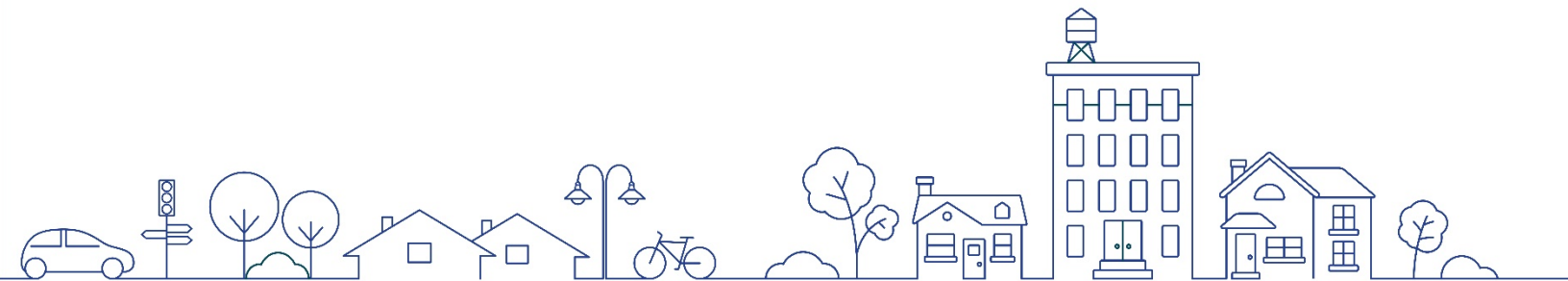


Oregon Municipal Handbook

CHAPTER 10: WORKING WITH THE PUBLIC



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Chapter 10: Working with the Public

Two of the most important objectives for local government officials are determining citizen opinion and ensuring that citizens have enough information to form intelligent opinions. Accomplishing these objectives requires a constant effort on the part of cities to: (1) communicate with the public; and (2) provide opportunities for citizen participation. This chapter addresses both of these essential categories and offers several resources and best practices that cities can apply when working with the public.

I. CITIZEN PARTICIPATION

Fundamentally, cities are organized to pursue the interests of its residents. In any home rule charter, local voters grant the city the power to exist on the condition that the city will meet the needs of its community.¹ Not surprisingly, citizen participation in government helps a city understand these needs.

Simply put, a city benefits by having conversations with its residents. Topics can be as technical as traffic patterns or local land use policy; or they can be purely aesthetic, such as a park design or the look of a civic center. Whatever the issue, citizen involvement serves as an important guide for cities.

This section covers some of the ways that cities can encourage citizen involvement. The section first explores how to hold effective public hearings. It next addresses citizen advisory committees and neighborhood associations as means of working with the public. The section then turns to best practices for volunteer participation before concluding with a brief description of public opinion polls.

A. Public Hearings and Public Comment

With the exception of elections, public hearings and public comments are the most traditional and prevalent ways for citizen involvement in local government decisions. While state law provides certain minimum criteria for public meetings,² local law governs how these meetings are conducted, including how much time is given to citizens for public testimony. By and large, state law leaves it to public bodies to establish their own **rules of procedure** for hearings and regularly scheduled meetings. That said, these rules of procedure often are required by a city’s charter.³ Even if not required, these rules serve a vital role for cities by ensuring a consistent, fair, and objective approach to a city’s public meetings. By extension, this ensures a smooth dialogue with citizens who attend and participate in meetings.

In 2017, the LOC drafted model rules of procedure for council meetings.⁴ These model rules include suggestions on how to approach public hearings and public comments.⁵ For example, the rules suggest that cities present the audience with a “hearing roster” prior to the

¹ See generally Or Const, Art XI, § 2; see also Or Const, Art IV, § 1(5).

² See ORS 192.610 to ORS 162.690.

³ See, e.g., BAKER CITY, OR., CHARTER § 16 (1986) (providing that the city council “shall...adopt written rules for the government of its members and proceedings.”).

⁴ See LEAGUE OF OREGON CITIES, MODEL RULES OF PROCEDURE FOR COUNCIL MEETINGS 1 (2017), https://www.oregocities.org/download_file/604/0 (last accessed Feb. 16, 2021).

