

Vote Hovekamp, Borja and Schoen for Bend parks

The Bend Park & Recreation District made a big change in the last several years, agreeing to reduce fees it charges on new development to help hold prices down on affordable housing.

That's on top of scholarships to ensure lack of money won't block children from being able to participate in the district events. Should the district do more? Or should it invest more in parks and more programs?

Layers of complication get added in when you think about the district's future. The acres of park per person are anticipated to decline over the next five years. Miles of trails will decline, too. It's a consequence of a growing population and the increasing cost and scarcity of land for parks.

And then there are the more, consistent refrains the district faces, such as barking over off-leash dogs. The popularity of the river grows, putting pressure on access points. And the debate over Mirror Pond's future and the district's role can divide a room.

Got all that? It's just a taste of the issues the candidates running for board of the park district have to look forward to. We have interviewed the candidates and have some recommendations. Keep in mind, we don't think there is a bad candidate in the lot. We support Nathan Hovekamp, Zavier Borja and Deb Schoen.

Hovekamp is an incumbent and current board chair. He has worked as a biology teacher at Central Oregon Community College and is Wildlife Program Director for Central Oregon LandWatch. Before serving on the park board, he also served on the Bend Planning Commission and the board of the Bend-La Pine Schools. So lots of relevant experience.

He sees the parks and the district's programs as critical social and physical infrastructure. He does not want to see them decline. He is satisfied with the balance the district has struck with reducing SDCs, though he says keeping high quality parks and programs will be a tremendous challenge with the community's growth. He has been impressed with the outreach park district staff do to take the community's temperature and ensure all members of the community are served.

His opponent Lauren Nowierski-Stadnick is also a strong candidate. She is an attorney doing civil litigation and a former NCAA athlete in three sports.

Nowierski-Stadnick is downright enthusiastic about what parks and park programs can do for the community. She wants to leverage her legal background to help the district maneuver through such challenges. She points out she is a trained advocate and can use that to break down barriers to participation.

We don't find major differences between Hovekamp and Nowierski-Stadnick on matters of policy.

Our endorsement goes to Hovekamp because of the experience he has on the board.

There's no such direct experience on the park board in the election between Zavier Borja and Robin Vora. Borja is a first-generation Mexican-American who was born in Redmond and grew up in Madras. He has worked for the Bend park district and the Boys and Girls Club of Bend. He is now the outside programs coordinator for Vamonos Outside. The organization is dedicated to connecting Latinx families to the outdoors. The park district already does significant outreach in bridging that gap. Borja would be a tremendous asset to do more.

Borja is somewhat young compared to the average age of park board members. He is 27. We see that as an asset, not a problem. The park district needs more input from younger people about its future.

Vora retired from the U.S. Forest Service and Fish and Wildlife Service after 39 years. Since then, there is a strong commitment to serve. He has served on a long list of committees in Bend — urban renewal, historic landmarks, the Orchard District Neighborhood Association and more. He has also been engaged in working with the park district on the development of Orchard Park and more.

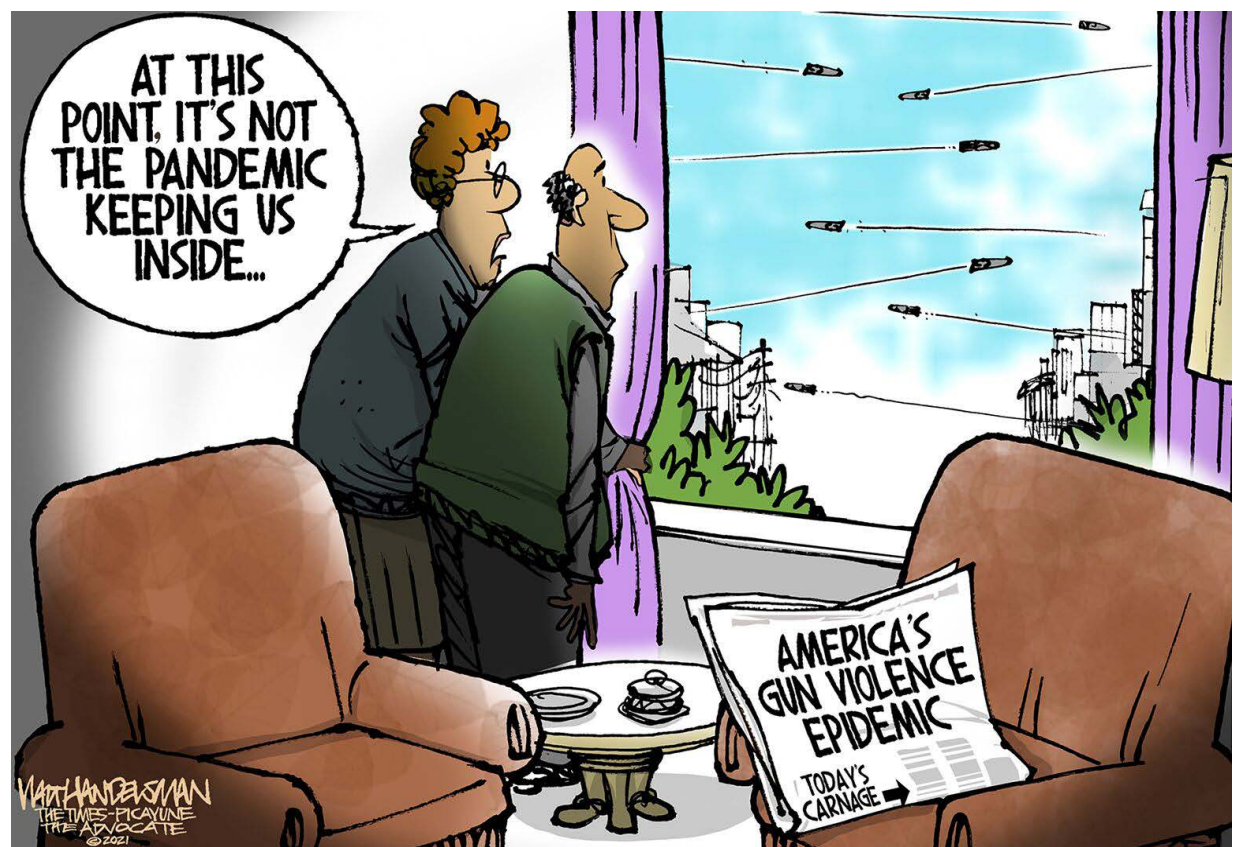
Vora is undoubtedly a strong candidate, but Borja gives the district a voice it does not hear from enough. Vote for Borja.

