Introduction

- Every governing body has disagreements
    - Disagreements are to be expected, even welcomed
    - It would be strange indeed if 5, 7, or more diverse personalities always agreed on everything!
    - Discussion, debate, and disagreement are the engine behind the brilliance of group decision-making
- Every governing body also has the occasional "kerfuffle"
    - Hurt feelings, misplaced expectations, misunderstandings
    - Not always easy to have a "residue-free" debate
    - This is also to be expected, and people with good intentions and motives will usually move on and let go of any lingering "residue"
- And every elected official faces criticism and harsh commentary
    - "Comes with the territory"

Introduction

Types of divisions:

- Sometimes there will be one or more "outliers" on the governing body
- Other times, a single member will be singled out for opprobrium —perhaps from the public — that "crosses the boundary"
- Other times, differences among members have solidified into entrenched and readily apparent "us v. them" or "good v. evil" attitudes
- Other types of severe, acute or chronic discord involving most or all members and that seems impossible to overcome

Introduction

- In this session, we'll:
  - Take a quick look at the symptoms of intractable dysfunction or discord on a council or board
  - Discuss the impacts
  - Look at possible causes
  - Put our heads together on possible approaches to resolving dysfunction and discord
  - If time permits, look at a couple of specific situations:
    - One colleague seems to be singled out for "out of bounds" treatment
    - The "outlier" situation
- Have you been there? Then YOU'RE an expert! Please share your wisdom.

- *Disclaimer:* Presentation not legal advice, views are strictly those of the presenters, and any resemblance, etc. is purely coincidental.

Symptoms: Council meeting or hockey game?

Symptoms: Council meeting or hockey game?

Symptoms: Can't we all just get along (Spoiler alert: No.)

Can't we all just get along? Brampton councillors play musical offices amid allegations of bullying, infighting and voting pressure

Office renovations now pegged at $1.3M after $2.1M plan shot down

NEWS   Dec 10, 2015   by Peter Criscione ✉ Brampton Guardian

Symptoms: The County Commissioners are the grownups in the Council Chambers?

Baker City has had no elected government for nearly a month, and Baker County is responsible for putting it back together.

Symptoms: We need a mediator!

Judge orders mediation for Flint City Council after months of inaction

A judge has stepped into the squabble among Flint City council members after months of inaction following 3rd Ward Councilman Quincy Murphy's death in September

By James Felton
Published: Dec. 11, 2024 at 3:33 PM MST

FLINT, Mich. (WNEM) - A judge has stepped into the squabble among Flint City Council members after months of inaction following 3rd Ward Councilman Quincy Murphy's death in September.

The Flint Ethics and Accountability Board (EAB) brought legal action against the city council. Some members of city council wanted the complaint thrown out. In the end, the judge ruled in favor of the Flint EAB.

"I think the judge ordered something that has to happen. Obviously, we have lost our dear colleague in September, here we are, it is December, and the 3rd Ward has been without their own voice," said Councilmember Candice Mushatt.

Mushatt is glad a judge has ordered mediation in an effort to get city council to select a 3rd Ward councilperson.

Symptoms: Sarnia skirmish stymies session about security!

News / Local News

SEE IT: Sarnia city council cuts off another meeting amid acrimony

City council ended another meeting abruptly Monday night, passing no bylaws and leaving Sarnia's municipal business in limbo for the second time in five months.

Tyler Kula • Sarnia Observer

Published Mar 12, 2024 • Last updated Mar 12, 2024 • 4 minute read

6 Comments

Symptoms: Citizens to Councilmember: 4th Time's the Charm?
(Spoiler alert: it wasn't)

POLITICS

LA City Council member Kevin de León responds to fourth recall attempt

BY SUSAN CARPENTER | LOS ANGELES
PUBLISHED 2:35 PM PT DEC. 23, 2022

LOS ANGELES — It's been 2 1/2 months since Kevin de León engaged in racist remarks with fellow Council members Nury Martinez and Gil Cedillo in a leaked audio recording. Despite numerous calls for his resignation from all levels of government, a censure from LA City Council and a fist fight with an activist during a holiday party, de León reiterated he is not stepping down and responded to the most recent petition for his recall Friday in an appearance on Blog Talk Radio's Earl Ofari Hutchinson Show.

