

The Importance of Civil Discourse in Board and Council Meetings *(and anywhere else for that matter!)*

Recently, I have noticed an unfortunate trend in public meetings of all kinds. Maybe it's just one more symptom of our increasingly polarized political system or all the venom that gets spewed forth on partisan talk shows. But public meetings are getting nastier, with both board/council members and the public behaving in a manner that would never be tolerated in any other part of life. So I'm going to make some polite recommendations to all of us who attend meetings in an attempt to bring back more civilized behavior. And to hopefully remind all of us what a public trust we all share when we attend a meeting.

First, let's remind ourselves about the significance of public meetings. A public meeting is much more than the way in which a board conducts business. It is the purest form of democracy in action. Now this may sound trite or patriotic, but turn on the news any night and think about the countries where people do not have democratic governments. What we

Turn on the news any night and think about the countries where people do not have democratic governments. What we may view as a monthly chore, i.e., a city council meeting or public water district meeting, is really a sacred trust.

may view as a monthly chore, i.e., a city council meeting or public water district meeting, is really a sacred trust. Ordinary citizens had the opportunity to vote, without fear of reprisals or bodily harm, and select other ordinary citizens to make the decisions necessary to provide clean and safe drinking water. And those elected individuals are able to serve without fear of reprisals or bodily harm and conduct those meetings. That is the essence of a representative democracy. So every person attending a meeting, board members and the public alike, should do their part to participate in a meaningful way in order to make every meeting transparent, open and above all CIVIL.



Unfortunately, board/council members often develop a bunker mentality, especially after they have been on the board for a long period of time.

When meetings fall apart, both sides are to blame. And actually, there should not even be a sense of “US vs THEM”. But creating a sense of unity can be difficult and the fact is that while both board members and citizens are participants in the relationship, the board/council members have the larger role in creating a healthy relationship with their citizens. Unfortunately, board/council members often develop a bunker mentality, especially after they have been on the board for a long period of time. I’ve seen board members get annoyed with members of the public for merely showing up and asking questions. One board member basically said that he had been showing

up for meetings once a month for years and he didn’t need some customer who managed to come to one meeting, questioning the board’s decision to chlorinate. Oops! This is exactly the wrong way to deal with the public!

It is perfectly understandable, however. Board members are volunteers, they rarely get praise, and they are all but guaranteed to develop a martyr-like attitude when the public does nothing but snipe at them. I can’t tell you the number of times that I have seen board members anxiously watch the clock and breathe a sigh of relief when no one from the public shows up at the meeting. (And I admit, I was secretly glad as well, because it meant that I wouldn’t have to “mediate” a meeting.) Board members can get fed up and because they are in a position of power; it is easy to abuse that power. A board has the power to refuse to allow public comments, to go into executive session in order to avoid public discussions and to set meetings at inconvenient times. Those are actions

that no board should ever take. But why should they be happy to see the public? Rarely do members of the public ever show up to do anything but complain. And we’ve all seen that one customer who shows up at every meeting because he has a bone to pick. Or maybe it’s because he has an axe to grind. At any rate, he will often do his best to be disruptive and make the board uncomfortable, even if it’s just by sitting there during the meeting, glaring and making snide remarks under his breath. One customer attended eight consecutive board meetings in order to complain about the rust stains on her white towels. She would actually bring the towels and throw them on the table in front of the board members, even though staff had spent hundreds of dollars and made every effort possible to identify and solve the problem. To top it off, she refused to let staff into her house. It turned out that her son-in-law had installed a water softener incorrectly and that was the source of the rust.



