

# Public Participation

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By Alan Elliott, Freelance Writer

The first continental congress was no walk in the park. Madison and Hamilton got hot under the ruffles over how to manage debts accrued during the Revolutionary War. Hamilton later died at pistol point, done in by his public insults of Aaron Burr. Even Washington and Jefferson shared a well-documented tiff, one which many historians believe coerced the first president's resignation.

Two centuries later, local democracy in Maine is only a shade less spirited. Angered citizens author a sporadic trickle of petitions and attempts to recall elected, local officials over various issues: a winter road maintenance contract in Willimantic, a roadside drainage ditch in Swanville, or last year's vote to gussy-up the Bangor Lumberjacks stadium, which launched an unsuccessful effort to recall seven Bangor councilors.

But week-in, week-out, local officials face a less dramatic but nevertheless nagging challenge: how to maintain civility during council meetings and balance the need for public participation with the need to move the sessions along and get the job done.

"A lot of people confuse public meeting and public hearing, to the point where I think the lines are starting to get blurred," said Old Town town manager Peggy Daigle.

In many cases, that blur revolves around a handful of active citizens — council meeting regulars fueled by a mix of civic pride, community concern and desire for brief doses of cable broadcast limelight. Just where to draw the line on that enthusiasm is a question important not only to councilors and town officials, but to their broader constituency as well.

"There is the other part of the public, people who want to hear and see what their council is doing," said Biddeford City Manager Ed Clifford. "When the council doesn't get to the town business until 9:30 or 10 at night, that is sort of doing a public disservice too and bogging down the system."

When Clifford arrived in Biddeford in 2003 the situation was particularly challenging. Mayor and councilors had previously responded to a series of contentious local issues by shutting down the city's cable access operations, including previously televised council sessions and other municipal functions.

The council, courted by developers of a proposed \$600 million casino project and divided over a debate to approve a new, \$21 million middle school, faced increasing — and increasingly hostile — criticism during their regular council sessions.

The public comment sessions began to draw out council meetings, often to past midnight. The nature of some insults and threats drove the mayor and council to bring in an armed, plainclothes policeman to attend the sessions. The officials finally opted to separate the public comment

period from the regular portion of their council meetings, scheduling a less conspicuous forum on a separate night.

Most of the nine member council saw the change simply as a means to navigate around the distractions to get at the nuts-and-bolts decision making needing their attention. But there were exceptions. And eliminating yet another platform for citizen expression in the midst of a complex cluster of debates added insult to injury in the eyes of the city's already frustrated public.

"They were on a jihad to make sure certain voices weren't heard," said Richard Rhames, a Biddeford farmer, former city councilor and one of the more influential public voices raised before the council at the time. "Americans don't like to be told 'No, you can't do something.' We have this naïve idea, we were schooled to believe, (that) it's a free country."

Local council meetings are designed to accomplish specific tasks of managing local government. That design includes some component of public participation, said Dr. Archon Fung. Fung, an associate professor of public policy at Harvard University's John F. Kennedy School of Government. But problems often arise when the meetings are treated as a catch-all forum for local democracy.

"The problem is that when people think about public participation in local government, what they think of are things like the council meeting," said Fung, who has authored a series of books examining elements of public participation and innovative approaches to local government. "People therefore have a lot of expectations that a council meeting just can't sustain."

Those expectations, combined with the council or selectmen's need to manage the business at hand and try to get home to family and bed at a reasonable hour can, particularly during periods of stress, burden the meeting format to where neither need is met.

"Unfortunately, options for improving that aspect of council meetings aren't great," Fung said.

It's a lesson Peggy Daigle learned the hard way. In her previous position, as Houlton's town manager, Daigle and the town's seven member council began facing increasing criticism through the winter of 2003/2004 from a citizens who used the council meeting to express their dissatisfaction.

Surprised by the tone and intensity of the attacks, Daigle began exploring ways to put the council sessions on a more constructive track. She proposed a procedure that would allow her to vet public comments prior to the council sessions, aiming to at least prepare councilors for specific accusations or allegations they might face.

Councilors did not adopt Daigle's proposal, choosing instead to expand the public comments permitted during the meeting. Rather than being limited to the end of the sessions, after votes had been decided, Houlton now allows specific comments on each agenda item before a vote is taken.

As in Biddeford, Daigle was seen as working to silence the public voice. The manager calls herself a strong supporter of citizen participation, saying it is the best way to encourage involvement in the community and to help grow the next generation of leaders.

But she also questions whether council meetings are the proper format for the type of citizen anger she was seeing in Houlton. Many of the points raised would have been more appropriately directed to department heads, rather than the council. And the structure and purpose of the meetings leaves councilors often unsure whether to respond and turn the public comments session into an open forum for debate. No response, however, often leaves citizen claims and allegations hanging in news headlines and sometimes televised.

“Unanswered accusations sometimes become truth just by perception alone,” she said.

Phil McCarthy, Houlton’s interim manager said one citizen’s comment in particular underscored the low point in the town’s mood. As Daigle stepped down in her final Houlton council meeting, one member of the audience stood and held up a sign that said, “Don’t let the door hit you in the ass on the way out.”