Symptoms: Flat-out embarrassing!

'This is embarrassing': Brooklyn Park City Council adjourns for the night after tempers flare

Tribune

TIM HARLOW, STAR TRIBUNE
May 30, 2024 at 1:11 PM

A Brooklyn Park City Council meeting got so heated and out of hand Tuesday night, the mayor called for a recess and then adjournment before finishing the night's agenda.

The conversation disintegrated quickly as the council discussed reprimanding council member Maria Tran after an independent investigator's report found she violated the city's Respectful Workplace policy and the elected officials' Code of Conduct, and upheld a staff member's allegations that Tran created a hostile work environment.

The Huntington Beach Circus Returns: Another Dysfunctional Night at City Council!

BY HB TORY — JUNE 5, 2025

POSTED IN: "THE OC", CENSORSHIP, CHAD WILLIAMS, CULTURE WARS, FRESH JUICE, GRACEY VAN DER MARK, HUNTINGTON BEACH

As I reflect on Tuesday night's City Council meeting (June 3, 2025), one thing becomes increasingly clear: if un-self-aware irony were a fuel source, Huntington Beach could power the entire West Coast.

Impacts of Intractable Discord

- Lack of productivity: your agenda hits a standstill

- Power transfer to a tie-breaker – you?

- Financial losses - developers become wary, investment stalls, businesses are repelled rather than attracted

- Public embarrassment, "Thursday night fights," bad publicity

- Reputational damage for the entity, governing body and its members

- Loss of citizen confidence; potential for recalls as citizens get fed up

- Burnout on council/board, resignations

Impacts of Intractable Discord

- Staff stress and attrition, especially in your direct reports
  - Kaatz, French, and Prentiss-Cooper, "City Council Conflict as a Cause of Psychological Burnout and Voluntary Turnover among City Managers" (1999)
- Inability to attract/keep the best and brightest to your workforce
- Similar inability to attract/keep the best and brightest to elected office
- Increase in claims/liability/insurance costs?
- Inordinate resources consumed (wasted?) on addressing discord?
- Other impacts?

What are some of the causes?

- "Happy families are all alike; every unhappy family is unhappy in its own way." ~Tolstoy

- "Happy councils are all alike; every unhappy council is unhappy in its own way." ~Tanoue

- So it may be foolhardy to try to discover all the possible causes of the discord, but let's give it a try….

What are some of the causes?

- **Underlying divisions within the community** are reflected on the governing body
  - Especially so if a controversial issue swept a particular group into or out of the governing body
  - Doubly so if a group was swept out/in as the result of a recall
- **Personalities of the members**
  - Doesn't have to be ALL the members. Just a couple of strong but oppositional members — two **would-be "alpha dogs**," e.g. — can cause the rest of the members to line up behind one or the other
  - **Failed "plays well with others" in kindergarten**. What are you even doing on a governing body?
  - Several natural "outliers" take office, and each is an island unto himself or herself, engendering dysfunction of "It's all about the 'me' and not the 'we'."

What are some of the causes?

- Clinging to a **preconceived personal agenda** after taking office
  - "I ran on a platform of reducing water and sewer rates, period. I will not be dissuaded by any facts."
  - Or: you have several members, each of whom only cares about their particular single-issue agenda
  - Thus, there is unwillingness to commit to the "work plan" as set by the body
- Some incident or controversy sets off a **downward spiral of distrust and suspicion** from which recovery becomes impossible
  - Once people **"demonize"** each other in terms of motives and intentions, it can become impossible to relate to one another as humans with a common purpose
- Use of **social media** results in hurt feelings and imperils relationships, with social media controversies spilling over to meetings

What are some of the causes?

- Partisanship?
  - Everyone and every issue is **gauged by a partisan "filter"?**
  - There's an "in crowd" and an "out crowd" based on partisan considerations?
- Sense of **"inequality" or "imbalance"** among members?
  - "Equality of information" lacking – information imbalance?
  - A sense that there's **not an equal opportunity to participate** in discussion/decision-making?
- **Newbies versus old-timers**?
  - "You haven't lived here long enough to understand this town"
  - "You youngsters and your wild ideas"
  - "You haven't paid your dues to be credible on this body"
  - "We've always done it this way. Don't question it."

