

Managing Contentious Meetings: a Public Hearing Scenario and Role Play

Scenario: Holding an initial hearing on a proposed 100-home development in your jurisdiction

Key features of the proposal

- a) One-quarter of the area is considered “steep slope” development
- b) On hillside with no existing development – a popular viewshed is nearby with only a narrow road for access

Anticipated concerns

- 1) Erosion, run-off, stormwater control
- 2) Density and traffic
- 3) Loss of green space or an area or view valued for its beauty
- 4) Local vs. non-local residents (unclear if home prices will fit need for year-round residents or be priced only for part-year residents)
- 5) Change vs. the way it is now...etc.
- 6) Could generate too many kids for the schools
- 7) Outside developer – has not worked in this area before
- 8) Developer refuses to give enough information to neighbors – raises suspicion

Playing out the Hearing

Group 1 – Location and Space set-up for the hearing

Group 2 – Ground Rules and materials from the applicant and the planning staff

Group 3 – Participants in the hearing

- a) Applicant
- b) People from community opposed to the development

Purpose

1. Practice in preparing for a “hot” hearing and comparing the usual methods and alternative ways to do the hearing
2. Safe environment to try different techniques to manage an emotional crowd

Activities

1. Preparation

Groups 1, 2 and 3 meet separately – prepare for hearing. Further instructions from Instructor.

2. Conducting the Hearing

Groups 1 and 2 are planning board and staff – provide agenda, “materials,” decides how to hear from the audience

Group 3 – is the audience. Brief presentation by applicant, then comments by audience.

3. Debrief, review teaching materials

TIPS ON MORE EFFECTIVE PUBLIC HEARINGS

Compiled by Debra Henzey

N.C. Association of County Commissioners (1998)

Updated 2008, Chatham County Manager's Office

WHAT'S IN A NAME?

Call it a public hearing only when you have to by law. According to research, many people have preconceived ideas about "public hearings." Just the name itself may help assure that:

- a) the **people you least need** or want to hear from will attend and try to dominate the hearing
- b) the **people you most need** and/or want to hear from will NOT come because they assume one or more of the following:
 - the board's already made up its mind and public comments are window-dressing;
 - the "loud mouths" will dominate the hearing;
 - public comments will be held until the end after a long regular meeting or other hearings; and
 - the setup and/or format will be intimidating for people not used to speaking in public.

ALTERNATIVE NAMES:

Open forum, public discussion, community meeting or conversation, town or county forum, open house, etc.

BEFORE THE PUBLIC HEARING:

Make sure the final "public hearing" is preceded by other ways of getting input from the community that may be less restrictive or threatening.

Options include: town meetings in community centers or schools; focus groups or roundtable discussions; visits to important gathering places; presentations at chamber of commerce, civic clubs.

PERSONAL INVITATIONS:

Personally invite people to the hearing that you need to hear from but who might not come otherwise. Work on identifying less visible or vocal community leaders with a stake in the issue and invite them by phone and letter.

FORMAT OF THE HEARING: _

No one says that public hearings have to use the same structure as regular board meeting. Some suggestions that can make a hearing less intimidating to average citizens:

1. During the hearing, have the board sit in the audience in the front row or at a table to the side, but not at the board table where everyone has to speak “up to them”. However, it should be easy for the chair to get to a microphone to maintain order. Clarify that the format of the hearing will change if order cannot be retained.
(NOTE: The usual trouble makers find that they could look like they are lambasting the entire community, not just the board, when they have to direct comments to the entire room, not at commissioners.)
2. Have clear rules and follow them for everyone. Time limits and any rules on how many speakers from each side of an issue should be written out and clearly explained again at the beginning of the comments.
3. Have comment cards for people who feel uncomfortable speaking in public, collect them and read them aloud at the end of the comment period or summarize on flipchart paper.
4. Have large flipchart sheets around the room for people to write their concerns before the hearing starts. This helps get out emotional feelings and puts their feelings out front where others can see them. A facilitator might use these sheets as the starting point of a discussion.
5. Have 2 or 3 microphones in the audience so people do not have to speak from a podium where attention is focused so directly on them. This is most important for certain groups who are not comfortable speaking in public, such as immigrants, low-income residents, and some ethnic/racial minorities.

