

# Getting it Right: How to Conduct a Public Meeting

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# The Basics



# Know Your Purpose

## Legislative

- Open process
- Examples:
  - County ordinances
  - County resolutions
  - County budget
  - Fee increases
  - Administrative decisions

## Quasi Judicial

- The process matters
- BOCC acts as “judges”
- Specific hearing and meeting recording procedures
- Examples:
  - Board of equalization
  - Planning and zoning
  - Licensing
  - Personnel matters

# Know Your Responsibilities

## Legislative

- You can:
  - Talk with the public
  - Research the issue from outside sources
- You can't:
  - Talk with fellow board members
- No legal requirement to explain decisions

## Quasi Judicial

- You can:
  - Consult with prosecuting attorney
- You can't:
  - Talk to the public
  - Research the issue using outside sources
- Decisions must be reasoned and explained

# Know the Difference Between a Public Hearing and a Public Meeting

- A public meeting is a spectator sport
  - The public may watch, but only participates if invited
- A public hearing is a participatory sport
  - The public can watch AND participate



# Purpose of Public Meetings

- Required by law
- Conduct county business
- Gather needed (and wanted) input
- Remember: public meetings are a spectator sport
  - The public gets to watch/listen
  - The public only participates if invited

# Purpose of Public Hearing

- Required by law for specific purposes:
  - Approval of county budget
  - Board of equalization
  - Planning & zoning
  - Vacating a public right of way
- The public has the right to provide testimony during the hearing, provided the testimony is:
  - Within the time allowed
  - On topic
  - Within the hearing procedures established by the BOCC

# Public Hearings

- Usually occur at a public meeting
- May be conducted by a hearing officer
- Final decisions are not made in the public hearing (the public hearing is closed)
- Final decisions are made in the public meeting



# Know that You Get to Set the Ground Rules

- The formation of public policy is the public's business, but ...
  - You can adopt bylaws, rules and policies that govern how the public participates ([§31-820](#))
  - You can place limits on length of comments
  - You can limit how people participate (i.e.: no giving your time to another speaker)
  - You can place limits on topics (i.e.: prohibit comments related to planning and zoning, personnel matters, prior decisions, etc.)
  - You can adopt other reasonable rules of order so long as the rules do not conflict with the Idaho Open Meeting Law

# Adopting Rules of Order

- The BOCC may “make and enforce such rules and regulations for the government of their body, the preservation of order and the transaction of business as may be necessary” ([§31-820](#))
- County may adopt Robert’s Rules of Order, Mason’s Rules of Order, other rule’s of order, or adopt your own rules.
- Do you really need rules?

# Sample Meeting Rules

1. Each speaker during the public comment period will be limited to five minutes.
2. The board of county commissioners may not hear or take testimony regarding a planning and zoning matter that is before the county or is known to likely be before the county.
3. Issues regarding the performance of county employees constitute matters that must be discussed only in executive session and are not appropriate in the public portion of the meeting.
4. Matters that have been previously heard and decided by the board of county commissioners may be ruled out of order for the public comment period.



# Other Examples

- Establish clear ground rules and empower board chair to enforce them
- Give one person the floor at a time (don't speak over others or allow others to speak over you)
- Speak up when the conversation veers off the agenda or into difficult matters
- Acknowledge strong feelings and then redirect to the agenda item
- If one person dominates the discussion, call on others to participate
  - "Thank you for your input Sally, would it be ok if we hear from Jill and Susan before we hear from you?"

# Public Hearing Procedures

- Those invited to testify should be informed of the process
- Communicate what factors will shape decision
- Follow through in mailed notice (for land use/zoning decisions)
- Follow through again at public hearing (poster)
- And again with decision aids for commission
- And finally address criteria in final written decision

# Planning & Zoning Hearing Procedures

- All favorable evidence first – applicant, staff, sign-up sheet messages, supporters and neutrals (present evidence)
- Contrary evidence by opponents (present evidence and rebut supporters)
- Rebuttal by applicant (only the applicant)
- Written decision is required (findings of fact and conclusions of law based on your county ordinance)
- Possibility of appeal – procedures now detailed

# Planning & Zoning Decision Standards

- Criteria for consideration need to be in your ordinance
- Applicant for permit should know what target at which to shoot
- Do public hearings assist you to reach a sound decision?
- Is it more of a “check the box” exercise?
- How can you foster understanding – or at least avoid misunderstanding?

