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# 10TH Annual LWMMI Policyholder Conference

**Chula Vista Resort and Water Park  
Wisconsin Dells, Wisconsin  
May 8 and 9, 2019**

## The Perfect Council / Trustee Meeting

**Thursday, May 9, 2019  
9:45 AM – 10:45 AM**

**Presented By:**

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**LWMMI**

*League of Wisconsin Municipalities Mutual Insurance*

## **The Perfect Meeting**

**INTRODUCTION:** When I was asked to give this presentation, I was told that my mission is to share the secret sauce to conducting meetings where everyone gets along, where the public's business is conducted smoothly and to everyone's satisfaction, and where we can all get home and to bed at a reasonable hour.

Now I have been to literally hundreds of meetings. In the vast majority of those meetings, including difficult meetings, the secret sauce has worked pretty well. But anyone who has attended hundreds of local government meetings has seen meetings run off the rails from time to time.

The first part of this presentation will focus on the difficult problem of doing the people's business in a way that leads to mutual respect among participants, and general acceptance of the results, including by those who disagree with the results. This challenge is often referred to as the civility challenge.

The second part of this presentation will focus on some of the nuts and bolts of conducting meetings.

If you have a question during this presentation, I encourage you to follow good meeting protocol. First, you should do something that tells me you would like to be recognized, such as raise your hand, stand up, or simply shout out that you have a point of order or parliamentary inquiry for me.

## **The Civility Challenge**

The perfect meeting is like beauty – it is in the eye of the beholder.

1. Lets imagine a meeting where the main event will be a vote on whether to approve a hotly contested and controversial development project. The project has divided the community. There appears to be a slim majority on the board or council in favor of approving the project.
  - A. What does a perfect meeting mean for the trustees or alderpersons who support the project? Is it simply approval of the project, or is there more at stake? Is it just about winning, or does it matter how you win?
  - B. What does a perfect meeting mean for the trustees or alderpersons who oppose the project? If they believe they won't be able to stop the project, will a perfect meeting mean conceding defeat, calling it a fair process and moving on? Or will a perfect meeting mean using every opportunity to attack

and weaken their political opponents, to soften them up for possible defeat in the next election?

- C. What does a perfect meeting mean for the public? Do they want to see a fair, reasoned and civil debate, even if their side of the issue loses? Do they want to offer well-reasoned, factual information? Are they willing to consider the other side's arguments? Does public behavior live up to these ideals?
- D. Finally, what does a perfect meeting mean for staff, including the municipal attorney? Does it mean staying out of the political cross-fire, and getting home before midnight?
- E. Whether a meeting was perfect or a disaster might depend on your point of view. What's more, some players in a meeting might be working very hard to achieve their vision of a perfect meetings, and destroy the hopes of other players.

2. **Local Government Meetings Are the Stuff of Life**, and are not at all like meetings in the private sector. Government meetings aren't running a business, and they don't' run like a business meeting.

- A. We are closest to our local governments, and local governments tend to impact people where they live, and in very personal ways.
- B. Local governments do their business in public meetings. Meetings are where we levy taxes, set priorities for allocating community resources, manage the impacts of growth and development, or economic hardship, respond to natural and man-made crises.
- C. Meetings are where people go to express their grievances, to seek redress, and even seek justice.
- D. All of these things, and all the conflict and political machinations that go with these things, happen in public meetings, face-to-face, in very personal ways.

3. **Civility and good behavior.**

A. *What is civility?*

- (1) Civility means treating each other with respect, even when you disagree.

- (2) Obvious incivility occurs when someone engages in personal attack, or questions another person's motives.
- (3) Behavior that disrespects the rules, is loud or obnoxious, or disruptively interferes with the meeting are also obvious examples of incivility.
- (4) You are not a victim of incivility simply because someone makes a devastating argument against your proposal, even though it may feel that way.

