Everyday Ethics for Local Officials

Promoting Civility at Public Meetings: Concepts and Practice

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QUESTION

We are concerned about the tone of our meetings. Discussions about important community issues degenerate into personal attacks – both between elected officials and between elected officials and the public. I'd like to raise this issue, but I don't want to be accused of engaging in the same kind of personal criticism that I am lamenting in others. It seems like a no-win situation. Could you address this issue?

ANSWER

The issue you raise is one of civility. Like many of the issues addressed in this Guide, civility involves competing sets of "right" values: the value of free expression versus the value of respect for fellow participants in the democratic process. Critics have attributed the erosion of civility in society to the elevation of self expression over self-control.[1]

However, this is a fairly easy ethical dilemma to resolve insofar as it is possible to be both expressive and civil and therefore maximize both values. In fact, there is an argument that more people will be inclined to participate in a public deliberative process that focuses on the merits and demerits of an issue, as opposed to focusing on personal attacks.

This first piece will examine the civility issue in more conceptual terms; the second will share the more practical experiences of local officials in promoting civility at public meetings.

PART ONE

What Is Civility?

Civility refers to the way people treat each other with respect – even when they disagree. Even though disagreement and confrontation play a necessary role in politics, the issue is how that disagreement is expressed. The key is to focus on the strengths and weaknesses

of proposed solutions to community problems – not to engage in personal attacks against those who favor different solutions.[2]

Why Should We Care About Civility?

Scholars are concerned (and the data seem to demonstrate) that public officials' incivility to one another contributes to voter alienation and antipathy toward government.[3] Some believe that government's inability to deal with a broad range of problems results from the destructive way in which issues are being addressed.[4] For example, 60 percent of poll respondents are "very concerned" that candidates attack each other instead of discussing the issues.[5]

There is a "reap-what-you-sow" element to this analysis for elected officials. If public officials themselves attack their fellow officeholders, who can blame the public for: 1) believing the attacks; and 2) engaging in the same kind of attacks? Interestingly, the rules of professional conduct for one bar association recognize this dynamic by encouraging its members not to "attribute bad motives or improper conduct to other counsel," recognizing that such accusations bring the entire legal profession into disrepute.[6]

Thus, if personal attacks permeate the interactions of public officials, there is the significant risk that all participants will be tarred by the same brush. This phenomenon is exacerbated by media coverage that, in the words of one analysis, "stoke the fires of negativity"[7] by emphasizing such attacks in their coverage.

The Case Against Civility

On the other side of the debate, researchers have theorized that, while civility is an "indispensable prerequisite to a democratic society," it can also reinforce the status quo in terms of power relationships.[8] One scholar, Virginia Sapiro, notes that, for much of U.S. history, women could violate the norms of civility by "simply appearing in public places or certainly, by attempting to engage in politics at all. There simply was no way for women to advance their interest through politics in a civil manner."[9]

Syndicated talk show host and then-presidential son Michael Reagan made a similar point when he argued that what really matters is not who is more civil, but who wins. "After all, revolutions aren't made without ruffling feathers, and revolutionaries aren't renowned for their etiquette."[10]

Along the same lines, political scientist Sapiro observes that "contentious acts occur when people are excluded from participating in more mainstream political processes."[11]

If any agency finds itself in a situation in which those with the minority view are acting increasingly contentious and uncivil, a question to ponder is whether they would have a more constructive approach if they felt their views were being listened to and taken into

account. Being perceived as a force of unity in the community as opposed to a force of division can have real political benefits as well. Put another way, constant bickering among community leaders can reflect poorly on all who engage in it.

Incivility as an Antidote to Arrogance?

Sociologist Charles Flynn notes that insults directed at political leaders symbolize important democratic values as well, insofar as we live in a country where "freedom to insult one's political opponents is an indispensable democratic privilege."[12] He also notes that insults "provide a check against those in power who may be tempted to think of themselves in grandiose terms, above the rest of humanity."[13]

The case for incivility also brings to mind the British Parliament, where insults are bandied about in relatively good humor. Within the rigid confines of parliamentary procedure, even the prime minister exchanges slurs and barbs with members, and is able to move things forward in the spirit of wit and open debate.