⁵ *Id.* at 7-10, 19-22.

start of any hearing, upon which anyone interested in speaking can write their name and address.⁶ The rules also recommend requiring each speaker at a hearing to state their name and whether they are a resident of the city and to limit their testimony to three minutes or less.⁷ It is useful to clarify that city council members can ask “clarifying or follow-up questions” of any speaker at a hearing, but that these questions should not be used as a ploy to lengthen or expand a speaker’s testimony.⁸ The LOC model rules provide that councilors “shall be expected to use restraint . . . when exercising” their right to ask questions of speakers, and further provides that the “presiding officer may intervene if a councilor is violating the spirit of this guideline.”⁹ It is important to note that the LOC model rules also suggest a different and more specific approach for a city’s land use hearings.¹⁰ Many land use hearings are quasi-judicial in nature and, as such, speakers at land use hearings are far more likely to be represented by an attorney.¹¹

The LOC model rules offer several more suggestions for the public comment periods typically offered during regularly scheduled meetings.¹² First, the model rules state a public comment period “shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time.”¹³ Second, the rules suggest allowing members of the public to use city audio or visual equipment as part of their comment, but only if they provide the materials to city staff prior to the meeting.¹⁴ Third, the rules suggest requiring members of the public who want to speak at a public hearing to reserve their comments for that time, rather than speaking during the public comment period and the public hearing.¹⁵

In sum, rules of procedure are a practical necessity for cities and often are required by a city’s charter. Please note that the LOC model rules are merely suggestions and cities are encouraged to design their own rules of procedure in a way that works best for their community. Often, cities identify useful provisions that are unique to their rules; for example, the city of Happy Valley requires council members to seek input from the city’s manager and attorney before attempting to revise a prepared ordinance during a meeting.¹⁶ The city of Bend uses its rules to add clarity to the state’s ethics laws.¹⁷

⁶ *Id.* at 8.

⁷ *Id.* at 9.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 19-22.

¹¹ *Id.*

¹² *Id.* at 7-8.

¹³ *Id.* at 7.

¹⁴ *Id.* at 8.

¹⁵ *Id.* at 7.

¹⁶ See HAPPY VALLEY, OR., CITY COUNCIL RULES § E(3)(d) (2020).

¹⁷ See BEND, OR., GENERAL COUNCIL RULES § 1.040 (2011).

Of course, rules of procedure are not the only step that cities can take to promote positive citizen participation at public meetings. Public hearings in particular often benefit from an **opening statement** by the presiding officer that explains the subject that is being considered and makes clear the rules that are in place at the hearing. While city staff and the public body may be aware of the rules of procedure, the same cannot be said for most members of the public; therefore, an opening statement that explains relevant rules can lower the likelihood of discontent or friction during public testimony. Similarly, many members of the public are not always aware of past deliberations or decisions that a city has made on an issue. By providing a summary of factual information related to a subject at the start of a hearing, a city can promote a broader understanding of the issue and prevent rumors or other misunderstandings from taking hold.

Likewise, hearings should close with the presiding officer making a **closing statement** that explains what further actions, if any, need to be taken by the public body or its staff. These conclusory remarks give everyone in attendance a better idea of where matters stand on a particular subject.

On controversial matters, except for quasi-judicial hearings, a prehearing conference with the issues' chief proponents and opponents may be useful. Questions of fact may be resolved at such conferences and time may be saved at the hearing. To preserve the impartiality required for quasi-judicial hearings and to avoid violation of the open meeting law, prehearing conferences should be conducted by city staff members rather than councilors.

Occasionally, public hearings or public comment periods attract unhappy individuals who act out with offensive, disruptive, or sometimes violent behavior. It is not uncommon for these same individuals to cause several disruptions at the same meeting or over a series of meetings. Certainly, cities have the right to prohibit behavior that is truly disruptive.¹⁸ However, cities must take care to ensure that the individual has actually *disrupted* the proceeding; conduct that is merely rude or unpleasant does not rise to this level and is likely a protected form of speech under the Oregon Constitution or the U.S. Constitution. For a more detailed overview of the options available to cities when responding to disruptive individuals in public meetings, see the LOC's Legal Guide to Handling Disruptive People in Public Meetings (2017).¹⁹

B. Advisory Groups, Boards, and Committees

Citizen advisory committees are created for a variety of reasons and there are many ways to use them. First, advisory committees can be used to ensure ongoing public involvement on issues of significant public interest. In some cases, the issue applies to the city as a whole. In

¹⁸ LEAGUE OF OREGON CITIES, LEGAL GUIDE TO HANDLING DISRUPTIVE PEOPLE IN PUBLIC MEETINGS 3 (2017), https://www.oregocities.org/download_file/384/0 (last accessed Feb. 16, 2021).

