



Coping with
a disruptive
elected official

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The Outlier

If you haven't dealt with an outlier councilmember or elected official, you probably will at some point in your management career. While there are varying degrees of "outlier behavior"—behavior by people who are considered nonconformists—in the most extreme cases, these individuals can have a significant impact on their fellow elected

officials, the appointed chief executive, the members of the organization, and even the community.

In 2014–2015, Cal-ICMA, the official state affiliate for the International City/County Management Association in California, conducted a poll and a series of focus groups dealing with the major challenges faced by city and county managers in the state. Called the Survival Skills

project, the end result was a report titled *Challenges and Strategies: Maximizing Success for City and County Managers in California* (http://www.ca-ilg.org/sites/main/files/file-attachments/cal-icma_report_challenges_and_strategies.pdf).

This study revealed that while most of those surveyed viewed their relationship with elected officials to be generally positive, in a large number of cases a significant concern was one or more dissenters representing less than a majority of the governing body.

It was clear that even one such individual, depending on his or her conduct, could have a negative impact on the

manager and the organization. While outlier conduct can vary significantly, in the most extreme cases it can present one of the most difficult and frustrating challenges for a manager.

Based on these findings, Cal-ICMA sponsored two panels on the topic at League of California Cities conferences in 2017—one at a manager’s conference and one at a conference for elected officials. The issues discussed and the strategies suggested are the subject of this article.

Different Types of Outliers

Sometimes an elected official, especially one who is newly elected, can be considered a nonconformist simply because he or she represents a change to the prevailing pattern. Perhaps the council has seen little change in recent years, and the new member is simply not someone familiar to the remaining members.

In some circumstances, a new councilmember can represent a different cultural, ethnic, racial, or gender group or a new generation. At other times, the member who is considered an outlier may have a different philosophy or orientation regarding one or more community issues. They may challenge the status quo.

In still other cases, the person’s work style may vary from the other members and perhaps from previous practice; for example, how much information the person needs and a preference on how it is communicated.

And, of course, someone can be considered an outlier because of personality, communication style, and nature of interpersonal skills. In the most challenging circumstances and probably what most of us would consider outliers to be, the conduct of the individual is disruptive and counterproductive.

While this article will focus on this last example, it is sometimes important for managers to remind themselves, as well as the elected officials they work with, that someone simply being new, representing a different demographic, having a different style, or questioning the status quo is not in and of itself inappropriate.

Assuming they are not conducting themselves in some fashion that is otherwise inappropriate or counterproductive, they have a right to be “different” and to represent diverse perspectives. There may be times when a manager needs to remind elected officials they work with that representing a different perspective or having a different working style should not be considered a problem.

Elected councils and boards are often strengthened by having voices that represent a broader cross section of their constituency. It can be counterproductive for managers and elected officials they work with to try to change a colleague who may not reasonably need to change.

The Classic Outlier

Unfortunately, the elected council and board members who managers work with are often challenged by a much different type of outlier. Mike Conduff, a former manager who is a frequent *PM* magazine columnist on manager-council relations, describes the stereotypical outlier as often displaying these behaviors:

- Treats every staff presentation as an inquisition.
- Routinely discloses confidential information to the media.
- Spends all of his or her time on minutia and misses the big picture completely.
- Is never prepared for a meeting and regularly asks questions that were answered in the council or board packet.
- Is never willing to bring closure and always wants more information before voting.
- Refuses to abide by the meeting rules of order.
- Circumvents the manager, going instead to internal staff, including the manager’s assistants.
- Is always trying to make staff and the chief administrator and fellow elected officials look bad.

In addition, such individuals can often attack their fellow elected of-

ficials and sometimes members of the public. They can also vary in their time demands on the manager, ranging from never being available to meet or monopolizing large amounts of the manager’s time.

Such behaviors can have these negative consequences:

- Being disruptive to the work of a council or board, including the effectiveness of public meetings.
- Causing elected officials and organization to lose the confidence of the public.
- Discouraging other members of the public to serve as elected officials or in other capacities.
- Hurting the morale of the staff, including the manager, and making it more difficult to have a highly effective organization and possibly even to attract and retain staff.

Time for Intervention

While it is often uncertain if any form of intervention will likely change the behavior, the nature of the negative impacts often compels the need to at least try.

One of the first steps to take is to be clear regarding what behaviors are considered inappropriate and why. As noted earlier, simply having a different personality, work style, or philosophy is not in and of itself inappropriate.

It is important to be clear that the behaviors that are suggested be changed are truly outside the norm of reasonable conduct for an elected official. It is also important to be clear about why the conduct should be changed. What are the impacts, and why are those impacts negatively affecting the governing board, staff, or public?

Among the challenges of determining how to deal with the conduct of a maverick official is avoiding either overreacting or underreacting to the conduct. In regard to the former, sometimes we can respond too aggressively to conduct that is an isolated incident or simply annoying.

In other cases, managers or elected officials can fail in their responsibility to

deal with serious inappropriate behavior, sometimes for fear of confrontation or the potential consequences of intervention. It is important, therefore, to initially evaluate what the conduct is that is causing concern, determine how far outside the norm of appropriateness it falls, and decide which strategies to confront the behavior are reasonable.

