

GUIDE TO GOOD MEETINGS



NEARLY EVERY COURSE OF ACTION a municipal official takes as a governing body occurs during a meeting. Whether it is debating a new municipal ordinance or making revisions to a land use plan that will shape the future of the community, each decision is made within the context of a meeting. Therefore it's no wonder that governing bodies typically have detailed "rules of procedure" that guide the meeting proceedings and the decision-making process. Beyond the practical function of rules of procedure, there are often legal considerations that make rules of procedure an absolute necessity. Rules of procedure serve multiple functions. On a practical level, rules of procedure:

- provide a guideline and organized structure
- protect the minority from arbitrary use of power by the majority
- ensure the minority does not manipulate power to thwart the wishes of the majority
- reduce disputes concerning correct procedure

On a functional level, rules of procedure also:

- make a decision-making process more efficient, stable and predictable
- in the case of elected bodies, ensure that proceedings are accessible and welcoming to the public

- reduce interpersonal friction (and add to the credibility of the meeting participants)
- ensure that all sides of an issue are heard and treated fairly
- help the body function more as a team, and thereby instill the confidence of those affected by the decisions of the group

All of these principles translate into one result – effective meetings and better decision-making for your community.

How do unproductive meetings affect us?

Beyond the obvious effects of unproductive meetings to the group's decision-making ability, there are a number of other direct effects of meetings that fail:

- meetings are considerably longer
- issues are often revisited multiple times over the course of many meetings
- fewer issues are dealt with over time, creating a backlog of agenda items
- levels of frustration increase among body members, and in the case of elected bodies, also staff and citizens
- decisions that are made tend to be unclear, temporary or only partial in nature

- inefficient, unproductive meetings cost taxpayers money

With so much at stake, and such serious consequences, simply having written rules is not enough. Rules must be fully understood and properly used by all members to ensure that meetings are effective and produce good decisions for your community!

Meeting procedures - One size does not fit all

There is no single "right" way to conduct an effective meeting. Cities and towns in Colorado range in size and characteristics, and the decision of which type of rules of procedure to adopt is often determined on a case-by-case basis.

In some cities and towns, Robert's Rules of Order may be the standard by which their council or board operates. While these are highly formal in nature, they are an excellent guide for ensuring all the goals of effective meetings are met.

Other communities, however, may wish to create their own modified version of Robert's Rules, or may create an entirely different set of rules that are tailored to their own needs. Regardless of what is used, rules of procedure should emphasize openness to the public, be scrupulously fair to all sides of

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an issue, and consistent in their application and use.

As long as these basic objectives are met, rules of procedure can be as formal or informal as a community desires.

Involving the public

In the case of elected officials, the primary objective is to serve the public interest. With that in mind, it is necessary to accommodate and involve the public in council or board decision-making process. How the governing body handles citizen participation can affect the meeting and the impression citizens have of their municipal government. For example, if the council or board has made no specific provision for citizen participation, any item of business may be sidetracked by a citizen who wishes to speak. It is important, therefore, that the governing body decide how and when citizens may participate, and adopt or amend rules of procedure accordingly.

There are a variety of ways to accommodate citizen input. Depending on the community, any of the following may work:

- Recognize the public throughout the meeting, allowing citizens to speak at any point.
- Invite citizens to be heard at a specific point on the agenda; you may or may not choose to allow

citizens to speak on matters that are not on the current meeting agenda.

- Invite citizens to speak at specified points in time on the agenda, and only on the specific agenda issues being discussed at the current meeting.
- Hold public hearings, such as budget hearings, where the public can provide input on a specific issue.

Involving the public goes far beyond simply allocating time for them to speak during your meetings. Citizen input should be a critical component in making meetings and final decisions effective. Governing bodies can help citizens make their comments as valuable and constructive as possible by properly preparing them before a key council or board meeting.

No public input can be successful unless the people attending the meeting understand the issues to be discussed. It is just as important for citizens to understand the issues as it is for council or board members. Little headway can be made at a public meeting if there already are misconceptions about either the issues or the governing board's intentions for dealing with them. When citizens understand the issues, they are more likely to make intelligent and worthwhile comments about the advantages or drawbacks of the issue

under consideration. Even when citizens oppose the body's position on a particular issue, it is still much more productive for all parties if they accurately understand the facts.

