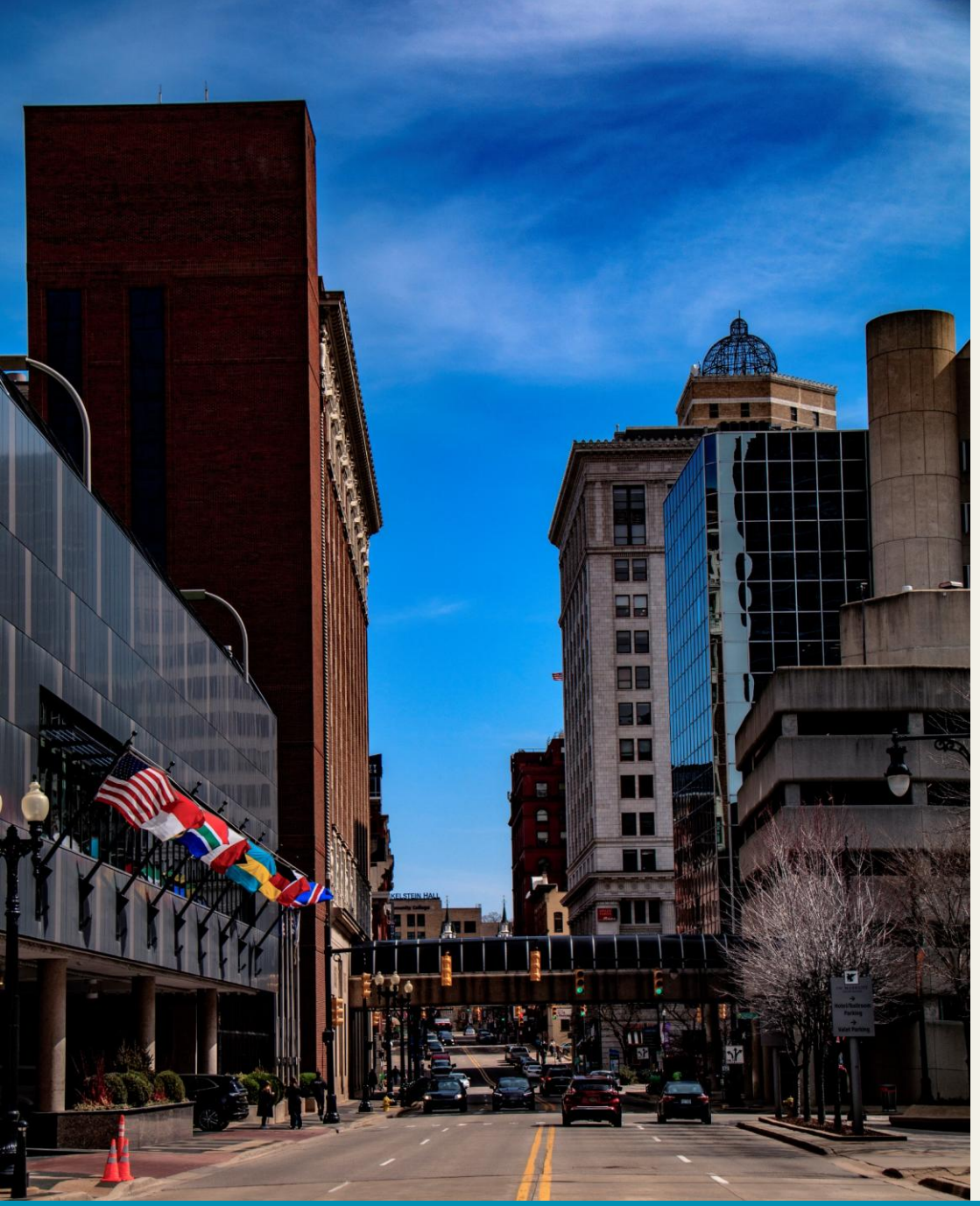
MICHIGAN MUNICIPAL LEAGUE
CONVENTION2025



Effective Public Leadership

Civility in Your Community—Should We Agree to Disagree?

Municipal Leaders' Reality Today?

