

COLORADO INTERGOVERNMENTAL RISK SHARING AGENCY CoverageLine

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HEALING DIVISIONS ON THE GOVERNING BODY: CAN'T WE ALL JUST GET ALONG?

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At CIRSA, we're seeing more and more instances of governing bodies with intractable divisions that cut across virtually all of the body's decision-making. This division is affecting productivity, driving away opportunity, and undermining citizen confidence. In this article, we'll explore the causes and impacts of such divisions, and explore some possible ways to break out of the patterns that cause them.

Introduction

First, though, let's be clear about the situation we're discussing.

Every governing body has disagreements, and there's nothing wrong with that. It would be strange, indeed, if all members agreed on all issues all the time. If that were the case, why would we even need 5, 7, or 9 members?

Sometimes, disagreements create a residue of misunderstanding or hurt feelings, but that's to be expected, too. Most governing body members are able to leave that residue behind and move on to the next matter at hand.

We're also not talking about the "outlier" issue,ⁱ where one or some members of the body have made it their mission to separate themselves from the rest of the group, with the sole goal of embarrassing the rest and proving that they are the only "ethical," "transparent," or "responsive" (or insert description of your choice) member of the body, at least in their opinion. There are ways to address the "outlier" issue.ⁱⁱ

What we're talking about here is a governing body in a state that we can all agree is severely dysfunctional. We're talking about a body that's intractably divided, and whose every debate, discussion, and

decision are characterized by lingering unresolved matters, mutual contempt, and hard feelings that calcify into hardline positions. We're talking about meetings that staff and citizens refer to as the "Thursday night fights" (or insert evening of your choice). We're talking about meetings where members regularly yell or snipe at each other, name-call, storm out, or maybe even resort to fisticuffs. And even if it's not that dramatic, meetings may still be characterized by tension, passive-aggressive behavior, an inability to see beyond the players and focus on the merits of any issue, and maybe an angry social media post or two after the meeting.

Whatever the level of dysfunction, destructive consequences can result. Once you "write off" or "demonize" your colleagues ("she's just clueless," "he's completely hopeless," "I can't even look at the guy," "there's no reasoning with her, so why even bother"), there may be no coming back.

Why can't we all get along? A look at some possible 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

There are a number of reasons why the "marriage" of governing body members can go bad. Here are a few:

- **Underlying divisions.** Underlying divisions within the community may be reflected on the governing body. Communities can have fracture lines. There may be friction between the "old timer" part of the community, and more

newly developed areas that are full of “newcomers.” The interests of “old timers” and “newcomers” may not always be the same. “Newcomers” may not recognize the history and traditions of the community in the same way that “old timers” do. “Old timers” may discount the concerns raised by “newcomers.” These differences may be reflected in the makeup of the governing body.

Members may have been swept into office as a result of a controversial issue that divided the community. Perhaps there was a recall election. Unless the slate was wiped clean, the governing body makeup may reflect the divisions that grew from the underlying issue. It may be difficult to get past that issue.

New or younger members may clash with veteran members. A sentiment that “you young ‘uns haven’t been around long enough to understand this town” may cause unwarranted rifts. And expressing or acting on such sentiments can contribute to a feeling that each member isn’t being accorded an equal voice in discussion and decision-making.

That sense of inequality can also be the result of partisanship, and partisanship doesn’t necessarily have to spring from the type of political partisanship that exists at other levels of government. Of course, municipal government is avowedly and proudly non-partisan in the political sense. But an “in crowd” and an “out crowd” based on other considerations can be a type of partisanship that’s as just as problematic.

▪ **Personalities.** Voters aren’t judging whether the individuals they elect will be compatible with each other, so it’s possible that fundamentally incompatible personalities will end up on the body. If you have some “alpha dogs” on the body who are in constant competition, friction might be a predictable result. If others then line up behind their favorite “alpha,” division can ensue.

Sometimes, an elected official’s personality and proclivities seem to be just plain incompatible with holding elected office! Politics, at the governing body level, has to be a team sport: decision-making requires collaboration and consensus. One member’s “agenda” can become the “agenda” of the body only by successful team play. A “lone wolf” who lacks the capacity or desire to be a team member is not going to be successful on the body. Add a few more “lone wolves,” and frustration and paralysis may result.