*B. Is incivility always a bad thing?*

- (1) Not everyone agrees that rules of civility are always an unmitigated good thing. In our boisterous democracy, we have a long tradition of power struggles involving incivility and even civil disobedience.
- (2) There was a time when it was considered uncivil for women to engage in politics at all. Women had to push all kinds of social norms and political and politeness boundaries to advance their political interests. Was that a bad thing?
- (3) Ronald Reagan's son, Michael Reagan, has argued that what really matters is not who is more civil, but who wins. "After all," he said, "revolutions aren't made without ruffling feathers, and revolutionaries aren't renowned for their etiquette."
- (4) Some researchers and commentators have observed that political debates can become contentious and uncivil when some people feel they have been excluded from participating in the process or feel that their concerns have not been heard or considered.
- (5) Sometimes people are simply so angry about something that they behave in ways that can seem truly uncivil.
- (6) Sometimes people are uncivil because they think it is to their political advantage. They attack their political opponents to curry favor with their political base, to score political points, or just for the heck of it.

*C. Let's watch some true masters of civility at work: Play House of Commons video.*

D. *How do we achieve greater personal civility in our politics and in our meetings.*

- (1) There are no magic bullets to rid ourselves of bad behavior. Although we have rules against some kinds of bad behavior, rules alone will not lead to civility and good behavior.
- (2) When dealing with difficult problems, having a meeting characterized by civility actually takes time and hard work.
- (3) Researchers with the University of Colorado have offered the following suggestions to enhance civil debate:
  - a. *Separate the people from the problem.* Recognize that other thoughtful and caring people have very different views. Focus on solutions that are most likely to be successful. Avoid resolving disputes on the basis of “us vs. them” animosity and seek the relative merits of competing problem-solving strategies.
  - b. *Use fair processes.* Genuinely solicit and consider public input. Make decisions on the basis of substantive input. Some of the nastiest conflicts I have seen happened when people felt that the powers that be were pushing a done-deal through, and that opportunities for public input and council debate were meaningless because it was already a “done deal.”
  - c. *Make sure you have the facts, and work to resolve factual disagreements wherever possible.* In many cases, factual issues cannot be resolved. When that’s the case, do your best to explain the reasoning behind your interpretation of factual information. Do this even if your opponents are not making the same effort. It is the right thing to do, and will make you a more effective advocate for your own position.
  - d. *Make an honest and continuing effort to understand the views and reasoning of your opponents.* Do this even if your opponents are not making the same effort. Not only is this the right thing to do, but it will also make you a more effective advocate for your own position.
  - e. *Keep trying to persuade others.* And really listen to people who disagree with you. One crucial element of civility is the

recognition by both parties to the conflict that it is possible they are wrong, and the policies advocated by their opponents are better. Seriously consider the persuasive arguments made by your opponents, and explain your own position.

f. *MPD add: Build consensus whenever possible.* I would add to this list that if you try to do hard things quickly, and don't try to develop reasonably broad consensus, you shouldn't be surprised at a harsh reaction from political opponents and elements of the community who disagree with the decision. However, consensus is not always possible, and sometimes it is not possible to avoid winners and losers.

(4) We do seem to live in a politically divided time. At the state and national level, partisans on both sides of the political divide point to examples of their opponents pushing their own agenda through, without listening to the other side. Each side distrusts the other, and bipartisan cooperation is viewed as disloyalty to your own tribe. I am happy to say that, for the most part, that has not been my experience working with local governments. I have been to hundreds of meetings, and am happy to report that I see mostly good faith efforts to be civil and respectful.

## MEETING MECHANICS AND RULES.

### 1. **Agenda control and structure.**

A. Under the open meeting law, boards and councils cannot consider or take action on items unless the public has been given prior notice of the meeting, and of the items that will be considered at the meeting. Public notice is typically given by publishing or posting the meeting agenda.