¹⁹ *Id.*

2017, for example, the city of Eugene established a Community Safety Citizen Advisory Board pursuant to its local code.²⁰ The board mainly serves to “monitor the collection and the spending” of a local payroll tax that funds the city’s community safety programs.²¹ In other cases, the issue might only be applicable to a portion of a city. An example of this includes the Tryon Creek Wastewater Treatment Plant Community Advisory Committee, a public body serving the city of Portland.²² Among other things, this committee reviews the planning and design of projects related to the treatment plant.²³

Advisory committees can also be used to gain insight from, or improve relations with, specific groups within a community. For example, the city of Medford depends on its Bicycle & Pedestrian Advisory Committee for advice on how to improve the city’s infrastructure for these users.²⁴ The city of Ashland relies on the Ashland Senior Advisory Committee for recommendations on senior support services as well as “low-cost recreational, health promotion and educational opportunities at the Ashland Senior Center and other locations.”²⁵ And the city of Gresham employs a Youth Advisory Council for input on “issues, projects, and proposals that have an impact on youth.”²⁶

Advisory committees can even be used to find creative solutions to much larger issues. Several cities, including Salem and Tigard, have created advisory bodies to address homelessness in their communities.²⁷ Likewise, the city of Bend authorized its Environment and Climate Committee to develop and implement a climate action plan for the city, among other topics.²⁸

In general, advisory committees are established by council resolution and the committee members are appointed by the city’s mayor or council. The LOC recommends that cities clearly delineate the duties and responsibilities of these committees to avoid conflicts. The LOC also

²⁰ *Community Safety Citizen Advisory Board*, CITY OF EUGENE, <https://www.eugene-or.gov/4417/Community-Safety-Citizen-Advisory-Board> (last accessed Feb. 12, 2021).

²¹ *Id.*

²² *Tryon Creek Wastewater Treatment Plant Community Advisory Committee*, CITY OF PORTLAND, <https://www.portlandoregon.gov/civic/article/701600> (last accessed Feb. 12, 2021).

²³ *Id.*

²⁴ *Bicycle & Pedestrian Advisory Committee*, CITY OF MEDFORD, <https://www.ci.medford.or.us/CCBIndex.asp?CCBID=36> (last accessed Feb. 12, 2021).

²⁵ *Ashland Senior Advisory Committee*, CITY OF ASHLAND, <http://www.ashland.or.us/Page.asp?NavID=17877> (last accessed Feb. 12, 2021).

²⁶ *Youth Advisory Council*, CITY OF GRESHAM, <https://greshamoregon.gov/Youth-Advisory-Council/> (last accessed Feb. 12, 2021).

²⁷ *Downtown Homeless Solutions Task Force*, CITY OF SALEM, <https://www.cityofsalem.net/Pages/downtown-homeless-solutions-task-force.aspx> (last accessed Feb. 12, 2021); see also *Homelessness Resources*, CITY OF TIGARD, https://www.tigard-or.gov/city_hall/homelessness_resources.php (last accessed Feb. 12, 2021).

²⁸ *Environment and Climate Committee*, CITY OF BEND, <https://www.bendoregon.gov/government/committees/environment-climate-committee> (last accessed Feb. 12, 2021).

recommends that a city councilor play a role in each of these committees, either as a voting member, ex officio member, or liaison.

For the most part, advisory committees are voluntary, and members are not compensated for their time. City staff are often assigned to provide technical and administrative support as well as to lend continuity and direction. Advisory committee meetings generally are considered public bodies and therefore are subject to Oregon's public meetings law. For more information on what qualifies as a "public body" and what is required of one when it meets, see the chapter of this handbook on Oregon's Public Meetings Law.