Promoting Civility

Ultimately, however, the quest for civility has merit for public officials. Martin Luther King Jr.'s observations are instructive:

> In a neighborhood dispute there may be stunts, rough words, and even hot insults; but when a whole people speaks to its government, the dialogue and the action must be on a level reflecting the worth of that people and the responsibility of that government.[14]

Is it Possible to Legislate Civility?

Legislating civility can be a tricky undertaking, as one Northern California city discovered when it considered adopting a code of conduct for council members that emphasized civility. The proposal garnered international attention and was (probably unfairly) characterized as an effort to stifle free expression (possibly because the policy discouraged the use of facial expressions to signal disapproval).[15]

Some agencies have had better success with codes of ethics that generally emphasize respect for those with divergent viewpoints.[16] The theory underlying such codes is not to create an enforcement mechanism so much as to create an opportunity to engage in discussion and identification of shared values. As political scientist Sapiro noted, "Civility is itself something that needs to be sought, deliberated and negotiated."[17]

On the other hand, the Greek philosopher Aristotle believed that virtuous behavior had to be voluntary and that civility is a form of virtuous behavior.

An Opportunity for Self Reflection?

At the risk of being accused of blaming the victim, it may be useful for those in communities beset by extraordinarily contentious politics to engage in some self reflection.

Could the reason be that those contributing to the contentiousness feel excluded from the decision-making process? As hard as it may seem, the "solution" to the lack of civility may be greater inclusion of those who feel disenfranchised. This presents an interesting question to ponder. Will the inclusion of those who truly care about solving the community's problems in problem-solving processes produce better results for the community in the long run? Will those who feel excluded from the process support demagogues who will stop at nothing to force inclusion? It is undeniably risky to include those who disagree with you in the decision-making process; but perhaps it is riskier in the long run not to do so.

This also raises the question of what constitutes leadership. There is a line of thinking that the traditional autocratic and hierarchical modes of leadership are yielding to the notion of "servant-leadership," a concept coined by management consultant Robert Greenleaf in 1970.[18] According to Greenleaf, "The servant leader is servant first…He or she is sharply different from the person who is leader first, perhaps because of the need to assuage an unusual power drive or to acquire material possessions." Servant-leadership emphasizes a collaborative approach to problem-solving, which involves listening to others' ideas as well as proposing solutions.

Frances Hesselbein of the Drucker Foundation makes a similar point when she observes that true leaders know that leadership has little to do with power. In her essay "The Power of Civility,"[19] Hesselbein says that civility has to do with respect for other people. She also notes that we have to demonstrate that attitude for ourselves before we can expect it of others.

King's admonition to his listeners to set their standards of discourse high – irrespective of how others behave – is consistent with the quote from Gandhi that "you must be the change you wish to see in the world." Moreover, as Mark Twain observed: "Few things are harder to put up with than the annoyance of a good example."[20]

Strategies for Achieving Greater Personal Civility

So how do we achieve more civility in public discourse? In their essay The Meaning of Civility,[21] Guy and Heidi Burgess, co-directors of the University of Colorado Conflict Research Consortium, offer these suggestions:

- Separate the people from the problem. Recognize that other thoughtful and caring people have very different views on how best to address their community's many complex problems. Focus on solutions that are most likely to be successful. Avoid resolving disputes on the basis of "us versus them" animosity and seek the relative merits of competing problem-solving strategies.

- Obtain the facts. Many public policy disputes involve factual disagreements that are amenable to resolution through some type of fact-finding process. Work together to resolve factual disagreements wherever possible. There are, of course, many cases in which factual issues can't be resolved because of irreducible uncertainties associated with the limits of scientific inquiry. When this is true, contending parties need to publicly explain the reasoning behind their differing interpretations of the factual information that is available.