B. I want to talk about three things relating to meeting agendas: (1) agenda control, and (2) tips for a good agenda.

#### C. **Agenda Control:**

(1) Agenda control is simply about who has the authority to decide what will be put on a meeting agenda. After all, she who controls the agenda, controls the agenda. Agenda control can be a source of conflict and misunderstandings. As a practical matter, most meeting agendas are prepared by clerks and administrators, typically in consultation with the mayor or village president, or committee chair. Because this is the typical practice, some people come to believe that the presiding officer is the only person who has the right to decide whether to put an item on an agenda. This is not correct. The governing body ultimately has the authority to direct that a matter be placed on a meeting agenda. Some communities have adopted rules describing how individuals can request that items be placed on agendas.

#### D. **Tips for good agenda.**

(1) One time saving devise is known as the consent agenda. A consent agenda can be used to approve multiple items together with a single vote. A consent agenda should be used only for items that are expected to be non-controversial. I typically see meeting minutes, operator licenses, acceptance of reports and like matters on consent agendas. Any member has the right to request that an item be removed from the consent agenda, so that it can be considered on its own.

(2) Whenever possible, structure meetings and agendas so that your board or council has enough time. If you already have a full agenda and a long meeting, don't add a complex and difficult matter to that agenda.

- (3) Avoid dedicating time on the agenda to committee reports. I have worked with some governing bodies that have scheduled committee reports as part of every meeting. I recommend against this for several reasons. First, it takes a lot of time, and tends not to be productive. Second, people who are interested in what a committee is doing can either go to the committee meeting or read the minutes. Third, if a committee refers a matter to the board or council, the matter can be discussed at that time. Finally, committee reports tends to lead to discussions of many things that are not on the agenda, and therefore should not be discussed.
- (4) Whenever possible, schedule closed session items to occur either at the beginning or end of the meeting. Although it is possible to meet in closed session in the middle of a meeting, it is much less disruptive to do it at the beginning or end. If there is a need to reconvene in open session and take action on an item discussed in closed session, make sure your agenda gives notice that that could occur.
- (5) Finally, send agendas and meeting materials out as early as possible before meetings, so governing body members have time to review things before the meeting. I have seen people get really upset when they receive a large and complicated packet they day before a meetings, and are asked to make a decision.

## **2. Managing public comment and public hearings.**

Mix of formality, and still welcoming.

- (1) Podium.
- (2) Name and address.
- (3) Time limits. 3 minutes.
- (4) Address comments to the board.
- (5) Don't address comments to other people in the audience.
- (6) Tell us what your questions are, but this is not a time for give and take or debate.
- (7) Avoid reading emails or letters sent by people not at the meeting.

## **3. The Rules of Debate.** Although parliamentary law can seem rather complicated, when it comes to the rules of debate, the rules are few and fairly simple.

- A. **Relevance.** All discussion must be relevant to the motion before the board or council.

- B. All discussion must be directed to the presiding officer. It is not proper to direct debate or questions to another member of the body.
- C. It is improper to attack the motives, character or personality of another member. The debate is about the motion, not the personalities.

**4. The Players and their Roles..**

- A. *Chair.* The chair has the responsibility to manage the debate and enforce the rules of debate.
- B. *Individual members.* Individual members have the right to participate in debate, and have the right to raise points of order or parliamentary inquiries with the chair.
- C. *The board or council.* The Board or council has the right to rule on appeals from the chair's decision.
- D. The Attorney is not a member of the body, and has no formal role in debate. However, the attorney often serves as a resource and advisor to the chair and the body, when requested.

**5. Quasi Judicial Proceedings:**

- A. Act 67 and CUPs.
- B. Suspending or Revoking an alcohol license.
- C. Need to develop a record.
- D. Who will present the case on behalf of the public? Compare the neighbors to the applicant.
- E. Need to decide what qualifies as substantial evidence.
- F. Need to base decision on legal standards.

**6. Play Outrageous meeting video.**

- A. There are times when debate can get very rough, and enforcing rules of order can be challenging. This is true even with people who are trying to play by the rules. When people aren't playing by rules, its even more difficult.