Deb Schoen, who was appointed to the board, faces Elizabeth Hughes Weide for the third seat up for election. Schoen is the first to compliment Hughes Weide. Hughes Weide has an impressive wealth of experience managing numerous projects that involve the National Environmental Policy Act and the California version of same. Her expertise would be very useful for the district on such matters.

We do believe, though, that Schoen is the stronger candidate overall. She worked as a professional in park districts for 40 years, much in Tualatin. That's a lifetime of first-hand experience in the issues parks face. It's hard to beat that. Her experience brings a careful balance to her approach when she thinks about SDC waivers, access to the De-schutes or off-leash dogs.

There's a learning curve to serving on a board or getting involved with a park district. We have no doubt Hughes Weide has the ability to get up to speed. It just won't be as much as what Schoen can bring to the position.

We recommend you vote for Hovekamp, Borja and Schoen. And do please vote, no matter what you decide.



It really is back to the office this time

BY LIONEL LAURENT

Bloomberg

People lucky enough to have the option are looking forward to working from home more after the pandemic, polls suggest — provided they're not schooling from home at the same time. And polls also suggest employers are looking forward to offering that flexibility. Momentum is building for a "hybrid" workplace, according to experts, which would most likely allow for two to three days per week at home.

Still, as vaccine rollouts gather pace and economies reopen, there doesn't seem to be much daylight between the concept of "office-first hybrid" and simply getting staff back to their desks.

Google parent Alphabet last week told staff to prepare a return to their desks by Sept. 1 and that anyone wanting to work remotely would have to get prior approval. Amazon.com also called for an "office-centric" return to work. Meanwhile, Goldman Sachs Group bankers are dutifully trooping back to headquarters after scathing comments from Chief Executive Officer David Solomon, who called working from home an "aberration" that was bad for innovation and collaboration and said it was not "the new normal."

Of course some big companies have said they will embrace at least some remote work. And there are creative ideas on how to do so, including plans by European startup Revolut to allow people to work overseas up to two months a year. But for many the future is starting to look a lot like the pre-pandemic days.

Although office-space demand has been crushed by the worst global recession since World War II, with excess capacity put back on the market and vacancy levels rising, demand is expected to start picking up this year. Net absorption of office space, the

difference between the total occupied by tenants and the total vacated, is expected to cross back into positive territory next year in the U.S. and Europe, says Kevin Thorpe, chief economist at real-estate company Cushman & Wakefield. In Asia, where the virus was better kept under control, the metric never went negative.

Whether because of attachment to company culture, old-style management techniques or the brand power of the office itself, firms took a wait-and-see approach rather than give up their lease or flee major cities for good. Corporate bean counters do see real estate as a future cost saving, and executives talk up the need for employee flexibility, but change will be gradual.

"Watch what companies do, not what they say," says Thorpe. He expects working from home to rise to 10% of the U.S. labor force from 5% over the next decade.

Obviously, executives should tread carefully when prodding people back to work — the pandemic isn't over and variants may delay the economic reopening process. Over-confident messaging might confuse or demoralize employees if they're forced to reverse course.

And yet, judging employees by what they are doing, rather than what they say, shows the joy of working from home has faded. The pandemic has cut out the daily commute, but we're working an hour longer every day as a result. We are anxious to be seen to be available, eroding the barriers between work and home. Our work-life balance hasn't improved.

With plenty of stress, fatigue and distractions at home, it's not surprising that a recent survey found people choosing to work in the office to be more productive. Praising "water-cooler moments" is groan-inducing, but there are benefits to collaborating with colleagues or meeting

clients in person. The dark side of office life, such as bullying and harassment, has in some cases been harder to tackle from behind a keyboard.