What the MML Inquiry Staff Is Hearing From You

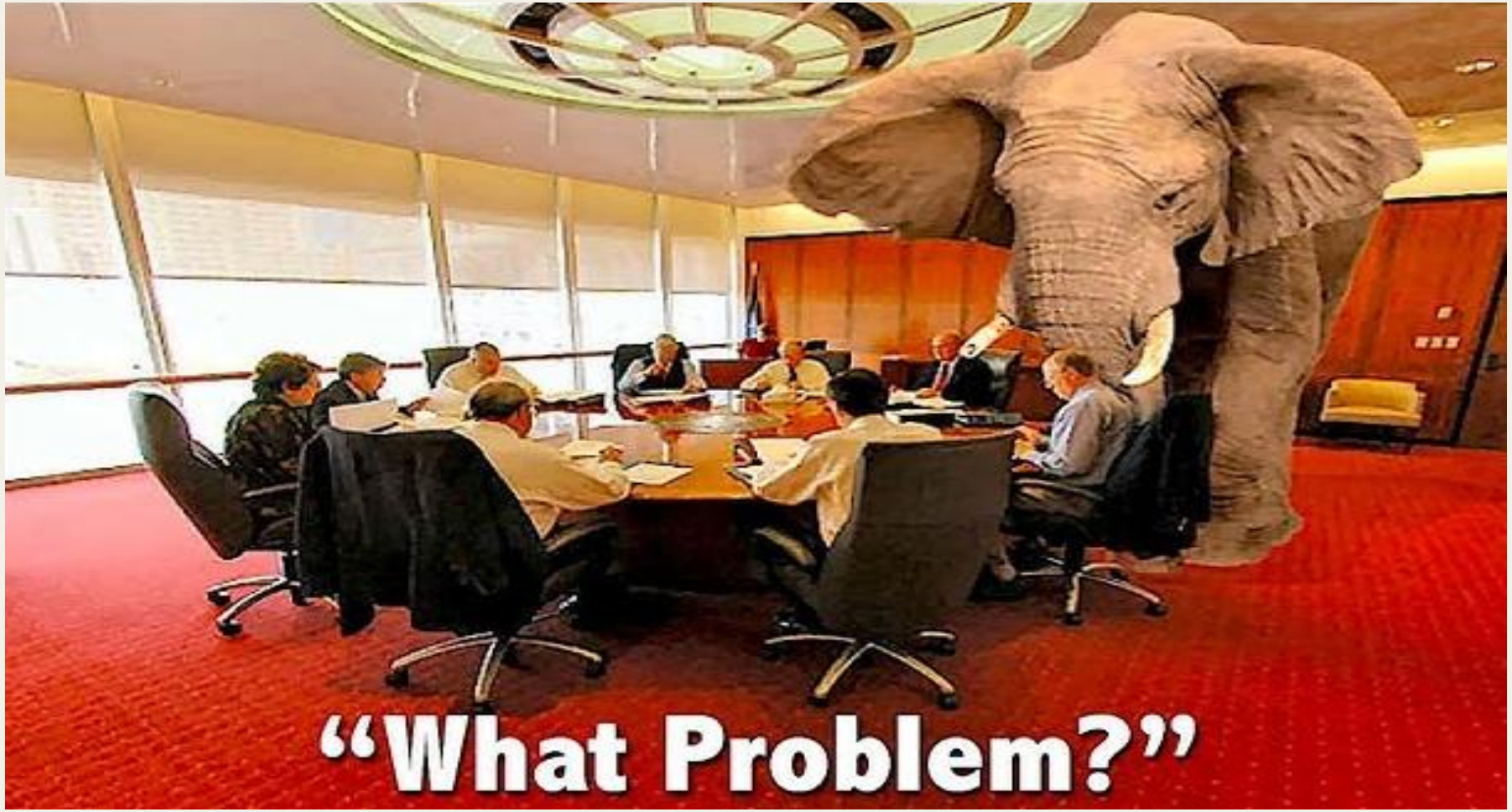
"What can [we] do about a council member who is rude and verbally abusive in council meetings and in the community?"

"…and one [trustee] stomped out of the meeting about 3-4 months ago after being called down for abusive behavior of other trustees and the audience."

"The president is causing all kinds of problems resulting in employees leaving and lawsuits being filed. He is rude to employees, citizens and council."

"Our audiences at the meetings are horribly disruptive and frequently downright rude. It's to the point where I abhor the meetings and I'm pretty sure some others feel the same."