3645 S.W. Burlingame Rd.
Topeka, KS 66611
Phone: 785/267-4850, 1-888/301-6025

We have designed a Safety Dividend Group Insurance Program For Kansas Rural Water Districts

Dividends Paid:

1994 - 8%;	1995 - 16%;	1996 - 24%;	1997 - 11%;	1998 - 5%;
1999 - 11%;	2000 - 18%;	2001 - 22.4%;	2002 - 22%;	2003 - 26%;
2004 - 27.1%;	2005 - 19.4%;	2006 - 21%;	2007 - 21.1%	2008 - 37.8%;
2009 - 27.9%	2010 - 31.7%	2011 - 26.4%;	2012 - 22.7%, amounting to \$329,773	

Since 2000, RWDs have received \$2,996,967 in refunds.

Coverages include:

- Property*
- General Liability*
- Autos*
- Worker’s Comp.*
- Inland Marine*
- Fidelity Bonds*
- Directors and Officers Liability*

This program is underwritten by **EMC Insurance Companies**
Associate Member of KRWA

Ever since Mom was elected mayor I've been sitting in on council meetings. You wouldn't believe the way those adults act sometimes. Maybe Mom ought to take a few dozen pillows to work so they can fight it out!



So the public can act just as irrational and immature as board members. Mix hypersensitive, defensive board members dealing with angry, hostile customers and you have a recipe for disaster.

The good news is that board members have both the power and the obligation to run civil meetings. (Don't worry, I'm not letting the public completely off the hook.) Part of board training should be to teach board

members how to strike a balance between accomplishing board business and the obligation to have open and civil meetings. With that goal in mind, the state laws that mandate open meetings (The Kansas Open Meetings Act "KOMA" <http://ag.ks.gov>) can be a great starting place for civil discourse. No matter how tempting it is to do otherwise, even if it's for the good of the customers, meetings need to be transparent and accessible.

Do's and don'ts for successful meetings

I encourage boards/councils to use the following practices to help have better meetings. Here are some of the "do's" for board/council members.

DO post notices of meetings and create an agenda. While the law doesn't require that a meeting notice be posted, there is no reason not to do so. In fact, one water district went out of its way to make customers feel welcome at meetings by adding a meeting reminder to the bill each month encouraging customers to attend. Interestingly enough, that board president had been on the board of the rural electric cooperative for many years, and his attitude was really different from many board members. Electric co-ops seem to have mastered the client relations aspect of board meetings and they can be a great model to follow. They have an annual picnic for customers. They send out chatty newsletters. They use contact with the customers at board meetings as a way to develop future board members.

DO be welcoming and educate customers who attend the board meetings about board procedures and the general conduct of the meeting. Develop a simple introduction to the public that explains the basics of how the meeting will be conducted. And if you anticipate outbursts or bad behavior by customers, or if there is a controversial matter on the agenda, it is perfectly acceptable to take the bull by the horns

Made for water.
 800-227-4224 • www.hach.com/HQdguide

NEW Benchtop Meter and ISE Probes!

pH • BOD • Conductivity • DO • ORP • Sodium • Ammonia • Ammonium • Nitrate • Fluoride • Chloride

M139EM

HACH
Be Right™

It is perfectly acceptable to take the bull by the horns and ask that everyone conduct themselves in a civil and respectful manner.

and ask that everyone conduct themselves in a civil and respectful manner. Take to heart the idea that “a representative government is dependent upon an informed electorate...K.S.A. 2008 Supp. 75-4317”.

The board president or small town mayor might begin like this: *“I see that we have some customers here tonight. Please help yourselves to some coffee and make yourselves comfortable. Just so you know, we follow some basic rules of procedure so that the board meetings can be civil and efficient. We have an agenda that we follow and you are welcome to a copy of that. During the meeting, the board/council members and staff will be discussing and possibly taking action on agenda items. We ask that you hold your questions until the end of the meeting, when all guests will be given an opportunity to speak. Generally we ask that you limit your questions or comments to five minutes. If you have an item that you need to address in more detail, please contact the office prior to the next meeting and ask that the matter be placed on the agenda under new business.”*

DO NOT go into executive session unless you absolutely must. One of the hallmarks of a burned-out board is the tendency to want to go into executive session as a way to escape the scrutiny of the public. Most of us aren't comfortable “speaking in front of the class” under the best of circumstances. And it is even harder to speak your mind on sensitive topics when you have hostile spectators glowering at you. But that is part of

