

Get Your Public Meetings Back on Track

www.ca-ilg.org/getting-meetings-back-on-track

April 2013

Question: *Our agency needs help with some ongoing issues related to governing body meetings. First, the meetings run very long. As the evening wears on, the tone of the discourse and quality of decision-making decline.*

In addition, we have at least one elected official who is frequently disruptive, which seems to encourage members of the community to follow suit. We are worried that this reflects badly not only on those involved in the disruption, but also on the entire agency. And finally, a number of community leaders are concerned that the rough-and-tumble nature of our meetings is discouraging good people from running for office.

What can we do to get our public meetings back on track?

Answer: Unfortunately, disruptions and disruptiveness in meetings seem to be increasingly common for local agency officials. While there is no one answer or simple solution, the following ideas and resources may be helpful in your efforts to improve the situation.

Disruptiveness and how to handle it present both ethical and legal issues. The values of respect and responsibility can be good guideposts for everyone participating in public meetings. Respect in this context has at least two dimensions: respect for differing viewpoints as well as respect for people's time.

As for responsibility, everyone involved in public processes has certain responsibilities. These include coming to meetings prepared and contributing to the wise use of meeting time. It also means structuring decision-making in a way to maximize the likelihood that decisions are made with the public's best interests foremost in mind.

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The preparation and distribution of this resource is made possible through the generous financial support of the Meyers Nave law firm.


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About Disruptiveness

A threshold question to ponder is *why* people are engaging in disruptive behavior (or behavior perceived as disruptive). The reasons vary. Differing visions for the community may be at the center of the problem; personality conflicts can also play a role. Disruptive behavior may stem from participants' conflicting views of the meeting's purpose or how it should be run.

Sometimes people resort to disruptive behavior because they believe their perspective is not being heard or taken into account, and they feel shut out of the decision-making process. So disruption becomes a way of "turning up the volume" to increase the likelihood that one's views will be noted and respected.

Even if people disagree about which decision best serves the public's interests, consider ways of incorporating the disruptors' concerns into the decision-making process so they feel less need to be disruptive. Engaging in active listening techniques — making eye contact with those speaking, taking notes, maintaining a respectful demeanor and acknowledging the point being made — can assure speakers that their views are being heard.

Conflict is a natural part of the democratic decision-making process. As John W. Gardner observed, "Our freedom, our pluralism, our dispersion of power all invite healthy conflict as various groups and individuals pursue their diverse purposes. The reconciling of such divergent purposes is one of the tasks of a leader."¹ Gardner also observed that "substantial rewards flow to leaders who have mastered the bargaining arts."²

A number of useful resources offer leaders suggestions on how to reconcile divergent perspectives (www.ca-ilg.org/meetingresources).

Goal-Setting Workshops and Standards of Conduct

Annual goal-setting processes can be useful forums for establishing governing board and organizational priorities for the year. These workshops can provide a forum for decision-makers to discuss bigger-picture challenges facing the community and find common ground that is sometimes elusive on more specific, contentious issues.

Such workshops offer an opportunity for the governing body to review, discuss and adopt procedures on how it will conduct the public's business. Sometimes referred to as meeting protocols, these standards typically address the agenda format, how items are placed on the agenda, parliamentary procedure,³ decorum and similar issues.

Protocols can also help alert decision-makers to techniques that avoid prolonging meeting discussion and resolutions. For example, if the decision-makers know they will be able to share their views after public comment, they may feel less need to interrupt speakers. Find sample protocols at www.ca-ilg.org/post/codes-conduct-elected-boards.

How agendas are structured can minimize or amplify frustration. Consider these practices:

- Put a general public comment period at the beginning of the meeting, so people who have come to the meeting to comment on non-agenda items can do so without having to wait until meeting's end, which can amplify frustration. To balance these individuals' interests against those who have come to speak on agenda items, create a time limit for this section of the agenda. If not all comments can occur within the time period allotted, allow the general public comment period to be continued to a later point in the agenda.

Meetings: An Endpoint or the Only Point in the Decision-Making Process?

Another question to ponder is whether, in essence, the agency is asking the governing body meetings to do too much. Governing body meetings are subject to some fairly inflexible rules. These rules are designed to protect important values such as transparency, fairness and free expression. Ironically, however, the rules that flow from these values can constrain the unfettered exchange of ideas and information. In addition, for various reasons, those participating in the meetings may not reflect a true cross section of community conversations.

Meetings provide a forum where members of the governing body can hear the public's perspectives on a given issue and make decisions. However, this endpoint in the decision-making process does not have to be the *only* point at which members of the public can be heard. Sometimes conflict can be worked through in activities prior to the meeting where the governing body will make a decision. These activities can also offer opportunities for residents to learn more about the issues facing the community, exchange ideas and provide decision-makers with a broader sense of local opinion than may occur in governing body meetings.