C. Neighborhood Associations

Neighborhood associations are formed by citizens to work on matters involving traffic, transportation, social services, housing, zoning, land use, law enforcement, recreational facilities, and other matters that affect their neighborhoods.

There is considerable disagreement about whether it is appropriate for a city to formally recognize and sponsor these associations. Those who favor city sponsorship cite increased citizen participation, more realistic neighborhood planning, better public relations, and a more knowledgeable citizenry. Others argue that neighborhood groups tend to be parochial units that lead to political factions and a lack of cooperation with the city and other community institutions.

D. Volunteers

Perhaps the best illustration of the "two-way street" of citizen participation is the use of volunteer assistance in city government. When citizens have an opportunity to participate in the actual workings of government, they have an opportunity to influence it. Volunteer experiences range from refereeing a parks and recreation sports league or serving as a librarian to helping keep a community safe with the local fire or police department. Without volunteers, there are many services that cities simply would not have the funds to provide. Beyond this obvious benefit, volunteerism also serves an important function for a city's relations with the public. There is perhaps no more effective way to explain the intricacies of local government to citizens than through their direct involvement as volunteers.

There are pitfalls, however. Volunteers can be a source of significant liability for cities. This risk can be minimized and the effectiveness of volunteers can be enhanced by developing guidelines for their use. Cities that are members of CIS can take advantage of many excellent resources offered by the agency's risk management specialists. For example, CIS offers a number of model forms that cities can use when recruiting and managing their volunteers. These forms include volunteer applications and waivers, a vehicle use policy, suggested duties for

volunteer coordinators, and a guidance document that helps cities choose among the types of insurance coverage that are available for volunteers.²⁹ CIS also offers a volunteer policy manual template that cities can review when developing their own manual.³⁰ For more information, cities should contact CIS at (503) 763-3800 or cisoregon.org.

E. Public Opinion Surveys

One final method of increasing citizen participation in local government is through the use of public opinion surveys. A good survey has a clear purpose. For example, a survey might (1) determine citizen demand for a new service; (2) help measure the effectiveness of existing services; or (3) test the citizenry's knowledge of city matters in order to design appropriate public information programs.

Public opinion surveys require different levels of staff assistance depending on the type of survey and its objectives. The most reliable and unbiased results often can be obtained by professional polling or survey organizations. That said, if cities conduct their own surveys, technical advice may be available from staff, local colleges, or other outside sources. The actual work that goes into conducting a local survey — e.g. folding, stapling, envelope stuffing, mailing, and coding responses — usually can be accomplished with the help of civic groups and other volunteers. If the questions are brief, surveys can even be enclosed with utility bills.

II. COMMUNICATING WITH THE PUBLIC

Just as cities need to hear from citizens to know how to best serve them, citizens need to hear from cities in order to know about local issues. Encouraging citizen involvement is one half of the battle; cities benefit the most when their residents are both involved *and* informed. While communicating with such a large number of people is inherently difficult, cities have a number of tools at their disposal that can provide residents with the information they need.

A. Communication Policies and Plans

To ensure effective communication with the public, the LOC strongly recommends that cities develop written policies that govern the distribution of public information. Much like a city personnel manual, written policy guidelines create a framework for public issues to be dealt with in a manner that is both consistent and objective. The LOC also recommends that cities develop an overall strategy or plan to guide their outreach. For example, the city of McMinnville developed its Communication Strategy in 2016 that lays out several long-term goals for the city

²⁹ *Resource Library*, CIS, <https://www.cisoregon.org/Member/RiskManagement/ResourceLibrary> (member cities will be required to log in before accessing the library) (last accessed Feb. 17, 2021).

³⁰ *Id.*

in terms of its communications with the public.³¹ This strategy lays out several methods of accomplishing these goals, such as by working with media outlets and face-to-face, mail, and digital outreach.³²

A communications plan can help a city identify what groups are present in their community, what groups are adequately represented, and what groups are underrepresented in a city's deliberations. From there, that city can develop short and long-term goals to increase or maintain the participation of these groups in the decision-making process. The residents of any city may be thought of as several overlapping groups of individuals, organized or unorganized, with common interests and objectives. Everyone in a community is a member of multiple interest groups: taxpayer, voter, business owner, cyclist, park-goer, neighbor, senior, union member, or consumer. The list goes on. In general, a city's communications should be made with an idea for the groups that will find it interesting. If the topic is of general interest, the information can be distributed to all members of the community. If the issue is of interest to only a few stakeholders, such as a water rights issue, then time and money can be saved by targeting information to only the affected individuals.