- Limit interpersonal misunderstandings. Make an honest and continuing effort to understand the views and reasoning of your opponents.

- Use fair processes. Genuinely solicit and consider public input. Make decisions on the basis of substantive arguments.

- Keep trying to persuade and allow yourself to be persuaded. One crucial element of civility is the recognition by conflicting parties that it is possible they are wrong and the policies advocated by their opponents are actually better. Seriously consider the persuasive arguments made by your opponents and explain your own position.

- Another strategy suggested by Tom Terez in *Civility At Work: 20 Ways to Build a Kinder Workplace*[22] is to "identify the biggest redeeming quality of that person who's always driving you crazy. Keep it in mind the next time the two of you interact."

Conclusion

A great deal more can be said on this important subject, and it would be naïve to suggest that following some of the strategies revealed by our research in this area would guarantee that others will follow your example. Regrettably, the sine qua non of ethical behavior is that it involves risks and possible personal costs. However, the potential reward for such risks is more respect for your leadership and a greater sense of public confidence in your agency.

PART TWO

QUESTION

Okay, so now we understand what civility is and the role it plays. What specific strategies have local officials used to promote greater civility at their meetings?

ANSWER

We polled various local official listserves and received some helpful ideas. The strategies fall into three major categories:

1. Measures agencies can take generally to promote civility;

2. Strategies for dealing with specific controversial items or instances of incivility; and

3. Thoughts on gadflies.

These generally deal with civility between elected officials and the public. Techniques for promoting civility among elected officials could be considered as another category.

The Importance of the Presiding Official

Many of the elected officials responded by emphasizing the role of the presiding official at meetings. Here are some of the experiences people shared:

*   The City of Pleasanton, in conjunction with the Pleasanton School District, developed a "Community of Character" program. The elements are: integrity, honesty, responsibility, respect, compassion and self discipline. At the beginning of each council meeting, the mayor points to a plaque that describes our Community of Character and goes through the elements. He then goes on to say, "This forum is not a place to attack neighbors or each other. With self-discipline and respect, keep to your five minutes of time to speak." "This has worked out very well, and our meetings have been very civil."– Council Member Steve Brozosky, Pleasanton

*   "At our council meetings, we ask folks before 'Matters From The Audience' (which we do at the beginning of our meetings) and public hearings not to applaud, boo or otherwise make remarks about other people's testimony. I try to appeal to their sense of fairness by saying that we know how hard it is to get up to speak at council meetings, and out of respect for each person's feelings, we should allow them to have their say without comment from the public. I have

found in my 11 years in office that if you ask nicely and explain it as a courtesy to others, almost everyone complies."– Former Mayor Bev Perry, Brea

- "The presiding officer controls the emotions of the crowd a great deal. He or she sets the tone for public comments by reflecting an openness and interest in public input, and by setting ground rules for time and constructive discourse. The mood turns ugly if the public thinks: 1) the matter has already been decided; 2) the council doesn't care about public input; or 3) the council is being impolite or inconsiderate of the public it serves." – City Manager Kevin Northcraft, Tulare

In this regard, it is important to remember that the presiding official is the protector of the process. His or her role is to make sure that all viewpoints are heard, decision-makers have all the information they need, and the public feels its input matters to the decision.

Valuing Dissension Is an Important Element of Democracy

One Bay Area community has made a point of recognizing that differing opinions are the cornerstone of the democratic process. Dana Whitson, city manager of Sausalito, writes:

- Our city council has worked very hard to embrace dissension as a civic right. Part of that tradition means that our citizens treat everyone respectfully and honor other citizens' right to have a viewpoint that is different than their own. The mayor usually reminds citizens to be respectful, including the withholding of applause or catcalls. This nearly always works, but we have found that simple peer group pressure (citizens "shushing" those who are impolite) works wonders.

- …Each community develops a culture around its public life. A council cannot change a culture based on incivility overnight, but its members can create a climate where trust and respect can flourish. In that type of climate, civility will grow. Unfortunately, many communities shun dissension, which is viewed as impolite and as a breakdown in the deliberative process.

