

Making Meetings Work

Democracy must mean more than two wolves and a sheep voting on what to have for lunch.

—Benjamin Franklin

Much of the business of governing is carried out in meetings, including regular governing body meetings, work sessions, committee meetings, and public hearings.

Your local charter provides the framework for regular governing body meetings, including requirements for public announcements, voting quorums, minutes, and state laws that must be observed, such as open meeting laws and freedom of information laws.



Fast Fact

The first open records law was passed in Wisconsin shortly after Wisconsin became a state in 1848. The first open meeting law was passed in Florida in 1967. All states and the District of Columbia now have both open records laws that govern access to public documents and open meeting laws that define public meeting requirements and sanctions.

The rapid rise of open meeting laws in the 1970s—led by Florida’s “sunshine law”—initially caused anxiety, but open government has become a positive way of life for today’s public officials. Knowing what’s in your state open meeting law is an important part of your information tool kit.

Beyond the legal requirements, factors contributing to successful meetings include

- Rules of procedure and protocols
- A well-planned agenda
- Committees and work sessions.

Open E-mail

When members of a leadership team communicate by e-mail, they must observe open records and open meeting laws. A California legal opinion concluded that members of a governing body who e-mail each other to develop a collective agreement on a scheduled action are violating the state open meeting law. E-mails sent by public officials are generally considered public communications and are covered under freedom of information laws. Many public officials include a statement at the bottom of their e-mails confirming that their e-mail communication is part of the public record.

Rules of Procedure and Protocols

Rules of procedure help you conduct public business in an orderly way. Protocols provide guidelines for governing body behavior and interaction in public settings. Combined, well-written rules of procedure and clear protocols that everyone agrees to follow provide a framework for successful governing body meetings.

One of the first acts that some new councils take after an election is to adopt existing rules and protocols to reestablish standards for working together. One of your first acts when you join the leadership team as a new member of the governing body should be to review all rules and protocols carefully and ask questions so that you become comfortable with the governing body's way of carrying out its business.

Rules of Procedure

Topics covered in governing body rules include

- The regular schedule for meetings, and provisions for calling special meetings
- Order of business, who prepares the agenda, and the deadline for delivery of materials to governing body members
- Procedures for modifying the published agenda for new or emergency items or for making any other post-publication changes
- Debate and voting procedures, such as how to resolve tie votes, when to use roll call votes, and how to record silent votes and abstentions
- Procedures for public participation in governing body meetings, including when public input is accepted, time limits for speaking, when and how to register to speak, whether advance notice is required, and opportunities to submit written statements
- Exceptions to the rules
- Parliamentary procedures that will be followed, and procedures for resolving any challenges to rulings by the chair.

Guiding Principles for Streamlined Parliamentary Rules

1. **Rules should establish order.** The first purpose of parliamentary procedure is to establish a framework for orderly meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation.
3. **Rules should be user-friendly.** The rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules is to encourage discussion and facilitate decision making. The rules must enable the majority to express itself and fashion a result, while permitting the minority to express itself (but not dominate) and fully participate in the process.

Adapted from *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century*

Many governing bodies rely on *Robert's Rules of Order* for parliamentary procedure. But *Robert's Rules* is complicated, detailed, and intended primarily for large legislative bodies. It can be frustrating to use. A governing body that gets tangled in parliamentary process doesn't make good decisions, which can undermine public confidence in government.

Adopting your own simpler parliamentary rules is fine—as long as those rules are clear, used consistently, and contribute to productive debate and action. It is useful to have streamlined parliamentary procedures reviewed by your local government attorney.

Sample Governing Body Code of Conduct

- Seek to understand one another's perspective.
- Seek diversity of ideas.
- Honor one another in public, and protect each other in their absence.
- Be tough on issues, soft on people.
- Focus on the issues, not on personalities.
- Seek honesty and integrity in all deliberations and interactions.
- Governing body direction to staff should be by consensus rather than by individual action.
- Once a decision is made, move on, bury disagreements, and expect staff to follow through as defined.

Protocols

Protocols focus on civility, courtesy, and decorum. Some governing bodies develop informal protocols to guide how they'll work together as a team and what constitutes acceptable behavior in public settings. Protocols may also cover the governing body's expectations for the behavior of local government staff and the public at meetings.

Formal protocols define both acceptable behavior and consequences for violations. For example, a governing body member who regularly violates the rules may be reprimanded or formally censured, or a citizen whose behavior is unacceptable may be barred from further testimony.

While it is difficult to legislate behavior, written, adopted, published, and accepted protocols provide a framework for positive and productive meetings.

Sometimes, the biggest challenge for the mayor or governing body chair is keeping discussion focused on the issue rather than on the person. That's why

Sunnyvale, California (www.sunnyvale.ca.gov), developed this checklist as part of its *Code of Conduct for Elected Officials* to help individual council members assess their behavior at public meetings.