What are some of the causes?

- A **fundamental lack of understanding of roles**?
  - Never been involved in any kind of analogous endeavor?
  - Trying to analogize too much to some other unrelated endeavor?
  - Misconceptions that the body's power is exercised not by "we," but "me"?
- Quality of **professional support/guidance**?
  - Manager, administrator, clerk, attorney?
  - The quality of professional guidance you receive from your direct reports can make a huge difference for better or worse
  - Note the **chicken/egg issue** here: A dysfunctional governing body may not be able to attract the best and brightest professional support, and not having the best and brightest professional support can contribute to the dysfunction
- Others?

OK, OK. We're experiencing dysfunction. What do we do?

- The first step in finding your way out of dysfunction is for everyone to recognize there's a problem (and what it is)!
    - Is this an "outlier" situation,
    - a situation where one of your colleagues is bearing the brunt of ill will,
    - a 50-50 division on the council/board, or
    - other?
- Once you identify the problem, congratulations! You're 50 percent of the way to finding solutions!
- If you have anyone (or everyone) saying, "I don't see the problem" or "I'm not the problem, YOU'RE the problem"…you may never get to 50 percent!

Groundwork: Start by Talking Values for Interactions

What are the common values we can all agree upon and live by in our interactions with one another?

- We will be courteous towards one another, staff, and citizens?

- We will approach issues in a non-partisan way?

- We will understand and respect the Mayor's role?

- We will honor equal participation opportunities, with no one individual dominating? "Equality of information"?

- We will be present and be prepared?

- We'll "fight" fair — no yelling, no name-calling, no lingering residue as we move on to the next issue

- We'll each let go of an issue once it's been put to rest?

- We won't "wield" our individual expertise as a weapon, but use it as a resource?

- We are a team; we set aside our differences and unite against unfair outside attacks (and don't seek to orchestrate them)?

- We will focus on issues, not personalities?

- We will each listen more than we talk?

- Others?

Groundwork: Start by Talking Values

- The values discussion is valuable even if you don't reach many common understandings about guiding values for your interactions – the lack of consensus around any given value is telling in and of itself!

    - The lack of consensus can help identify blinds spots and root causes—you'll need to decide whether to "come back to them"

- It's desirable to move towards a framework in the form of rules or norms of conduct, but you can't move there until and unless you can agree on the basic values that inform the rules or norms

Rules or Norms of Conduct

- If you can move on to discussing rules or norms of conduct, you're 85 percent of the way to solutions!
- But understand that, with a divided body, you may never get there
    - "I don't need no stinkin' rules!"
    - "A bare majority forced these stinkin' rules on me!"
    - No rule or norm can serve as a substitute for whole-hearted buy-in to the values
    - Staff can't remove the "dys" from dysfunction for you!
    - You can't regulate your way to civility!
    - You can't legislate your way to a functional body!

Rules or Norms of Conduct

- Gather models or examples of norms or rules of conduct to see how they might be adapted to your municipality!
  - Do you have an example that's working for you? Please share it!
- If you can actually agree on your own rules or norms of conduct, you're 96 percent of the way there!
- CIRSA members, we can help by facilitating a norms-values-rules of conduct session
- The other 4 percent: self-discipline to maintain adherence, helping and supporting one another to maintain and reinforce adherence, and identifying and enforcing consequences for non-adherence

If you're in despair over ever getting to 50 percent…

- Should you just give up? No! There are still things you can do individually. Make an INDIVIDUAL commitment to:
  - Assume good faith and best intentions on the part of everyone on the body
  - Listen more than you talk, and do your best to see things from the perspective of others
  - Give others the benefit of the doubt
    - "We judge ourselves by our intentions, and others by their actions"

If you're in despair over ever getting to 50 percent...