- …Because dissension has become more widely embraced as a community value [in Sausalito], our public meetings have become more inclusive, respectful and harmonious. The public regularly comments that democracy is alive and well in Sausalito, and citizens from all walks of life and economic circumstances (from the homeless to wealthy individuals) feel equally comfortable and accepted in the council chambers. As a result, lack of civility is rarely a problem for us.

Santa Cruz Council Member Ed Porter emphasizes that it is important to respect what the public is saying. He says that when elected officials give short shrift to someone's input, it can be devastating to the speaker and can result in a hateful reaction. Part of this respect, according to many of those who responded, is making sure that the public comment periods are appropriately timed.

For example, according to former Mayor Audra Gibson of Mt. Shasta, that council's practice is to make sure the public has adequate time to be heard and allow for lengthy discussion of issues so long as everyone maintains a mutually respectful attitude.

On the respect issue, two city attorneys counsel that it is important to remain aware of body language, both positive and negative. Facing the speaker, sitting still and making eye contact all indicate that you are listening. Crossing your arms, rolling your eyes, grimacing and turning your chair away from the speaker all signal that you are not listening.

These thoughts were shared by Michael Jenkins and Michael Colantuono, each of whom have served as counsel to a number of cities and special districts.

These attorneys also noted that it is always best to treat the audience with respect and in the manner that responsible adults wish to be treated. In general, it is better to serve as an example than to be perceived as a bully or an object of ridicule. As Dwight D. Eisenhower said, "You do not lead by hitting people over the head – that's assault, not leadership."

Pledge of Civility

This pledge is adapted from the Pledge of Civility adopted by the California Public Employee Retirement System Board.

- The manner in which we govern ourselves is often as important as the positions we take.

- The organization's collective decisions will be better – and truer to our mission – when differing views have had the opportunity to be fully vetted and considered.

- All those who appear before the organization's board and committees have the right to be treated with respect, courtesy and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the board interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.

Codes of Civility

Some agencies have discussed and adopted a more specific commitment with respect to civility. For example, Professor Craig Dunn at California State University, San Diego, shares that the governing boards with which he has worked find the Pledge of Civility useful (see "Pledge of Civility," below).

Dan Hentschke, general counsel to the 34- member San Diego Water Authority, also has observed that such pledges or codes can make a difference. The authority's commitment to civil behavior was the product of a series of facilitated workshops (see "Commitment to Civil Behavior," below).

Another approach is to adopt rules of decorum. Sample rules are posted on the League of California Cities website at www.cacities.org/samplerules.

Dealing With Controversial Items On the Agenda

Mayor Liz Harris of Big Bear Lake finds it useful to meet in advance with the city manager to discuss strategies for presiding over the discussion at difficult council meetings. Such meetings are an effort to anticipate the kinds of issues that are likely to be raised and what the appropriate response should be. Is the speaker raising an informational issue that staff can help clarify? Can/should an issue be separated into parts, to identify what there is reasonable consensus on and what are the points of controversy? Are there some issues that may need further work or that can be postponed if an unexpected development occurs?

Others suggest that it can be helpful for staff to meet with stakeholders on a particular agenda item to make sure that:

1. The public has all of the information that the agency has;

2. The public knows that the agency understands their concerns; and

3. Possible resolutions to the controversy can be explored.

Staff can also sometimes play a role in encouraging the public to respect the agency's elected officials. It can be useful to take breaks in discussions that get too heated. Mayor Ed Henderson of Napa reports that sometimes self-deprecating humor can defuse a tense situation at a meeting. He explains that the humor should not be at anyone's expense and that elected officials should conduct themselves with the grace and dignity befitting their office.

More Assertive Techniques

One city attorney reported a situation involving the award of grants, noting that there were always more grant-seekers than funds. The recommendations on grant recipients were made by a committee of volunteers, who became the objects of verbal attacks by disappointed grant-seekers. Some volunteers resigned rather than continue to endure the lack of civility. In response, decision-makers let it be known repeatedly that such outbursts would affect their decisions on the worthiness of organizations to receive city

funds, both now and in the future. According to the city attorney, this seemed to cause the uncivil behavior to simmer down.

