative and budgetary authority. The mayor will have “weak” or “strong” authority depending on the balance of political power between the mayor and the council. In commission governments, voters elect individual commissioners to a governing board where they are responsible for a specific aspect such as public works, police, or health. Though these are the three most common forms of municipal government, government structure is not always distinct with combinations of roles and authority. For example, in coastal Mississippi there are Aldermen, who are elected members of a municipal council.

State and local governments work together on topics like enforcing building codes that specify exactly how buildings must be constructed. However, local governments are often at the forefront of resilience strategies because of their local authority. An ordinance is the term for a law passed by a local government. Ordinances address local issues from sign sizes to sea-level rise resilience. The process for passing an ordinance is determined by each state.

The process for passing an ordinance starts with an idea. This idea may come from the local council, mayor, a local citizen, or be in response to state or federal actions. The idea is then introduced by the city council as a proposed ordinance. The proposed ordinance is discussed by the city council and researched by specialized committees. There is generally at least one public hearing of the proposed ordinance to provide local citizens an opportunity to comment. Once public hearings and final discussions are complete, the city council votes on the proposed ordinance. In forms of local government with a “strong” mayor, the mayor would need to approve the ordinance. The ordinance would then go into effect based on specific locality processes and details of the ordinance.

## STUDENT PAGE | Whose Law Is It Anyways?

DO NOW:

What group of people are creating the laws, policies, and ordinances that impact sea-level rise adaptation, mitigation, and resilience?

EXIT TICKET:

How can you be involved in local government?