When forming a strategic plan, cities might find support through universities. The city of Albany, for example, recently researched a communications plan for its Parks & Recreation Department in conjunction with the University of Oregon (U of O) and the Sustainable Cities Initiative (SCI).³³ In 2017, the university offered a graduate course in its journalism school on strategic public relations planning; through the SCI, the city's public relations staff collaborated with the students to develop a communications plan based on the latest research.³⁴ This might be an option for other cities seeking to develop a plan, either with the U of O or another university.

Finally, the LOC recommends that cities publish communications in all of the languages that are spoken by residents. This act ensures that no segments of the community are left out of communications and also signals to non-English speakers that their opinions matter to the city.

B. Media Outlets

Good media relations are essential, not only in the city's effort to communicate with the public, but also in the ability of city government to carry out its basic functions and responsibilities. The "two-way street" works in media relations, and city officials can go a long

³¹ *Communication Plan*, CITY OF MCMINNVILLE, <https://www.mcminnvilleoregon.gov/cityadmin/page/communication-plan> (last accessed Feb. 16, 2021).

³² *Id.*

³³ Rian Rasubala & Kelli Matthews, *Communication Plan for Albany Parks & Recreation*, SUSTAINABLE CITY YEAR PROGRAM 1 (2017), <https://core.ac.uk/download/pdf/84755668.pdf> (last accessed Feb. 16, 2021).

³⁴ *Id.*

way toward happy relations by adopting a cooperative and businesslike stance (toward the media) based on mutual respect and understanding.

Media relations require regular methods of bringing reporters and government officials or employees together for the purpose of gathering and disseminating news. Some cities assign responsibility for media relations to one person. This might be a communications specialist with media and public relations as the primary or sole duty; or, media relations may be assigned to the city recorder, mayor, city administrator, or another staff member. A city media relations person functions as a coordinator who puts news people in contact with public officials or employees, notifies reporters of meetings, supplies background material, writes news releases, and oversees city communications efforts in general.

A formal public information policy also helps to establish good media relations. First, a communications policy can clarify who may serve as a media relations person and who may perform other media-related roles, such as handling public records requests or helping a reporter find information that is already publicly accessible. By identifying the types of inquiries that city employees may handle directly, as opposed to inquiries that should be referred to city officials, a city can operate more efficiently while ensuring it conveys clear messages to the public. For more information on the basic requirements and deadlines of public records requests, refer to the chapter of the handbook on Oregon’s public records law.

Second, a communications policy can provide standards for press releases, such as the use of quotations or photographs, as well as for press conferences when they are necessary. Third, a communications policy can require training sessions for department heads, elected officials, and other key figures with the city. Fourth, a communications plan sets citywide goals, such as encouraging department heads to “proactively initiate communications and dialogue rather than simply responding to issues and events as they occur.”³⁵

News releases provide updates to media outlets that often result in press coverage. Releases can be used to announce a public event, publish the text or abstract of a speech, report changes in city functions or procedures, or share biographical information about a new city appointee or employee, along with other matters that are more generally of public interest. While it may be helpful to follow some of the basic rules of journalistic style in preparing news releases, it is essential that these releases convey information in simple, direct terms.

When working with media outlets, it is important to be aware of the differences between the many forms of media. For instance, print media outlets have different schedules and

³⁵ *Communication Plan*, CITY OF MCMINNVILLE, <https://www.mcminnvilleoregon.gov/cityadmin/page/communication-plan> (see “Communication Strategy” under supporting documents) (last accessed Feb. 16, 2021).

deadlines than radio or television outlets. Generally, newspapers and magazines assign beat reporters to cover local affairs and so a city can expect more in-depth coverage by these publications.

By contrast, radio coverage usually consists of brief, up-to-the-minute news. Many stations depend entirely on telephone interviews, news releases, and wire service reports, but some assign reporters to cover city hall and give in-depth coverage. Radio, with its ability to provide immediate coverage, is especially useful for emergency situations that occur with city utility systems, traffic, air pollution, or for dissemination of local disaster information. Television presents its own demands and opportunities. TV conveys images and action but typically is less suited for a discussion of technical issues. Artwork, maps, charts, graphs, photographs, and slides can all help television outlets tell a visual story.