Meet KRWA's Water Board Bible

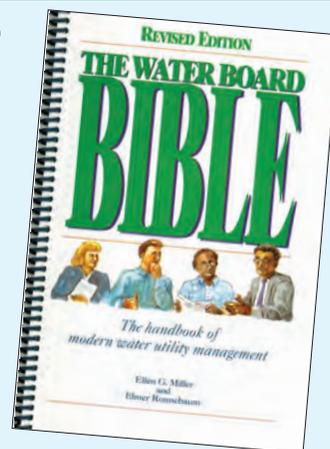
Many governing bodies think that keeping rates low is their only job. A few more look farther, to water quality regs and the costs of compliance.

But there's much more: overseeing an effective business. That covers a lot of territory, ranging from board/staff relations to compliance with new federal legislation such as the Americans with Disabilities Act (ADA).

That's why the Kansas Rural Water Association decided in 1993 to produce a practical, easy to read management handbook for water and wastewater utilities. The title is the Water Board Bible. More than 30,000 copies have been sold to cities and water districts in Kansas and to more than 35 other organizations across the country, not to mention direct sales to individual water systems from California to Maine. The Water Board Bible helps:

- ❖ rural water directors, city councils, mayors and boards to understand their job better
- ❖ operators/managers/superintendents/administrators develop a better working relationship with their boards/councils
- ❖ new board/council members to find out what's expected – and why, and
- ❖ seasoned board/council members to understand what's changed – and why

Interested? Call KRWA at 785-336-3760 or email KRWA at krwa@krwa.net. The cost is \$8.80.



-LINE STOPPING
3/4"- 60"

-LINE TAPPING
2"- 60"

-VALVE INSERTION
4"- 16"

-VALVE TURNING

-PIPE REPAIR WWW.MUNICIPALPIPESERVICES.COM



FOR ALL YOUR POTABLE AND WASTE WATER NEEDS

MUNICIPAL PIPE SERVICES

BOB HENNIG
SALES MANAGER
1615 WEST "J" STREET
HASTINGS, NE 68902

1-800-395-7473
CELL: 402-469-1886
FAX: 402-462-4408
E-MAIL: BOB@MUNICIPALPIPESERVICES.COM



PROVIDING RESPONSIBLE SOLUTIONS FOR YOUR WATER NEEDS

WELL SERVICES

Water Supply Systems
Hydrogeological Services
Well Drilling & Rehabilitation
Pump Repair & Maintenance

WELL INSPECTIONS

WATER TREATMENT



WATER · MINERAL · ENERGY

316.264.5365

www.layne.com

Office Locations

Kansas City, KS
Wichita, KS
Omaha, NE
Kearney, NE
Oklahoma City, OK
St. Louis, MO

being an elected board member. The Kansas Open Meetings Act (KOMA) only allows a few reasons to go into executive (closed) session, and please keep in mind that the point of the executive session is to allow the board members to have a frank discussion about the matter amongst themselves – NOT to vote on it in secret. The vote on the matter comes after the board comes out of executive session. So the point of executive session is to allow the board to discuss things like personnel issues, legal matters that would be protected by attorney-client privilege such as lawsuits, or the purchase of real estate.

If the decision to go into executive session is not on the agenda, then I strongly advise against doing it. Part of that is because KOMA requires a three-part motion in order to legally go into executive session. The motion must contain a statement of: 1) justification for closure; 2) subject(s) to be discussed; and, 3) time and place the open meeting will resume. Example: “Mr. Chairman, I move that we recess into executive session to discuss termination of an employee in order to protect the privacy of the parties involved. We will reconvene the open meeting here at 8:00 p.m.”

It can be tricky to get this right without advance planning. Plus it can create a sense of secrecy and mistrust with the public and be perceived as rude. If they come to a meeting and don't know that there will be a thirty-minute gap while the board goes into executive session, they are likely to become irritated.