KEEPING ORDER:

If issues get out of hand, the chair should be prepared to use the gavel to call the group to order. Some boards have effectively used adopted written ground rules or expectations for those who are speaking which can be posted visibly and/or handed out. This works most effectively if the governing or appointed board itself follows the same ground rules.

HOSTILE COMMENTS/QUESTIONS:

Refer to your ground rules if they address raised voices, foul language, etc.

One ground rule that can be used for this purpose is “express disagreements or concerns respectfully.”

You do not have to respond to hostile audience members’ accusations or suggestions, but it’s best to have ground rules to explain why you are not doing so. You can choose to acknowledge their input and move on. In many cases, but not all, the less response a belligerent person receives, the less he or she is encouraged to continue. Audience members also should be reminded to not react with boos, hisses or cheers.

CONSIDER A FACILITATED HEARING:

If emotions are likely to run high, consider having a trained facilitator or mediator to moderate the public comments, possibly using flip charts, small groups or postcard comments (as suggested above) as a way to begin the discussion.

CONSIDER SITE SELECTION:

If an issue revolves around a community that is less likely to come or people could benefit from seeing a specific site, consider holding the hearing on the site itself, if possible. Some local governments have held hearings in the middle of streets (closed off, of course), in a playground or park, at a community center, in a vacant field, etc. by bringing in a sound system and lots of chairs. However, this format may not work well if emotions are running high and the sound system or lighting is poor.

This also could mean using a more “neutral” site that is not identified with government. For example, meeting in a courtroom can be intimidating for some groups. Or people may feel more comfortable speaking up in a church, school or senior center than in a county or city building.

The atmosphere and setup of a room are just as important as the site itself. A recent experience early in 2008 showed the downfall of using a school auditorium in a rural part of Chatham County. We have limited options in the less populated southwestern quadrant for large public meetings. Unfortunately, the inflexible setup of the high school’s auditorium automatically set the stage for a confrontational atmosphere. The two preceding meetings in a church and a more intimate school setting produced more positive results.

DEALING WITH DIFFICULT PEOPLE IN CITIZEN PARTICIPATION

Managing High Emotion & Contention in Public Hearings

People (and organizations) will misunderstand, misrepresent, vilify, defame, obstruct and disrupt in more ways than you can imagine. In many cases, they are seeking to satisfy their self interest. The primary tools for dealing with difficult people are focused on helping the participants become more effective using more constructive behaviors. Most people fight because they think cooperative behaviors will not work.

The first rule is: Accept that you cannot control everything. Don't take challenges to the process or substance as personal attacks.

Here are some additional broad rules which should help you deal with the problems when they arise.

- 1) Don't assume that all problem people are alike. Some are truly weird, but most:
 - a) Just want attention and recognition.
 - b) Want a specific outcome and will fight to get it.
 - c) Don't know or don't have a more constructive way to participate.
 - d) Think they're being helpful.

- 2) Without using up too much group time, try to figure out what is underneath the behavior. Use simple constructive questions to stop the attack and invite more positive participation.

Example:

"Can you slow down? I want to make sure I understand what you're saying. How do you want this to be recorded in the record? What do you really think we should do? How could we accomplish that?"

- a) If they want attention: It does not cost you anything to give someone recognition and invite their positive participation.
- b) If they are fighters for an outcome: Offer them a more constructive channel than fighting. Invite them into the process. Fighters and dirty fighters are best handled through a jointly acceptable process.
- c) If they don't know what's happening: Untrained participants can be educated to become good participants, much more easily than they can be suppressed.
- d) If they think they're being helpful: These people are your allies, not problems at all! With guidance, they can be a real asset.