- Avoid demonizing others
- See if you can meet others MORE than halfway in trying to build a bridge: your generosity may reap benefits
- Ask questions before reaching a conclusion about the perspectives of others, paraphrase your understanding to make sure you understand correctly
- Utilize the postures and body language of respect and engagement, even if you're not feeling it
- Avoid using social media to take "swipes" at colleagues...and don't engage if you're the target
    - If you see an issue that should be addressed, find a time and place other than social media for that!

If you're in despair over ever getting to 50 percent…

- Avoid the automatic, hair-trigger, knee jerk reaction to someone else's seemingly inflammatory remarks, or responding in kind
- Keep your voice DOWN, even if others are yelling
- Avoid interrupting or attempting to match "tone for tone" when tensions rise; instead use your "T-N-T" to further trust and collaboration
- Search for points of agreement, and emphasize and build on them
- Acknowledge and appreciate when you see others making the same effort

If you're in despair over ever getting to 50 percent…

- Look for ways to develop and build on a sense of inclusiveness and mutual trust/understanding, perhaps in a retreat setting
  - Team building?
  - "Communications style" assessment?
- If you're an experienced member, mentor the newbies!
  - Show them the ropes, "model" the behavior you want them to emulate
- Break bread together: there's a benefit beyond "free food" to having a meal together before the council/board meeting!
- Others?

What else?

- By acting "as if," you may make strides towards "being" what you want as a body!
- Look for *outside* resources – they can provide a fresh and unbiased perspective, and help you identify and break patterns that keep you dysfunctional
  - Not every problem can be solved by yourselves alone
  - Mediators, facilitators
  - CML, CIRSA, MMC and others
  - Division of Local Government
- Look for excellence in your direct reports – they can help you turn the negative spiral into a positive one
- Others?

Specific situation: One of your own is targeted for "out of bounds" attacks

- Being subjected to harsh, unfair, or even vituperative commentary and criticism (on social media and elsewhere) is something that's going to happen

- But sometimes, the attacks are truly out-of-bounds – deeply and irrelevantly personal, based on individual characteristics like gender, race, etc.

- What can (or should be done) by the council/board when one or more of its members is the target of "out of bounds" attacks?
  - Partly, it depends on the **venue:** Is this happening at a public meeting? On an "official" city/town account? An elected official's own "personal" account? Elsewhere?
    - The responsibility varies with the venue – is it one for which the city/town is responsible (e.g. its own meetings)? Or is it a random outside social media account?
  - And partly, it depends on the **nature** of the commentary
    - As noted, "it comes with the territory" will encompass many types of commentary/criticism

Specific situation: One of your own is targeted for "out of bounds" attacks

- If "out of bounds" attacks are occurring at a public meeting:
  - The council/board should set and follow expectations for itself and each member with respect to civil discourse during meetings, and "lead by example" for others
  - Disagreements, even harsh disagreements, are to be expected, particularly from members of the public – that's OK, and is part of the "territory"
  - But if the commentary against a member turns into a sharply personal, negative attack, based upon **personal or protected characteristics** (e.g. gender, race, etc.), then it shouldn't be ignored or characterized as "harsh disagreement."
  - It should be "called out" as not reflective of the level of discourse expected during public meetings, with a request that the comments be redirected towards issues, not personalities or personal characteristics.
  - It can also be pointed out that the personal attack is getting in the way of being able to understand the speaker's underlying concerns.
  - **All members should be supportive of their own when one is attacked in this way – the next time, it could be you.**
  - There may be an opportunity, separately, e.g. for the Mayor and the one singled out for such an attack, to discuss the situation and to find out how best to support/address going forward.

Specific situation: One of your own is targeted for "out of bounds" attacks

- If on social media:
  - An "official" account: Follow city/town policies for monitoring activity
  - Your own "personal" account: That's yours to address
  - Any other social media page: **"Never wrestle with a pig. You both get dirty, and the pig likes it."** (~George Bernard Shaw?)
- Finally, keep in mind that **on all matters within the council's/board's purview, remind each other that the governing body ultimately always has the last word!**
  - That last word doesn't have to be in an argument with a speaker during public comment or on social media.

Specific situation: The "outlier"

Have you ever served with an "outlier"?