Even some residential data suggests people are starting to cool on the pandemic dream of escaping to the countryside. Knight Frank research for the U.K. shows urban areas close to London are back in demand, with the popularity of rural idylls dying down.

All of which takes us back to the so-called hybrid model. Will it come to pass if going back to the way things were is proving hard to resist? The omens aren't great.

Executives are already grumbling that picking just two days a week for remote work, seen as the bare minimum, is complicated. If Monday and Friday are likely to be overwhelmingly popular, what then? What happens to productivity if the office is packed three days a week and empty the rest of the time? If employees are told to pick different days, when will they collaborate with colleagues face-to-face? This will take time, effort and investment to manage.

No wonder some have warned that hybrid work looks like the "worst of both worlds." The complexity of managing hybrid roles will be too much for some firms, and the inevitable productivity losses will be pinned on remote work — resulting in a generalized shift back to the office. When Marissa Mayer banned working from home at Yahoo in 2013, she said it had sacrificed "speed and quality."

Is this too pessimistic? Maybe. But the quicker offices reopen, the steeper the climb gets for the more ambitious work-from-home advocates. People have short memories: COVID-19 has been a bonfire of many vanities, and the WFH revolution might yet be one of them.

■ Lionel Laurent is a Bloomberg columnist.

Letters policy

We welcome your letters. Letters should be limited to one issue, contain no more than 250 words and include the writer's signature, phone number and address for verification. We edit letters for brevity, grammar, taste and legal reasons. We reject poetry, personal attacks, form letters,

letters submitted elsewhere and those appropriate for other sections of The Bulletin. Writers are limited to one letter or guest column every 30 days.

Guest columns

Your submissions should be between 550 and 650 words; they must be signed;

and they must include the writer's phone number and address for verification. We edit submissions for brevity, grammar, taste and legal reasons. We reject those submitted elsewhere. Locally submitted columns alternate with national columnists and commentaries. Writers are limited to one letter or guest column every 30 days. Email: letters@bendbulletin.com

This particular Supreme Court isn't going to like idea of vaccine passports

BY NOAH FELDMAN

Bloomberg

The consensus among legal experts seems to be that states have the right to mandate vaccine passports. The main basis is a 1905 Supreme Court case, *Jacobson v. Massachusetts*, which held that the Constitution wasn't violated when the city of Cambridge required all adults to get the smallpox vaccine. Following the same logic, courts have upheld state laws mandating vaccines for schoolchildren.

But we should not assume that this deference to state power would continue under the current Supreme Court.

For one thing, the constitutional tests for infringements on personal liberty have been refined in the last half century. For another, the current

court is deeply sympathetic to religious exemptions. If large numbers of people decline vaccination on religious grounds, it would effectively undermine the power of any passport system.

The *Jacobson* precedent is certainly well established. It was written by Justice John Marshall Harlan (the first of two justices of that name), who established his place in the court's pantheon by dissenting in the shameful case of *Plessy v. Ferguson*, which upheld racial segregation.

The *Jacobson* ruling rested on the idea that the state has the power to protect the common good. The court held that the Constitution does not protect individual liberty so much as to override the state's reasonable decision to require vaccination. As the court put it, "the liberty secured by

the Constitution of the United States to every person within its jurisdiction does not import an absolute right in each person to be, at all times and in all circumstances, wholly freed from restraint."

Today, however, the Supreme Court would analyze the issue through a different framework, one known as "strict scrutiny." First, the court would ask if the individual's fundamental rights were implicated by a government regulation. If so, the court would then ask whether there was a compelling governmental interest and whether the restriction was narrowly tailored to achieving that interest — using the least restrictive means possible.

It is probable, although not absolutely certain, that the court would treat a vaccine passport as implicating

a fundamental right to make health care decisions for one's own body. True, requiring a passport isn't quite as intrusive as mandating vaccination. But it could be understood as effectively the same from the standpoint of the individual's rights, especially if the passport were legally necessary for access to basics like public transport or workplaces.

The current Supreme Court would almost certainly hold that the state has a compelling interest in protecting public health against COVID-19 and restarting the economy. Where the rubber really meets the road, then, would be the question whether vaccine passports count as the least restrictive means to protecting the community against the virus.

States would, presumably, argue that vaccine passports are the only way to

safely restart the economy and protect public health. Opponents would argue that it's possible to restart the economy without vaccine passports. A majority of the Supreme Court justices might well be sympathetic to the conclusion that the passport is not the least restrictive means to achieve the government's objectives.

Regardless, the takeaway is not that vaccine passports are unconstitutional, but rather that the Supreme Court as currently composed might take a very different attitude than the view held by most constitutional experts. That alone might be a good reason for states to hold back from adopting vaccine passports.

■ Noah Feldman is a Bloomberg columnist and host of the podcast "Deep Background." He is a professor of law at Harvard University and was a clerk to U.S. Supreme Court Justice David Souter.

Editorials reflect the views of The Bulletin's editorial board, Publisher Heidi Wright, Editor Gerry O'Brien and Editorial Page Editor Richard Coe. They are written by Richard Coe.