City attorneys Jenkins and Colantuono note that disruptive people can be ejected from meetings if necessary. They recommend establishing a record that the disruptive people were given ample warnings and opportunities to leave or reform their behavior voluntarily. Calling in the sergeant-of-arms should be a last resort.

Reaping What You Sow

Tulare City Manager Kevin Northcraft believes that the way in which council members treat each other makes a difference. He observes, "The civility provided in the council chambers by staff and council helps set the tone. We do annual team building for both groups to make sure that disagreements on issues don't get personal. The staff always formally addresses council members as 'Mr./Mrs. Mayor and Council,' uses their own titles and last names at meetings and avoids interrupting the council during their discussions. Our council is respectful to each other, the public and the staff and avoids negative comments about any of them."

Others suggest that council members abide by similar time limits for comments set for the public, keeping their remarks on a given matter brief and limited to the merits of the issues – not the personalities involved. It can be frustrating for the public to be told to keep their remarks brief and to the point, when it appears that council members are not endeavoring to do the same.

On Gadflies

Virtually every community has them: individuals who show up at every meeting to voice their complaints, often repetitiously and sometimes with a tenuous grip on reality and the facts. No one responding to our query had a magic solution to the problem that these individuals' contributions to public meetings create, often by crowding out others who have more specific and constructive reasons for wanting to share their views with the council.

Rich Holmer, city manager of Riverbank, however, shared a chapter from a book he is writing, called City [Silly] Hall. The chapter is on gadflies. One particularly poignant account is of Jake, a longtime community resident who ultimately fell on hard times. Here's an excerpt:

> *As for Jake, we saw less and less of him [over the years]. His attendance at council and historical society meetings became less frequent. He looked withered and thinner, many times un-shaven, and wearing the same wool shirt. The chief had told me his officers had rousted him on more than one occasion for sleeping in the parks or in his truck.*

It was a crisp December night and I had just exited early from a transit tax meeting….I began the 10-mile drive home [and]… Starbucks…beckoned to me….As the door closed behind me, I was taken aback to see Jake…sitting at a table, newspapers covering its top, and a large cup of coffee sitting precariously at its edge. He looked up and our eyes met. I walked over and gave him an obligatory handshake. We exchanged small talk and he mentioned that the police chief should let people sleep in their automobiles. I said it was good seeing him. I excused myself to purchase coffee and…started to pay the cashier when Jake rushed over and said he wanted to buy the coffee. I protested; here was a homeless person buying me a cup of coffee. It didn't feel right…but I stepped aside and said, "Thank you, Jake."…When I turned around, he was gone.

As I gazed out at the clear night sky, I remembered the second meaning of a gadfly: "A person who rouses you from complacency."… I knew I had been presented a precious gift that evening.

Gadflies undoubtedly have many different motivations. One theory is that there is a sense of personal importance and belonging that goes with their regular participation in public meetings. Another is that they truly believe that there are wrongs that need to be righted – and, of course, sometimes the gadflies are right.

> ## Online Resources
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> The Institute for Local Government website has a section to assist local agencies in learning some of the ins and outs of participating in the process as it relates to land use matters. The site explains the land use decision-making process (including a glossary of terms) and includes a "public hearing checklist" to assist members of the public in preparing for public hearings. Visit www.ca-ilg.org/publicparticipation.

The bottom line is that gadflies are an intrinsic aspect of democracy, and there really is no "solution" to gadflies except to try to understand what motivates them and appreciate the underlying democratic principle they represent. The worst strategy, of course, is to allow yourself to respond in kind to the type of angry, personal attacks gadflies are known to make. In addition to having your meetings sinking to the lowest common denominator, responding in kind also hands control over your behavior to others.

More on Public Comment and Participation

Some governing bodies have a suggested time limit for public comment, noting that it is not a reflection of a lack of interest by the elected officials but a matter of mutual respect among all speakers, to make sure their key points are heard.