- "Lone wolf" who sets himself/herself apart from the rest of the body

- May be on the losing side of almost every vote (and therefore ineffective by any objective measure), yet they manage to wreak havoc and take up undue time, energy, and attention

- Doesn't care what anyone else thinks of them; the norms of civil discourse don't apply to them

- May position self as the only "ethical" member, the only one who truly "cares about the [people], [business community], [name the issue]"

- May be playing to a small group of followers who reinforce and reward the bad behaviors

- The body first spends an immense amount of time swirling around the outlier in an effort to integrate him/her into the body, and then more time and energy trying to figure out a way to move on

- The outlier is not just someone who regularly dissents, brings a different perspective to the body, or is frequently outvoted. The outlier's self-defined "job description" is to be obstructionist, obstreperous, and oppositional at all times. Disagreement is not a bad thing, but the way the outlier chooses to express disagreement usually is.

Specific situation: The "outlier"

- Make sure communications pathways remain open to all governing body members

  - If an "outlier" senses that he or she is being blocked from information that other members receive, that will only increase the isolation

- Because the outlier is a duly elected official just like the rest of the members of the council/board, it's ultimately the governing body's job to figure out how best to deal with the issues that an outlier can pose

- Ensure there's respect for all members

  - The outlier was duly elected in the same way all other members were. Even if it's difficult to respect the individual, it is critical to maintain respect for the office that he or she holds

  - Do mayors have extra responsibilities with respect to handling the "outlier"

    - E.g., is the mayor responsible for filtering and communicating the frustrations expressed privately by other members?

Specific situation: The "outlier"

- Start on the right foot with an environment that isn't an outlier's breeding ground

  - Governing body orientations – as a group and individually

  - If the governing body has already done work around things like norms, values, and rules of conduct, GREAT! Introduce this work early so that the boundaries of good and bad conduct are known from the start.

    - While an outlier may feel that he/she is not bound by any norms, values, or rules of conduct, articulating them can highlight for everyone what the acceptable boundaries of conduct are, bring unacceptable conduct to light, and possibly make it more difficult to breach those boundaries

    - Use an outside facilitator, perhaps in a retreat setting, to talk about values

      - May take multiple sessions

Specific situation: The "outlier"

- Encourage "pairing up" an experienced member with a new member to "show them the ropes" – how to be effective – provide mentoring and support

- Transparency at all times – if there are no perceived "secrets," outliers have fewer opportunities to be oppositional

- Is "equality of information" a value that the governing body holds? Do actions support (or not support) "equality of information"?

  - Reach out to one member, reach out to all

  - Don't allow an "in group" and an "out group" when it comes to relaying information

- Other suggestions? How have you successfully "rehabilitated" an outlier situation?

And, finally…

Don't give up!!

About the Colorado Intergovernmental Risk Sharing Agency (CIRSA)

- Public entity self-insurance pool for property, liability, and workers' compensation coverages
- Formed by in 1982 by 18 municipalities pursuant to CML study committee recommendations
- Not an insurance company, but an entity created by intergovernmental agreement of our members
- Total membership today stands at 294 member municipalities and affiliated legal entities
- Member-owned, member-governed organization
- No profit motive – sole motive is to serve our members effectively and responsibly
- CIRSA Board made up entirely of municipal officials
- Seek to be continually responsive to the liability-related needs of our membership – coverages and associated risk management services, sample publications, training, and consultation services, as well as specialty services such as review of draft personnel and administrative policies
- We have the largest concentration of liability-related experience and knowledge directly applicable to Colorado municipalities and affiliated entities
- Learn more about CIRSA at www.cirsa.org. For more on the topics presented here, see CIRSA's *Ethics, Liability & Best Practices Handbook for Elected Officials*, at https://www.cirsa.org/wp-content/uploads/2019/06/EthicsLiabilityBestPracticesHandbookForElectedOfficials.pdf

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- In the app, navigate to this session and click on SURVEY.

- Each time you evaluate a session, you are entered into a drawing to win a 2-night stay in a Junior Suite at Hotel Alpenrock.

- We appreciate your feedback!