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The Failure and the Promise of Public Participation.

Outdated laws and overly formal procedures for public meetings are eroding trust in government. There are better ways than three minutes at the microphone.

In a recent study entitled Making Public Participation Legal, Matt Leighninger cites a Knight Foundation report that found that attending a public meeting was more likely to reduce a person's sense of efficacy and attachment to the community than to increase it. That sad fact is no surprise to the government officials who have to run — and endure — public meetings.

Every public official who has served for any length of time has horror stories about these forums. The usual suspects show up — the self-appointed activists (who sometimes seem to be just a little nuts) and the lobbyists. Regular folks have made the calculation that only in extreme circumstance, when they are really scared or angry, is attending a public hearing worth their time. And who can blame them when it seems clear that the game is rigged, the decisions already have been made, and they'll probably have to sit through hours of blather before they get their three minutes at the microphone?

So much transparency and yet so little trust. Despite the fact that governments are pumping out more and more information to citizens, trust in government has edged lower and lower, pushed in part no doubt by the lingering economic hardships and government cutbacks resulting from the recession. Most public officials I talk to now take it as an article of faith that the public generally disrespects them and the governments they work for.

Clearly the relationship between citizens and their governments needs to be reframed. Fortunately, over the last couple of decades lots of techniques have been developed by advocates of deliberative democracy and citizen participation that provide both more meaningful engagement and better community outcomes. There are decision-making forums, "visioning" forums and facilitated group meetings, most of which feature some combination of large-group, small-group and online interactions.

But here's the rub: Our legal framework doesn't support these new methods of public participation. This fact is made clear in Making Public Participation Legal, which was compiled by a working group that included people from the National Civic League, the American Bar Association, the International City/County Management Association and a number of leading practitioners of public participation.

The requirements for public meetings in local governments are generally built into state statutes such as sunshine or open-meetings laws or other laws governing administrative procedures. These laws may require public hearings in certain circumstances and mandate that advance notice, along with an agenda, be posted for any meeting of an "official body" — from the state legislature to a subcommittee of the city council or an advisory board of some kind. And a "meeting" is one in which a quorum attends. So if three of a city council's nine members sit on the finance committee and two of the committee members happen to show up at a public meeting, they may risk having violated the open-meetings law.

Making Public Participation Legal not only makes the case for how outdated public participation laws actually work against meaningful citizen engagement but also lays out an excellent set of policy options for strengthening public participation. The study includes model municipal and state public participation legislation, along with model city charter language for citizen advisory boards.

It is with these citizen advisory boards that the authors see the best chance for beginning to reframe the relationship between citizens and their governments. Over the years, these boards have become increasingly reactive and more formalized, often following Robert's Rules of Order and using public-hearing procedures that Leighninger says "replicate the limitations and disadvantages of city councils."

That's a big problem. The whole purpose of these citizen advisory boards is to provide an entry point for citizens into government decisions, gathering information and providing a forum for citizen advice and opinion to be communicated to the governing body. With a little tweaking, the study says, they could be "ideal forums for deliberative democracy practices that can better mirror the organic processes of citizen-driven collective action."

In my experience, citizens are not apathetic but they are rational. Give them an opportunity for meaningful engagement with others in their community about issues that directly affect them and their neighbors instead of three minutes at the microphone, and they'll show up. And the legitimacy and sustainability of government will be strengthened.

<http://www.allamericacityaward.com/wp-content/uploads/2013/10/Making-Public-Participation-Legal-Layout-1-8.pdf>

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