DO be willing to adjourn a meeting if it is totally out of control.

You do not have to be at the mercy of rude or threatening members of the public. This is a last resort, but if a member or members of the public refuse to follow the rules of civil conduct and are shouting or threatening board members or otherwise disrupting the meeting,

DO be willing to adjourn a meeting if it is totally out of control. You do not have to be at the mercy of rude or threatening members of the public.

sometimes the only thing to do is adjourn the meeting. In extreme situations, you may have to call the police. K.S.A. 21-4101 prohibits disorderly conduct or disturbing a lawful meeting and actually provides for criminal prosecution. Now, I definitely do not recommend prosecuting a member of the public who disrupts a meeting. I do however, recommend calling the police if necessary and asking them to assist with some community policing by attending a meeting if you know that someone will try to disrupt it. I actually had a bizarre situation involving a territorial dispute with a nearby city and board chaos. Three individuals who resided in the disputed area ran for the board in an effort to stack the board and drop the 1926(b) case. They were defeated but claimed that they were not defeated and along with a dozen or so like-minded folks, attempted to take over the board meeting. The board president was patient and polite for as long as possible, but finally there was too much shouting and picketing and he adjourned the meeting. Then he had to call the police in order to clear the building. The re-convened meeting was tense, but the police attended and insisted that all parties behave appropriately. In this situation, the board could not afford to allow the necessary business of the water district to be stopped, even if that meant getting tough with individual customers.

Do's and Don'ts for the public

Now make no mistake about it – the entire burden of civil discourse is not on the board members. The public also has an obligation to conduct themselves in an appropriate manner. So there are a few Do's and Don'ts for the public as well.

DO become educated about meeting procedures. There are plenty of resources online and examples of the responsible way in which to request advance notice of a meeting, request copies of minutes or other documents, or get an item placed on the agenda. Demanding that staff or board members accommodate your request when they are not required to do so by law is bound to be counter-productive.

DO be polite. Sounds so simple, but if you are polite you have a much better chance of being heard. And keep in mind that no one has the right to disrupt a lawful public meeting. Write letters to the editor of the local paper or to the board, request to be put on the agenda, march on a picket line if you

must, but don't prevent a meeting from taking place.

DO communicate with staff.

Ask them in advance if you want to be placed on the agenda. Do your best to resolve any issues with staff BEFORE you come to a meeting. Many, many times I have seen customers with a problem or complaint come straight to the board. While that is certainly a customer's right, it is frustrating to the staff if the issue is one that they could have solved in advance.

DO attend meetings! I believe that every customer should attend at least one meeting a year, just in order to see their board in action and observe a normal meeting. You cannot become an informed electorate if you never participate in the process.

It can be done. Board members and the public can treat each other with dignity and respect and work together to make sure that everyone has water service. There is no reason that even hotly disputed topics like rate increases cannot be discussed in a calm and

There is no reason that even hotly disputed topics like rate increases cannot be discussed in a calm and reasonable manner.

reasonable manner. Is it easy? No. Does it require that we all act like adults? Yes. One way to think about it is to ask yourself if you would be setting a good example for a high school civics class. Or better yet, would folks in Iraq or Afghanistan like the opportunity to show up at a meeting and talk about their water service? If they had water service?

Elizabeth Dietzmann is an attorney who has worked with rural and municipal utility boards across the country as general and special counsel on various issues.

She can be reached at

edietzmann@earthlink.net.



WHATEVER IT TAKES!



1-800-798-4205

NUTRIJECT.COM

TURNKEY BIOSOLIDS MANAGEMENT • BIOSOLIDS TRANSPORTATION • DREDGING •
DIGESTER AND LAGOON CLEANING • HIGH PRESSURE WATER BLASTING • BIOSOLIDS APPLICATION WET/DRY •
WATER PLANT RESIDUALS • LAGOON AERATION REPAIRS