

Promoting Civility at Public Meetings

Part II: Practice



Right Versus Right

October 2003

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.

Quote Unquote...

The key to successful leadership today is influence, not authority.

– KENNETH BLANCHARD

Am I not destroying my enemies when I make friends of them?

– ABRAHAM LINCOLN

We learn more from welcoming criticism than rendering judgment.

– ATTRIBUTED TO JIRI JELINEK

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.

Some agencies have discussed and adopted a more specific commitment with respect to civility.

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

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.

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.”

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,” on page 71).

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,” page 75).

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

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.

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

Values at Stake in This Dilemma

- Trustworthiness
- Responsibility
- ✓ **Respect**
- Loyalty
- ✓ **Compassion**
- ✓ **Fairness**

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:

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.

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 roused 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.

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.

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.

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.