Coaching the public on effective techniques for participating in public hearings may be helpful. It is possible that some members of the community learned to try to persuade others by force of emotion and conviction (and possibly intimidation) rather than reason.

Commitment to Civil Behavior

To maintain a cohesive, productive working environment, the members of the San Diego County Water Authority Board of Directors have committed to:

1. Support the authority's mission;

2. Bring authority-related concerns, issues and conflicts to the authority board for discussion;

3. Offer alternative solutions when addressing a problem or issue;

4. Show respect to each other as appointed representatives of their member agencies;

5. Promote civility during board meetings and tolerate nothing less;

6. Maintain the confidentiality of material discussed during closed board meeting sessions. Similarly, do not disclose the content or substance of confidential or privileged communications relating to authority business; and

7. Limit the length of comments during board meetings to three minutes per director per item and do not repeat points that already have been stated by other directors.

This piece originally ran in *Western City* Magazine and is a service of the Institute for Local Government (ILG) Ethics Project, which offers resources on public service ethics for local officials. For more information, visit www.ca-ilg.org/trust.

Endnotes:

[1] Stephen L. Carter, "Just Be Nice," *Yale Alumni Magazine* (May 1998) (with attribution to James Q. Wilson).

[2] Guy and Heidi Burgess, *The Meaning of Civility*, Conflict Research Consortium at www.colorado.edu/conflict/civility.htm.

[3] Carter, *Civility: Manners, Morals and the Etiquette of Democracy* (1998), at 9.

[4] Burgess, *The Meaning of Civility*.

[5] Project on Campaign Conduct, *Poll Shows Voters Want Greater Civility, Ethics Behavior in Campaigns; Cynicism and Distrust of Politicians Remain High* at www.campaignconduct.org.

[6] Maryland State Bar Association Code of Civility, available at www.msba.org/departments/commpubl/publications/code.htm.

[7] The Harwood Group, *Money Politics: People Change the Equation* at http://democracyplace.soundprint.org/polls3.html.

[8] John Kasson, "Rudeness and Civility," 1990, discussed in a paper called "*Considering Political Civility Historically: A Case Study of the United States*," delivered by Virginia Sapiro at the annual meeting of the International Society for Political Psychology in 1999, at 6-7.

[9] Virginia Sapiro, "*Considering Political Civility Historically: A Case Study of the United States*" (1999), at 16.

[10] Michael Reagan, "Reagan: 'Bye to the GOP," *USA Today*, April 17, 1997, at 15A, and discussed in Carter, Civility, at 22.

[11] Sapiro, "*Considering Political Civility*," at 13-14.

[12] Charles P. Flynn, *Insult and Society: Patterns of Comparative Interaction* (1977), at 101, 103, 15A, and discussed in Carter, Civility, at 22-23.

[13] *Id.*

[14] Martin Luther King Jr., John Lewis, James Farmer and other civil rights leaders, in the purpose for the *March on Washington for Jobs and Freedom*, August 28,1963. See Civic Renewal Movement website at www.cpn.org/crm/essays/declaration.html.

[15] "Rude Looks: Face-off in Palo Alto," *The Cincinnati Enquirer*, April 18, 2003 (editorial), available at www.enquirer.com/editions/2003/04/18/editorial_memo18ray.html (characterizing the attempt as "silly").

[16] For more information on codes of ethics and sample codes of ethics, see www.ca-ilg.org/trust.

[17] Sapiro, *Considering Political Civility*, at 18.

[18] *See generally* The Greenleaf Center for Servant-Leadership at www.greenleaf.org.

[19] Frances Hesselbein, "The Power of Civility," *Leader to Leader* (Summer 1997), at 6-8, available at the Leader to Leader Institute website: http://leadertoleader.org.

[20] Mark Twain, *Pudd'nhead Wilson* (1893).

[21] Burgess, *The Meaning of Civility*.

[22] www.betterworkplacenow.com/civilityart.html.