# Criteria for Planning & Zoning Decisions

- Increased attention to specific decision standards
- Legislature enacted changes to I.C. §67-6535 to place special emphasis on decision criteria
- Review your ordinances to evaluate criteria – would you want your efforts judged by them?



# Planning & Zoning Decisions

- Decision must be in writing
- Appeal procedure has been changed (revisions to I.C. §67-6535)
  - Must give effective notice of decision
  - Trying to keep decisions in the hands of the officials who make them
  - Avoid judicial appeals just to harass and delay
- Judges don't work with land use cases very frequently – decision needs to be clear and rational

# Know the Role of the Chairman

- The BOCC chairman:
  - Conducts meetings (and hearings)
  - Has the right to discuss, debate, and vote
  - Controls public comment (if/when allowed)
  - Encourages board member participation
  - Keeps the discussion on the agenda
  - Prohibits personal attacks (on the board, on county officials, on members of the public)

# Keys to Chairing an Effective Meeting

- Be respectful
- Be purposeful
- Set and understand expectations
  - Fellow board members
  - County elected officials
  - County employees
  - The public

# Know the Role of Board Members

- Discusses, debates, and votes on issues
- Follows board rules of procedure and conduct
- Respects other board members, county officials, and the public
- May make suggestions for items to be placed on future agendas



# Managing Conduct at Meetings

- Explain the ground rules to the public at the onset of the meeting
  - Is it a public meeting or a public hearing?
- Arrange the meeting room so it is conducive to the meeting and supports meeting/hearing rules and procedures
- What happens when the debate or testimony gets heated?
  - Use your gavel
  - Take a break/recess
  - Invite the sheriff or one of his/her deputies to attend

# Quorums and Voting

- Two or more county commissioners constitute a quorum
- A quorum is necessary for the board to conduct business
- All decisions (votes) must be made in open session
- Votes are generally by voice vote unless otherwise provided for in law (i.e.: a vote to enter executive session requires a roll call vote) or a voice vote is requested by a board member
- Voting may not occur by secret ballot ([§74-203\(1\)](#))

# Decision Making

- A valid decision is:
  - Made at a posted board meeting with a quorum present
  - On the agenda and listed as an “action item”
  - Made by a motion
  - Voted of by the BOCC
  - Recorded in the official meeting minutes

# Decision Making

- A valid decision is not:
  - “Polling” the board
  - Gathering signatures
  - Made at an improperly posted agenda
  - Made without a quorum present
  - Made without being listed on the agenda as an “action item”
  - Made following deliberations that occurred outside of the public meeting/hearing



# Decision Making

- Motions should be clear, succinct, and reflect intended action of the BOCC
- Avoid motions like “so moved”

# Board Relationships



# Strong Boards

- Connect with each other before offering perspectives
- Acknowledge the position of fellow board members
- Use “I” statements to build understanding/offer perspective
  - This is where I stand (include your reasons and cite your data/sources)
- Avoid “truth” statements
  - “This is just how it is going to be”
  - “You are wrong”
- Focus on what the board can do, not on what individual board members won’t do or can’t do

# Be Respectful

- Establish clear ground rules and empower board chair to enforce them
- Give one person the floor at a time (don't speak over others or allow others to speak over you)
- Speak up when the conversation veers off the agenda or into difficult matters
- Acknowledge strong feelings and then redirect to the agenda item
- If one person dominates the discussion, call on others to participate
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# Listen

- Separate people from problems
- Obtain facts
- Understand opposing viewpoints
- Use a fair process to make decisions
- Be willing to both persuade and be persuaded (consider your arguments and the arguments made by others, explain your position and be open to the positions of others)

# Overcoming Disagreements

- Differ respectfully, compromise, and focus on what is best for the county
  - If you do, both county employees and community member will be more likely to follow your lead
  - If you choose to get mired in blame and division, county employees will follow your example (as will the community)
  - This can grind county operations to a stand still causing the county to fracture



# Leading

- Lead in the way your employees and constituents expect you to lead
- Help each other focus on the future and the common interests that bind you
- Recognize that elected officials have different opinions and that's ok
- The sign of true leaders is the ability to work through differences in ways that advance the needs of the county, build trust, and create a culture of respect

# A Couple of Tips

- Check your ego at the door
  - Focus on what is best for the county, not you
- Keep calm under pressure
  - Take a deep breath and think about your response





# Remember One Things

- No matter what you do, no matter how good you think you are, no matter what you say, public perception will become your legacy