Governance is also about leadership. If the voters put someone

in office who is afraid to take a stand, is perennially “on the fence,” or is strictly a follower, leadership qualities may be lacking. A majority of non-leaders can create a perception of a “rubber stamp” governing body, resulting in extreme frustration for those members who are willing to stick their necks out.

▪ **Preconceived personal agenda.** There are many good reasons why citizens run for public office. However, the workings of municipal government are not always clear until well after you’re seated. So the agenda that a candidate ran on may collide with reality, and turn out not to be a workable agenda after all. Under those circumstances, clinging to the preconceived agenda is only going to sow the seeds of discord. If you have several members, each bent on pursuing only his or her own particular agenda, a fractured body can result.

I once spoke with a newly elected council member who said his one campaign promise was to ensure that water and sewer rates were lowered. But when he took office, he began to understand the economic realities of operating the town’s water and sewer system, and he saw that demanding the lowering of rates was unrealistic and fiscally irresponsible. He said he had some explaining to do to the citizens, but he wasn’t going to cling to his agenda given the realities he now understood. That’s a smart elected official.

Impacts

The impacts of severe dysfunction and discord are manifold. They include:

▪ **Lack of productivity.** The body’s agenda may hit a standstill. Or getting through it might be slow and painful. Even if decisions are made, they may not necessarily be the best decisions.

▪ **Power transfer to tie-breaker.** If you’re constantly split down the middle, then you may be transferring all decision-making power to the tie-breaker (often the Mayor). Is that desirable?

▪ **Financial consequences.** If you’ve developed a public reputation as a dysfunctional body, then your community may be missing out on economic opportunities. Businesses want a predictable environment. Volatility may be driving them away.

▪ **Public embarrassment and loss of public confidence.** If you’re airing your discord on cable, your TV ratings may be up, but public confidence will be down!

• **Driving away the best and brightest.** I've heard people say they were reluctant to run for office because they witnessed the discord and didn't want to be a part of it. So you may end up repelling, not attracting, potential leaders who could make great contributions to the community. Or you may lose great members to "burnout." Likewise, if your community's developed a reputation for governing body dysfunction, you may not be able to attract and keep the "best and brightest" for key staff positions. This can become a self-perpetuating and self-defeating cycle: dysfunctional governance repels good people, and the lack of good people contributes to dysfunctional governance.

So you think you may be part of a dysfunctional governing body?

You may have experienced some jolts of recognition in reviewing the foregoing. If so, condolences and congratulations! The condolences are self-evident, but congratulations are also due, because recognition of a problem is the first step to dealing with it! So now, what do you do? Here are some steps to consider:

• **See if you can gain a consensus that there's a problem.**

Even if you recognize it, if no one else does, you're not going to get anywhere. If there's a consensus, then you're halfway to solving the problem!

• **Start by talking about meeting "values."** In working with CIRSA members experiencing severe governing body dysfunction, I've begun to realize that the "values" discussion is a critical first step. By "values," I'm talking about the philosophical underpinnings that you want as guides for behavior in your interactions with one another. If you can agree on these values, then additional steps are possible. If you can't, you're going to stall out. Such values might include:

• **Courtesy and civility towards one another, staff, and citizens?**

• **Non-partisanship?**

• **Equality of participation?** This would include equal opportunities to be part of the discussion and decision, and equal opportunities to gain, insofar as possible, the same information at the same time as needed for good decision-making.

• **Acknowledgement of the role of the Mayor or presiding officer in presiding over meetings?** Every meeting needs a presiding officer, and in most communities,

that's the Mayor. The role of the presiding officer must be honored if you want to have orderly, productive, and efficient meetings. If there's no acknowledgement of this fundamental need, then you won't get anywhere.

• **Engagement?** This includes a commitment to be prepared for meetings, to arrive on time, to stay for the whole meeting, to give your undivided attention during the meeting, to participate in decision-making, and to be absent no more than necessary.