- Will my decision/statement/action violate the trust, rights, or goodwill of others?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

Palo Alto, California (www.cityofpaloalto.org), provides guidelines for council conduct with one another, with staff, and with other boards and commissions; staff conduct with the city council; and other procedural issues in its adopted *Council Protocols*. Specific protocols related to public meetings include the following:

- Use formal titles.
- Practice civility and decorum in discussions and debate.
- Honor the role of the presiding officer in maintaining order and equity.
- Demonstrate effective problem-solving approaches.
- Be respectful of other people's time.

a rule against personal attacks that applies to both the governing body and the public is valuable. Personal attacks among governing body members or from a community activist, protestor, or gadfly interfere with decision making and, over the long run, discourage others from participating productively.

Members of the governing body set the standard for civility and decorum at the meeting by modeling expected behavior. You can't challenge or reprimand a disruptive citizen if disruption and personal attacks are common among governing body members. Written protocols set the framework for behavior. Good judgment and sensitivity to your public role make the difference.

A Well-Planned Agenda

*If I had eight hours to chop down a tree,
I'd spend six sharpening my axe.*

—Abraham Lincoln

Generally the chief administrative officer prepares the governing body agenda, working closely with the mayor/council chairman. The agenda usually balances routine items that a governing body must act on with issues related to the governing body's priorities. The more your priorities drive your agenda, the more effective your meetings will be.

To ensure that you are using your time most effectively, it may be useful for the chief administrative officer and the governing body to agree on criteria for organizing the agenda. Criteria to consider include

- **Policy impact/connection to priorities:** Issues that have significant policy implications, are directly related to your established priorities, and may have

a long-term impact on your community should get the most time on your agenda—and usually early in the meeting.

- **Citizen interest:** Particular issues of concern or interest to constituents should be accommodated on the agenda if possible.
- **Relevance to other issues:** Items that are related to or contingent on one another should be listed consecutively or under one heading.
- **Immediacy:** A deadline or crisis should be considered when arranging agenda items. Usually a well-planned approach to public business will cut down on the frequency of crises, but emergencies happen, and your agenda should take that into account.

Chief administrative officers recognize the importance of developing agendas that will support the governing body in carrying out the public's business. A carefully structured agenda and clear, complete, and concise backup materials create an environment for effective decision making.

While governing body agendas vary significantly from community to community, most include the same general information for all items: (1) the issue to be covered; (2) a brief background statement, including a staff recommendation; and (3) the action expected by the governing body. Practical tools such as **consent agendas**, which group routine issues under one action, and **fact sheets**, which summarize the scope of agenda items, can be helpful in managing time and information at a governing body meeting.

Successful meetings start with carefully planned agendas. The chief administrative officer and department staff support governing body decision making by planning agendas and providing both background reports and recommendations for action.

Committees and Work Sessions

Committees and full-group work sessions give elected officials time to explore complex issues in depth between regular meetings where decisions are made.



Fast Fact

More than 80 percent of local governing bodies use committees to examine policy issues, according to NIC's survey, compared with only 61 percent in 1979. Only 70 percent of smaller communities use committees, compared with 91 percent of larger cities (200,000 population or more).

Governing body committees are smaller groups that prepare issues for action by the full body. Ongoing or standing committees are often organized around major government functions—for example, public safety, community and eco-

conomic development, financial management, intergovernmental relations, land use and planning, transportation, energy, and the environment. Ad hoc committees are organized around urgent priorities or emerging challenges.

Governing body work sessions allow the entire governing body to study issues in more depth before making a decision.

The advantage of committees and work sessions is a more informal environment. Members can ask clarifying questions, discuss issues at length with expert staff, seek additional information, and prepare for formal decision making. Professional staff with relevant expertise are assigned to work closely with members in committees and work sessions.

Three caveats about committees and work sessions are important to remember:

1. Decisions are not made in committee meetings or work sessions.
2. Committee meetings don't preclude or eliminate public debate at formal meetings.
3. Most open meeting laws apply to committee meetings and governing body work sessions, which means that the public is invited.

Recap

- Policy making happens in meetings, so working together to make sure meetings enable good decision making is an essential part of your job.
- Open meeting laws guide the process of public decision making.
- Well-written rules of procedure and clear protocols that everyone agrees to follow provide a framework for successful governing body meetings.
- Successful meetings start with carefully planned agendas that help participants address the most important issues in a timely and productive way.

Recommended Local Reading

- State open meeting and freedom of information laws
- Adopted rules of procedure
- Recent governing body agendas and minutes
- *Roberts Rules of Order* or local parliamentary procedures