Intervention is necessary in a number of circumstances, including when the effectiveness of the elected body is negatively impacted, when the manager and staff's ability to conduct its work in a reasonable environment suffers, or when the public confidence in the organization is eroded.

Once the conclusion is reached that intervention is appropriate and necessary, the question is: "Who should do it?" A strong case can be made that the primary responsibility for dealing with an elected official's inappropriate conduct lies with that person's elected peers.

In particular, if the consequences of the outlier's behavior primarily impacts the other elected officials and the conduct of their business, it is usually appropriate for fellow elected officials to take the lead. This often falls to the mayor or chair since they are considered the leaders of the elected body.

However, there can be circumstances when another of the elected officials is better positioned to intervene. This can be the case when the mayor or chair has difficulty with having conversations on challenging issues. (Yes, you might ask: Why are they in their positions?) Or perhaps when another colleague is viewed as having more credibility with the person who is causing concern.

Unfortunately, the outlier's peers are often reluctant to take action due to concerns about the consequences of confronting the problem. What they often underestimate is the negative consequences of doing nothing.

The Manager's Role

In these circumstances when the negative impacts are primarily on council (not staff), the manager can decide

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to what degree to get involved. Some managers believe it is best to let the issue be addressed without any of their involvement since it is an issue between councilmembers, while others believe more direct involvement by the manager is appropriate.

The manager can often play a helpful role by suggesting to the other elected officials how they might approach the issue—serving as an adviser but not becoming directly involved. Some managers believe that their direct involvement is appropriate and necessary since the effectiveness of the council impacts the effectiveness of the organization as a whole.

The more the manager becomes directly involved, however, the more likely the outlier will directly target him or her. In the worst-case scenario, the manager could end up being blamed for the friction between councilmembers.

Often, outliers' conduct can be less public and primarily have negative impacts on the manager and staff. While in such cases it is often still most appropriate for the conduct to be confronted by fellow elected officials, the manager often has no choice than to become more directly involved.

If the manager's or staff's performance or working conditions are negatively impacted by the conduct of an elected official, the manager must determine how to deal with it. It is often appropriate for the manager to first intervene with the outlier directly to discuss the problematic conduct.

If eventually unsuccessful, the manager will probably need to enlist the assistance of the mayor, the chair, and or the elected body as a whole to address the issue.

And the manager's greatest responsibility is to protect the staff of the organization from inappropriate conduct, including that which would result in a hostile work environment. Chief executives cannot avoid their responsibility to protect their staff from undue influence and inappropriate conduct, even from elected officials—at least not if they are to truly accept the responsibilities of their position.

Levels of Intervention

Here are the levels of intervention that can be undertaken:

- Personal intervention.
- Soliciting help from others, including potentially a facilitator.
- Formal and outside intervention:
 - Censure.
 - Investigation.
 - Formal complaint.

It is usually best to try to resolve the matter as informally as possible. In the best situations, a private conversation involving the manager and mayor can have the desired impact.

Often, the manager—or mayor depending on the circumstances—may seek the help of someone else to assist. This could be another councilmember who has a better relationship with the individual or even someone from the community who both agree that the conduct is counterproductive and has a good relationship (possibly a campaign supporter) with the outlier.

Sometimes using an outside facilitator to intervene is a reasonable approach—either in facilitating a conversation or in conducting a group team-building session, during which

time both positive and counterproductive behaviors can be discussed.

In the worst-case scenarios, formal action and intervention may be required. This could include public censure by the governing board, a formal investigation of the conduct of the elected official, or registering a complaint with an outside agency.

While these actions are usually best left until all other strategies are exhausted, a single act of serious misconduct might force one of these options to be implemented as a first step.

What If All Else Fails?

The unfortunate reality is that there can be many circumstances of negative and counterproductive elected official behavior that cannot be changed. Assuming the conduct has not reached the point of significant misconduct and is more in the realm of being negative or counterproductive, these approaches may be helpful to keep in mind:

- **Exercise emotional maturity/intelligence.** Try to stay professional and not make it appear that you have made it personal. Hold firm to required positions but in a way that does not communicate personal animosity.
- **Keep communication open.** It won't be helpful to shut down communication with the individual, though he or she may choose to do so.
- **Keep it in perspective.** Don't let the conduct of one individual monopolize your attention and that of the council and staff. If this elected official's goal is to disrupt, minimizing that disruption to the greatest extent possible is the best response.
- **Insulate your staff from any negative conduct** to the greatest extent possible.
- **Help the council and staff stay focused** on the work of the organization.
- **Accept that the best you may be able to do is to minimize the negative consequences** of the outlier's conduct.

You Are Not Alone

Dealing with a challenging outlier is not an unusual circumstance in the management profession. While it is one of our profession's most vexing challenges, do your best not to let it get in the way of your appreciation for all the other positive individuals you work with. Stay focused on the good you and your organization are doing for your community on a daily basis.

While we can't control who gets elected to a governing body, managers can control how they react to these individuals. In the case of problematic outliers, carefully reflecting on the type of conduct being exhibited and the role that you or others play in responding to the conduct and the actions to take, will best position you to appropriately respond to the challenge. **PM**



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