• **Others?**

• **Norms or rules of conduct.** If you can form a consensus around values, you're close to the point where you can discuss (and, it's hoped, agree upon) the norms or rules of conduct that you want for the body. The content of your norms or rules won't be discussed here, because they'll be specific to your community and the values that serve as the jumping-off point for them. But it's worthwhile to look at examples from other communities around the state and nation. Stay alert for revisions, because periodic fine-tuning may be happening with the examples you gather. You can see some examples from these communities: Castle Pines,ⁱⁱⁱ Mead,^{iv} Durango,^v Littleton,^{vi} and Camp Verde, AZ.^{vii}

Why rules OR norms? It's because the level of formality to be accorded really depends on your governing body's needs and desires. If you have members whose attitude is "Rules? We don't need no stinkin' rules," then perhaps a softer approach of agreeing on "norms" of conduct may be a good starting point. On the other hand, you might see reasons to elevate the adoption process by using a resolution or even an ordinance.

In despair? You can still help

You may feel your governing body will never come together to recognize the problem, much less move on towards seeking solutions. Should you give up? No! There are still things you can do as an individual. If enough individuals on the body do these things, then perhaps there will be an opening to go further! Suggestions for individuals include:

• **Assume good faith and best intentions** on the part of everyone on the body. Some smart person once said that we judge ourselves by our intentions, and others solely by their actions. This perceptual gap can lead to misunderstandings and unfounded assumptions. Let's give everyone the same benefit of the doubt we give ourselves, by assuming that they, too, are acting on the basis of honorable intentions.



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• **Listen more than you talk.** Do your best to see and understand things from the perspective of others. Ask questions before reaching your own conclusions, and repeat back what you think you're hearing from others, so that you know you're on the same page. Listen for points of agreement, and emphasize and build on them.

• **Try to meet others more than halfway.** If everyone only goes so far to try to bridge the gaps, then you may never meet in the middle. Sometimes one person's generosity in going more than halfway is the catalyst for breaking down misunderstandings.

• **Use the postures, tone, and body language of respect and engagement.** Do this even if you're not "feeling it"; "acting as if" can be helpful in bringing a hoped-for harmony closer to reality. Make sure your body language and tone of voice aren't inadvertently communicating something you didn't intend. Keep your voice DOWN, even if others are starting to yell. Avoid the hair-trigger, knee-jerk, angry response.

• **Try some things to break down barriers.** Maybe switch up positions where you sit on the council dais. Suggest a pre-meeting dinner; breaking bread together can be a way to get people talking (make sure you have a "no-business" rule in effect). Team-building, especially in a retreat setting, can be productive. An outside facilitator or mediator might be helpful in identifying issues that are hard to see from the "inside."

• **If you're an experienced member, mentor the newbies!**

You have valuable experience from which newer members can benefit. Show them the ropes, teach them your own hard-earned lessons, and model the behaviors you want them to emulate. And if you're a new member, seek out mentors!

• **Acknowledge and appreciate** when you see others making the same effort.

Conclusion: "Until next election do you part."

A governing body might be characterized as a kind of arranged marriage -- a marriage arranged by the citizens. If the conditions for civil and productive discourse are lacking from the start, it's no wonder that such a "marriage" can go bad quickly. But divorce isn't an option! So start looking at ways to improve your relationships, as individuals and as a body. And take to heart the idea that, by "acting as if," your deepest hope for a strong, high-functioning team can come closer to becoming a reality.

ⁱ Tanoue, *Governing Bodies and the Outlier Syndrome*, Ethics, CIRSA and CML Liability & Best Practices Handbook.

ⁱⁱ Id.

ⁱⁱⁱ http://www.castlepinesgov.com/sites/default/files/media/resolution_11-29.pdf

^{iv} https://www.townofmead.org/sites/default/files/fileattachments/ordinance/49361/reso_54-r-2016_establishing_standards_of_conduct_for_electeds.pdf

^v <http://durangogov.org/DocumentCenter/View/8618>

^{vi} <http://www.littletongov.org/homeshowdocument?id=6424>

^{vii} <http://www.campverde.az.gov/wp-content/uploads/2010/07/2008-751-Code-of-Conduct-for-elected-and-appointed-officials.pdf>