Thus, for important, complex or controversial issues, consider whether more extensive conversations within the community might be beneficial. Public meetings that occur in advance of the agency meeting at which elected officials must make a decision provide additional opportunities for the public to be heard. Such conversations can help decision-makers assess whether those who are inclined to be disruptive represent broad-based community sentiment or a more minority view. They may also reveal options and approaches that might result in win-win decisions that address the concerns of all segments of the community. And of course, conversations can occur through many venues, including technology-based forums and/or facilitated community discussions.

In addition, if decision-makers need more time to receive information and public input on complex, difficult or time-consuming issues, "study sessions" offer another option. These meetings of the governing body are held separately from regular governing body meetings but comply with all open meeting requirements. In some situations, it may be more effective to conduct study sessions in locations other than the regular meeting place, but still within the jurisdiction of the governing body, where less formality may inspire more open communication.⁴

For resources on engaging the community in the decision-making process, see www.ca-ilg.org/basics-public-engagement.

- Similarly, out of consideration for those who are attending a meeting for a specific item, try to schedule those items early in the agenda. This can also have the advantage of taking up difficult or contentious items before meeting participants grow tired (which can diminish the quality of both discourse and decision-making).
- Put routine or non-controversial items (usually referred to as the "consent" calendar) toward the end of the agenda.⁵

- Schedule closed sessions (those not open to the public) in ways that minimize the need for the public to wait.

Avoid overly long meetings whenever possible by identifying how much time meetings should take. Take care not to put more on an agenda than can be reasonably accomplished in the allotted time.

Importance of the Presiding Official's Skills

The presiding official's skills also affect how well meetings run and how constructively conflicts are handled. A presiding official can use a number of techniques to keep the conversation focused and moving toward resolution.

Setting the Stage When the Meeting Begins

A welcome and introductions help the public — particularly first-timers — know who is sitting at the dais, what opportunities there will be to provide input, and how they can understand what is going on (for example, where public comment forms are available, and where people can pick up the equipment if translation equipment and services or assistive hearing devices are available). A brief overview of the agenda's major sections can remind both decision-makers and the public what needs to be accomplished during the meeting.

Defining the Issue to Be Decided

The presiding official can also help by identifying the question or issue to be decided. For example, the chairperson could say, "The issue before us is whether the application to engage in X enterprise meets the standards in our zoning code for such activities." This enables the presiding official to refocus a discussion that is veering off topic.

Listening to the Points Being Made

The chairperson can keep conflict from bogging down the discussion by acknowledging points of disagreement, which helps people know that their perspective has been heard. The chair can also listen for points of agreement and developing consensus that might form the basis of a motion.

Additional Resources

The values of respect and responsibility can be good guideposts for everyone participating in public meetings, as discussed in a prior "Everyday Ethics" column on grandstanding (www.ca-ilg.org/document/dealing-grandstander).

More information about the importance of clear goals and priorities and focusing on core functions appears in "Tips for Chief Executive Success" at www.ca-ilg.org/Board-Chief-Executive-Relations.

For helpful advice on chairing meetings effectively, visit www.ca-ilg.org/document/how-chair-meeting.

Tips on dealing with deeply held views can be found at www.ca-ilg.org/DeeplyHeldConcerns. Strategies for coping with emotional audiences are available at www.ca-ilg.org/document/dealing-emotional-audiences.

The Institute for Local Government (ILG) website offers numerous resources related to public meetings. Visit the ILG Meeting Resource Center (www.ca-ilg.org/Meetings).

To play an effective role in managing conflicts that arise during the course of a discussion on an issue, the presiding official needs the group's trust and respect. To earn this trust and respect, he or she must conduct the meeting fairly. This means applying the group's agreed-upon standards in an impartial way. As part of this impartiality, it can be helpful for the presiding official not to engage in debate and to refrain from expressing his or her views on a matter.

If the discussion gets particularly heated among two or more decision-makers, having people address their remarks to the presiding official is a useful strategy. Taking well-timed breaks to allow participants to regain their composure can also help.

What the presiding official *cannot* do, however, is shut out perspectives with which the majority of the governing body disagrees. Generally, every agenda must provide an opportunity for the public to address the governing body on any item of interest to the public within the body's jurisdiction.⁶ If the issue of concern is one pending before the governing body, the opportunity must be provided before or during the body's consideration of that issue.⁷

The presiding official can encourage everyone to be civil and mutually respectful but cannot stop or remove speakers for expressing their opinions or criticizing the governing body.⁸ (Doing so can risk a civil rights lawsuit.⁹)

Individuals who are actually disrupting the meeting may be removed.¹⁰ Before doing so, the presiding official is well-advised to give the individual advance notice that their conduct is disrupting the meeting and what they need to do to remain a part of the meeting.

In addition, if a group willfully interrupts a meeting and order cannot be restored, the room may be cleared.¹¹ Media representatives must be allowed to remain, and only matters on the agenda can be discussed.¹²

Both options are legally available, but should be reserved for the most extreme situations as they involve legal risk and can put the agency in a bad light.