“If you’ve been involved in municipal government very long, you know we’ve fought for years to keep selectmen from having the monthly meeting in Joe’s kitchen,” said Mike Carpenter, a Houlton lawyer and resident with a long political resume that includes city councilor, state representative and senator, not to mention his four years as state attorney general.

By that measure, regularly scheduled council sessions are, of themselves something of a success. Carpenter said executive sessions have, in many cases, however, become the new Joe’s kitchen, allowing councilors to debate and discuss issues without fear of provoking public ire. Councilors and town managers beat up by public criticism can slip into a defensive posture that fractures the lines of communication, according to Carpenter.

“There are cases where, if you question some statement made as fact, it’s as though you are questioning their integrity,” he said. “And that is not it at all, I want to know how you arrived at this conclusion — walk me through the process.”

Fung suggests, once again, that council meetings are probably not the best place for such a walk through. One of the best ways to reduce pressure on council meetings is to rechannel the desire for such communication into more appropriate forums. Most of those options include the easier-said-than-done project to get people involved early in the process, an aim which generally requires more effort than simply saying ‘All are welcome to attend planning board or budget meetings.’

Handled properly, periodic meetings on specific issues or more general colloquies held on a regular basis, give citizens a chance to talk, a chance to talk to each other and to seriously consider a range of options early on. Breaking such gatherings into smaller discussion groups helps to minimize the impact of the few regulars who in many cases dominate public comment periods of council meetings.

The long range goal, Fung said, is to move the public perception of how and when to get involved further upstream in the democratic process

“So they don’t feel as though they are reacting to something that has already been decided,” Fung said.

Saco is one community that appears, at least for the time being, to have found a healthy balance. Peter Morelli, the town’s economic development director and a close observer of local politics, said the scene was plenty raucous when he took up his first municipal post 18 years ago.

But though city hall politics have mellowed, one thing hasn’t changed: the city provides no public comment period during council meetings. Discussion on specific issues generally takes place during public hearings, and occasionally in non-televised council workshops held every other week. The mayor reserves the right to allow or limit comments. But the system seems to work, voter participation is high (more than 70% on Nov. 2) and neither Morelli nor City Clerk Lucette Pellerin can remember the last time there was a citizen-initiated measure on the local ballot.

Morelli suggests the city has high ratio of councilors to residents, which improves access to local government. But, Saco’s 2,500 residents per councilor is not quite as intimate as the ratios in either Biddeford or Augusta. And, Houlton, at just over 900 residents per counselor, is about as good as representation gets.

But it appears to be the case that Saco residents ring the phones of their councilors or mayor when they have an issue needing addressed. Councilors discuss the issues and, if need be, place them on a workshop or council meeting agenda.

“It means you have to wait a couple of weeks,” Morelli said. “It’s not like issues don’t get addressed, but they just don’t get pulled out of the air at a council meeting.”

In Augusta, residents have been less mellow, ratcheting issues up from kitchen table conversations to neighborhood groups, petitions and ballot referendums. The city is currently facing three citizen led initiatives and neighborhood groups formed to grapple with at least five separate development issues.

Donna Lerman is a councilor at large, a newcomer elected to the eight member council in November 2003. A professional negotiation and meeting facilitator, she has found herself feeling in some ways as stifled as the citizens who rise, one by one, to address council meetings and public hearings.

“What they are doing is begging us to vote their way,” she said. “Meanwhile, there is a formality to the process and we are limited with how we can engage with them.”

Lerman agrees with Fung, that it is not the formality of the meeting itself that is stifling, but the unreasonable demand placed upon council meetings to become venues for airing and exploring

issues. The problem also returns to the dilemma of a forum being dominated by a relatively small, but vocal group.

“What I found on the council is that the people who have the most energy are the people who are against something,” she said. “I respect that, but I’m looking to come up with a way for a broader segment of our citizens to be heard.”

Lerman recently submitted a council order requesting that the mayor appoint a committee to explore the kinds of solutions suggested by Fung. She has also initiated an effort whereby members of a neighborhood visioning group read through the comprehensive plan, the open space plan, the capital river front improvement district plan and others to identify priorities that would help forward those separate visions as a collective effort.

The aims are ambitious and idealistic, she admits, but attempt to get past the primary stumbling blocks of miscommunication, defensiveness and anger and to focus on the thinking behind opinions, on both the council and the public sides.

“In my work life, I have seen miracles occur, people ready to come to blows who, once they were really heard and understood, were able to understand the other side and some very creative solutions would come out of a meeting,” she said.

In Biddeford, Rhames was occupied this fall with getting his harvest in and with making a run for the District 137 representative seat vacated by Senator Nancy Sullivan. He lost the legislative race, but continues to attend and participate in council meetings. A year earlier, Biddeford had ushered in a new mayor, Wallace Nutting, and four new city councilors. The fresh start group restarted cable access broadcasts, ended the dual meeting format and have patiently listened through several filibusters waged by regulars of the city’s democratic guard.

The changes have had an effect. In spite of the fact that Nutting is a conservative Republican, a retired four-star general who referees public comments during council meetings with a stop watch, and Rhames is a thoroughly articulate Vietnam era liberal, Rhames finds himself energized by a less invective zeal.

“I’ve been much more reserved since the regime change,” the Biddeford native said. “Yeah, the meetings take longer and I don’t agree with most of what they say. But if things are going along in a way that isn’t insulting, I’d just as soon stay home.”