**DEALING WITH DIFFICULT PEOPLE
IN CITIZEN PARTICIPATION**

Managing High Emotion & Contention in Public Hearings

3) Escalate your interventions very deliberately and slowly, from the lightest to the heaviest:

Lightest	Record concern
•	
•	Acknowledge/Legitimate/ Deal/Defer
•	
•	
•	Refer to the record, rules or agenda
•	
•	Use body language to suppress or isolate
•	
•	Speak to the objector personally during a break, proposing another more constructive behavior
•	
•	Ask group support to suppress
•	
Heaviest	Suppress with group support

4) Don't ever try to battle problem people alone.

5) Use every opportunity to model constructive behavior and while being open to other ideas about what might be worthwhile.

Resolving Public Disputes: Workshop III

THE “SAMOAN”* CIRCLE FOR GROUP DISCUSSION

Managing High Emotion & Contention in Public Hearings

Summary by John Stephens, February 1998

Purpose: to provide for conversation, and easy movement, between audience and speakers.

Process:

- 1) Getting started:
 - a) Describe the process
 - b) State a specific topic or question
 - c) Set ground rules as needed
 - d) Set a time limit for the conversation
- 2) Determine if some record of the discussion needs to be kept. If so, how and by who.
- 3) Have a table in the center of the room with 4-6 chairs. A round, small table is best.
- 4) Chairs for the audience are arrayed around the table.
- 5) The moderator invites the first set of conversation partners to take seats at the table.
- 6) People remain in their seats as long as they are speaking or listening. They may leave their seats when they wish to listen only.
- 7) Audience members interested in speaking come up to the table and stand behind a seat. The person at that seat can continue to speak, listen and dialogue until they are satisfied for the moment. If someone at another seat leaves, and there is no one behind that person, another person ready to speak can take that seat.
- 8) The moderator or others can remind speakers if there are people waiting to take a seat. However, it is up to the people seated to determine when they should leave the table.
- 9) A person may move between the table and the audience as often as they wish.

Goals and limitations:

Useful in allowing dialogue between participants, with others listening and able to comment during the same meeting. Controls who speaks, but focuses on a reciprocal or “common courtesy” system for who is at the table. The process is not useful if people believe they are opponents on an issue, but have not had an opportunity for a concerted exchange of questions, concerns and views on an issue.

*The process was first described in writing in: “The Samoan Circle: A Small Group Process for Discussing Controversial Subjects,” by Lorenz Aggens in Public Involvement Techniques: A Reader of Ten Years of Experience at the Institute for Water Resources, edited by James Creighton, Jerry Delli Priscoli, and C. Mark Dunning, Fort Belvoir, VA: U.S. Army Corps of Engineers, Institute for Water Resources, May 1983.

There is no connection between the Samoan culture and the “conversation circle” process. Aggens subsequently apologized for using the title “Samoan” since it was misleading as to the basis for the form of conversation.

Resolving Public Disputes: Workshop III

PUBLIC HEARING PREPARATION “GUIDING WHAT YOU CAN CONTROL”

Managing High Emotion & Contention in Public Hearings

1. Basic Logistics

- A. Date and Time
- B. Location
- C. Room arrangement

2. Purpose and structure of the hearing

- A. Clarify what is the desired outcome of the hearing
 - i. Minimal: it just has to held, per legal requirements
 - ii. Medium-range: a way for citizens’ views to be heard, possibly answer some questions, address incomplete or misinformation
 - iii. Higher-range: compile ideas into themes, create and evaluate different options, poll the audience for preferences
- B. Structure choices
 - i. Will the board or committee respond to speakers?
 - ii. Should there be activities other than one full group of speaking and listening?
 - iii. What are the roles of staff and elected officials? Who responds to what kind of comment or question?
 - iv. Alternative structures: “Samoan Circle,” breakout groups, separate stations to address particular topics of the overall issue