Seek Professional Advice

Although the Institute for Local Government endeavors to help local officials understand laws that apply to public service, its informational materials are not legal advice. In addition, attorneys can and do disagree on the best application of those rules to public meeting practices.

Officials are encouraged to consult an attorney for advice on specific situations.

Other Strategies to Make Meetings More Productive

Staff Preparation

Solid staff work that clearly identifies the issues to be decided and the information that bears on the decision helps keep the discussion on point. Conversely, unclear or incomplete staff work can have the opposite effect. Staff presentations should *summarize* information in the staff report. Both written and oral staff communications should use clear language that everyone, including the public, can understand.

Decision-Maker Preparation

Coming to meetings prepared reflects well on a decision-maker, particularly when such preparation results in everyone's time being used efficiently and respectfully. This includes asking questions of staff in advance — either to save time at the meeting or, for those questions that need to be addressed in the meeting, to enable staff to prepare to answer the question accurately and succinctly.

When Many People May Want to Share Their Perspectives

Even if people want to share their views, they may be anxious about public speaking. This anxiety can be heightened when participants are uncertain about how best to express their point of view. The Institute for Local Government offers a series of tip sheets (www.ca-ilg.org/onepagers) on how to make the most of the allotted speaking time, which local agencies can link to and/or distribute.

Providing multiple ways for residents to express their views can reduce the pressure on meeting time. Encourage letters and other communication mechanisms for the public to make their views known. At the meeting, ask for a show of hands or ask for a group to appoint a spokesperson and then give that person additional time. These techniques can enable decision-makers to gauge community sentiment while avoiding repetitive comments that prolong a meeting.

As a general practice or on specific issues, agencies may adopt reasonable regulations to ensure that everyone has a chance to speak and the agency can complete its business.¹³ Time limits

Building Bridges in Deeply Divided Communities: Food for Thought

The most contentious and disruptive public meetings sometimes occur in communities that are deeply divided politically and culturally and/or undergoing social and economic change. In these cases, social conflict spills into public meetings but is not necessarily generated or confined there. Given that such problems tend to be larger than the local agency, the solutions need to be, too.

In one California City, skilled leaders consciously fostered an environment in which the wealthy hillside residents, the aging Anglo community and the younger, less affluent people of color from the flatlands could create a sense of shared community through events such as picnics, parades, cleanup efforts and other activities. The goal was to create new, more positive shared experiences.

Notably, one part of this strategy carried over into the city's public meetings. The council's agenda always begins with one or two "feel-good" items, frequently involving children. These items are intended to remind attendees that they are part of a larger community. In addition, adults are generally more likely to conduct themselves appropriately when young people are present.

should be applied in an even-handed manner, and decision-makers can serve as an example in keeping their comments limited to the issue at hand and avoiding repetition. Using speaker slips and announcing who will speak next, so they can be ready at the speaker's podium when the previous speaker finishes, can also save time.

Conclusion

Former U.S. Senator Barry Goldwater famously observed that one does not have to be disagreeable to disagree. Senator Goldwater was not an individual without passion for his position, having also said, "... extremism in the defense of liberty is no vice [and] ... moderation in the pursuit of justice is no virtue." The point is that passionate leaders are most successful in pursuing their passions if they can find common ground with others to find and advance shared values and goals.

A well-organized agenda, opportunities for public comment and following protocol among decision-makers are essential to an effective meeting. A successful meeting is one where everyone feels heard even if the outcome was not the one they wanted.

About the Institute for Local Government

This resource is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties.

For more information and to access the Institute's resources on ethics visit www.ca-ilg.org/trust.

The Institute welcomes feedback on this resource:

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References and Resources

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ John W. Gardner, *On Leadership*, The Free Press:1990, at 97.

² *Id.* At 104.

³ For more information on parliamentary procedure, see www.ca-ilg.org/document/parliamentary-procedure-simplified.

⁴ For more information about open meeting requirements, see www.ca-ilg.org/transparency.

⁵ Based on the size of agency, staff and timing of meeting, there may be additional considerations for jurisdictions to consider.

⁶ Cal. Gov't Code § 54954.3(a); Cal. Educ. Code § 72121.5

⁷ Cal. Gov't Code § 54954.3(a).

⁸ Cal. Gov't Code §§ 54954.3(c), 54957.9; *Perry Educational Association v. Perry Local Educators' Association*, 460 U.S. 37, 46 (1983); *Acosta v. City of Costa Mesa*, --- F.3d ----, 2013 WL 1847026 (9th Cir. 2013).

⁹ See 42 U.S.C. §§1983, 1988 (providing for attorneys fee awards if the suit is successful).

¹⁰ *Norse v. City of Santa Cruz*, 629 F.3d 966, 976 (9th Cir. 2010).

¹¹ Cal. Gov't Code § 54957.9.

¹² *Id.*

¹³ Cal. Gov't Code § 54954.3(b); *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990).

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