An elected official's responsibility, and the responsibility of the municipal staff, is to provide factual information to the public about the key issues and decisions in your community. Using municipal communication media (newsletters, Web sites, etc.) and local print media can be an excellent way to achieve this. In addition, information packets and educational materials can be provided to citizens who attend the meetings. Doing so will ensure that the public is involved in a meaningful and significant manner, and that the goals of serving the public's interest are fully achieved.

Maintaining decorum

Professional respect and courtesy are of the utmost importance to any decision-making body, but are especially so in the case of elected officials. It is imperative that elected officials serve as model representatives of their community at all times. Not only will your composure and professionalism enhance the quality and effectiveness of meetings, but it also will earn respect and attentiveness from colleagues, municipal staff, the media and the public. Here are a few basic professional responsibilities applicable

to all municipal officials, but in particular for elected and appointed officers:

- Be prepared for each meeting, read the agenda and other advance materials thoroughly, and arrive at the meeting by the specified time.
- Strive to contribute relevant information and opinions to the body's proceedings within the framework of proper procedure, avoiding "grandstanding" or repetitive speech.
- Confine remarks and questions to matters before the governing body as specified by the agenda format or order of business.

- Listen to and refrain from private conversation when citizens or other members of the council or board are speaking.
- ALWAYS be courteous to councilmembers or trustees, to municipal officials and employees, and to citizens appearing before the governing body.
- Refrain at all times from rude and derogatory remarks, reflections as to the integrity of others and statements as to the motives and personalities of others.
- Work toward consensus whenever possible, recognizing and respecting the strengths, knowledge and opinions of fellow council and board members.

Summary

In short, the effectiveness of your meetings rest with the rules of procedure your body has agreed to and the commitment of the individuals involved to make the meeting as productive and successful as possible. With just a little effort in understanding and abiding by these basic principles, your governing body can master your meetings and make your community proud of the integrity and effectiveness of their local government.

Editor's note: CML has several publications available on the topic of effective meetings. A publication order form can be found at www.cml.org or by calling the League at 303-831-6411.

LEGAL SIDEBAR

OPEN MEETINGS, OPEN RECORDS

By Rachel Allen, Colorado Municipal League staff attorney

As a prelude to a public meeting, notice is required. The public cannot exercise its right to attend open meetings unless given sufficient notice. Therefore, the Open Meetings Law (OML) requires that the public receive "full and timely notice" of any meeting held. § 24-6-402(2)(c), C.R.S. The statute prescribes the notice requirement as follows:

Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

The OML does not specify or limit what may constitute "full and timely notice." The statute does, however, offer the example of posting notice of a meeting in a designated public place twenty-four hours before the meeting as providing "full and timely notice." While the statutory example is an available "safe harbor," there are doubtless numerous other forms of "full and timely notice."

The courts have found that the notice provisions of the OML establish a "flexible standard," the requirements of which may vary depending on the particular type of meeting involved.

Recently, the Colorado Supreme Court decided an important case on the issue of "full and timely notice." In *Town of Marble v. Darien*, the Marble Town Board held a public meeting in January 2004 at which it decided against erecting a permanent monument at a local park owned by the Town. Proponents of the monument brought suit alleging that the posted notice of the meeting was not "full" notice as required by the OML because it did not expressly state that the Board would be taking formal action on the proposal. The trial court found for the Town; the Court of Appeals disagreed.

The Supreme Court reversed the decision of the Court of Appeals and found for the Town. The Court held that the notice of the January meeting was "full," because an ordinary member of the community would understand that the agenda item listed on the notice would include consideration of, and possible formal action on, the park proposal. The Court also held that because the notice contained the agenda information available at the time of posting, it satisfied the requirement that "specific agenda information" be included in the notice "where possible." Therefore, the meeting's posted notice complied with the Open Meetings Law.

CML participated as *amicus curiae* on behalf of the Town before both the Court of Appeals and the Supreme Court.