3. Categories of groundrules

- A. Time limit on speakers – for equal treatment and to keep individual presentations brief
- B. How views and questions can be considered other than speaking at the hearing:
 - i. Comment sheets at the hearing [who receives them, expected time for a response, form of a response – phone, email, other]
 - ii. Other meeting times
 - iii. Scheduling meetings with staff or elected officials
- C. Kinds of speech allowed and disallowed
 - i. Respectful speech – define
 - ii. How will petitions be handled?
 - iii. Disallowed – examples/options: No personal attacks, No name calling, No shouting
 - iv. Limits on banners or other visual aids
 - v. Graduated responses to violations of manner of speech rules
 - a) Chair notes violation, speaker to stop/restate
 - b) Chair notes second or serious violation, speaker must explicitly stop, change behavior – final warning
 - c) Speaker forfeits right to speak – microphone is turned off or removed, law enforcement presence is nearby
 - d) Law enforcement official acts to maintain order

4. Safety and Security

- A. Policies on objects that might be dangerous [for example, signs]
- B. Presence and use of law enforcement – various options

LOGISTICS & MEETING SPACE PLANNING

Managing High Emotions & Contention in Public Hearings

- a) Publicity and invitations

- b) When to hold the hearing
 - Time of day
 - Day of week
 - At what point in the information gathering and decision-making process

- c) Where to hold the hearing
 - Parking, transportation
 - Size of room
 - Walls or other spaces for visual displays, note taking [flipcharts, overhead projectors, chalkboards, other]
 - Kinds of set-up available [auditorium, classroom, fixed tables / chairs, ability to move between large and small groups]
 - Questions of physical access, sufficient space

- d) Whom to involve – specific invitations, people to consult in planning

- e) Whom to have at the meeting
 - To provide information
 - To make / influence decisions

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MEETING RULES, INFORMATION & EXPECTATIONS

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- a) Information
 - Guideline: design multiple ways for people to receive and respond to information
- b) Polling
 - To gain viewpoints from the crowd
 - To identify which questions to answer
 - To identify specific concerns
- c) Purpose of the meeting – clear and short
- d) Concerns about conducting the meeting – share with the people assembled
- e) Who is running the meeting?
- f) Agenda – what happens when
- g) Speaking – Who, in what order, for how long, with or without replies?
May speakers respond to one another? May speakers converse?
- h) Listening – Who? Will there be an oral summary?
- i) Demonstrations of support or opposition (banners, petitions, etc.)

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NON-VERBAL TECHNIQUES

Managing High Emotions & Contention in Public Hearings

a) Body posture

- lower body
- upper body
- head
- eyes

b) Body Movement

- arms and hands
- legs
- head

c) Control techniques

- Posture, eye contact and active listening
- Hands and arms: to slow, stop or re-direct attention
- Moving closer to the speaker

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**FINAL OPTIONS: MOVING TO CONSEQUENCES
AND SHUTTING SOMEONE DOWN**

Managing High Emotions & Contention in Public Hearings

Stage I

- a. Refer to rule violation
- b. Offer an option for their expression within the rules and consequence of continued violation – a “warning”

Stage II

- a. Strong interjection: note rule violation
- b. Remind of consequence
- c. Refer to how rules help everyone in the hearing, how their violation is contrary to the purpose of the hearing
- d. Enforce – have next speaker come forward, turn off microphone, law enforcement presence

Comparison on Public Hearings – Usual Approach and Different Choices

Topic/Need	What is usually done	What could be tried
Choice of Location and Room Set-up		
Ground Rules a) Aspirational b) Specific, prohibitive		

Comparison on Public Hearings – Usual Approach and Different Choices

Topic/Need	What is usually done	What could be tried
Responding to speakers' concerns		
Other Topic or Need	What is usually done	What could be tried