Although commercial radio and television have been deregulated and stations are no longer required to devote a specified amount of time to public service announcements, most stations run brief announcements and public affairs programs. Cities can take advantage of such opportunities but should set high standards of quality and relevance for public service programs. Communities served by public radio and television have wider opportunities for specialized programming.

C. Social Media and City Websites

Social media platforms like Facebook and Twitter represent some of the most effective ways for cities to communicate with residents. Despite these benefits, social media platforms also pose unique challenges for cities. First, choosing to create social media accounts comes with the pressure of maintaining these accounts. Cities that do so may come under scrutiny for failing to provide up-to-the-minute posts about local issues or events. Conversely, cities that post frequently to their social media accounts run the risk of publishing false or misleading information. Second, most elected officials and city staff maintain their own personal social media accounts. These accounts can lead to dramatic situations quite easily; if a city official or employee happens to make a controversial statement, cities can become embroiled in the controversy by affiliation. Third, city-sponsored social media accounts present various legal issues. Social media posts constitute public records, and any censorship of comments made on these posts can trigger free speech claims under the Oregon Constitution or U.S. Constitution.

Cities must know and prepare for these concerns. The LOC strongly recommends that cities adopt a social media policy before opening any city-sanctioned social media accounts. The model social media policy developed by the LOC begins by defining what is and is not “social

media.”³⁶ For instance, a blog or forum on a city’s website could be included as social media, particularly where there is significant public participation. A social media policy also should include certain requirements for opening a new social media account, with a minimum requirement that any city account be affiliated with a city-issued email address.³⁷ By using a city email address, a city guarantees it will be able to access the account, regardless of whether the employee who created the account has left on vacation or for another job. A policy should also require the display of the city’s logo and a notice that describes the account as a city webpage.³⁸ The following is a sample notice:

This site is created by the city of _____. This site is intended to serve as a mechanism for communication between the public and the city of _____ on all topics relevant to city business. The city of _____ reserves the right to remove comments or postings that violate any applicable laws. A list of content that will be removed may be viewed at: [*insert hyperlink to social media policy*]. Postings to this site are public records of the city of _____ and may be subject to disclosure under the Oregon Public Records Law.

The city of _____ does not endorse nor sponsor any advertising posted by the social media host, that the social media is a private site, or the privacy terms of the site apply. The city of _____ does not guarantee reliability and accuracy of any third-party links.³⁹

As mentioned in the notice, a city’s social media policy also should include a list of content that the city may remove from its social account. This content may include any profane or discriminatory content, any inappropriate sexual content, any advertisements or solicitation, any information that is private or confidential, and any information that tends to compromise the safety or security of others.⁴⁰ Cities may also consider adopting social media user guidelines that describe other prohibited conduct.

Finally, a social media policy should require that city officials and employees avoid discriminating against any public speech based on its content or viewpoint.⁴¹ This extends to the decisions the account manager makes about who to “friend,” “follow,” “like” or “retweet.”⁴²

³⁶ See LEAGUE OF OREGON CITIES, MODEL EMAIL AND SOCIAL MEDIA POLICY 6 (2018), https://www.oregocities.org/download_file/147/0 (last accessed Feb. 16, 2021).

³⁷ *Id.* at 7.

³⁸ *Id.* at 6.

³⁹ *Id.* at 6-7.

⁴⁰ *Id.* at 7.

⁴¹ *Id.*

⁴² *Id.*

D. City Publications

City publications include handbooks, reports, bulletins, posters, films, slide shows, and various other visual displays that are published by a city. For instance, some cities publish annual reports. Originally, these reports were just an accounting of yearly municipal activities, but now are seen as an important public relations tool. Many cities also use brochures to describe programs or services, such as recreational programs, local improvement assessment procedures, and energy conservation programs. Some cities even publish periodicals; the city of Bend, for example, publishes a monthly newsletter that provides “updates from the city as well as important council decisions.”⁴³

⁴³ *City News*, CITY OF BEND, <https://www.bendoregon.gov/government/departments/communications> (last accessed Feb. 12, 2021)