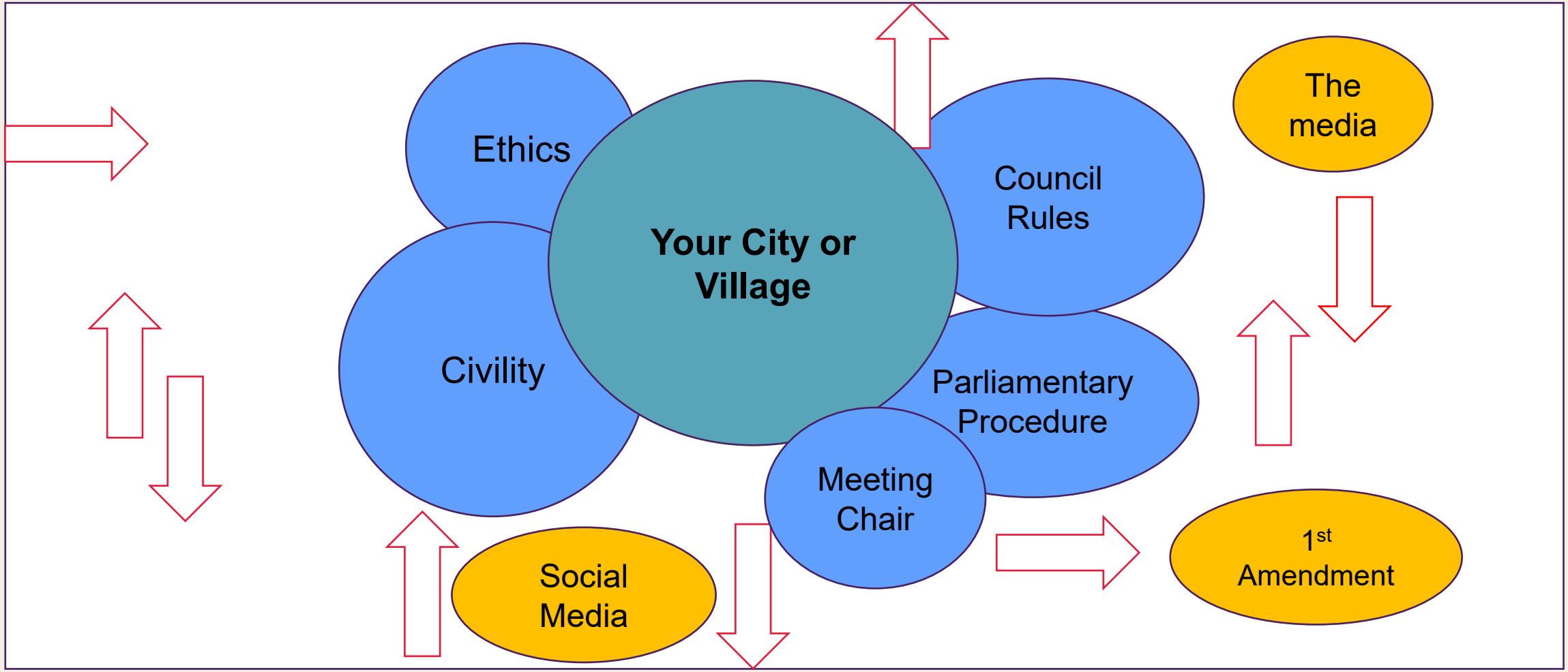
The first step?



Session Outline

- Our municipal toolbox and influences
- Michigan-specific data regarding civility and ethics challenges
- Civility, per the Institute for Civility
- Ethics, defined and applied
- Effective Meetings and Parliamentary Procedure
- 1st Amendment Influence
- Again, Civility

Our municipal toolbox and influences



CLOSUP – Survey results from 2018

CLOSUP is part of the Gerald R. Ford School of Public Policy at University of Michigan

At the end of 2018, it had an encouraging report on community civic discourse: "While national political discourse may be becoming increasingly hostile, Michigan officials have generally positive views on local discourse…"

- Discourse among local elected officials – 71% say it is constructive; only 8% say it's divisive
- Discourse between residents and elected officials – 67% say it's constructive; just 5% say it's divisive
- Discourse on local policy issues among residents – 38% of local leaders say it's constructive; 11% divisive; and 39% say it's mixed
- In all three cases, leaders in municipalities of 30,000+ population are more likely to say the discourse is divisive. Similarly, appointed (versus elected) officials in all sizes of communities are more likely to say the discourse is divisive.
- CLOSUP also reported that these results have not changed since 2012.

CLOSUP – Survey results from 2022

However, this is the headline of the survey results from 2022:

"Statewide survey finds a majority of Michigan local governments experiencing harassment and other abuse."

- 47% of top elected and appointed local officials (53% of all employees and officials) report harassment over the last few years, including disrespectful or hostile comments, graphic language or slurs, shouting, and rude or aggressive gestures.
- Such harassment is more common in communities of more than 5,000 residents…67%!

Moving in a *Positive* Direction

Whether your experiences as a municipal official are positive, neutral or negative…

What approaches can improve the current climate in which we live?

Taking Time for Civility

- Think before speaking.
- Think twice before acting!
- Try to not be caught up in the moment–consider the long-range consequences of your actions.
- Respect the rights of citizens to voice their opinions and participate in decisions.
- Strive to give citizens clear, truthful, and timely information.
- Honor confidential information–it is a fiduciary duty!
- Respect municipal employees and foster positive relationships with them.

Isn’t civility just politeness?

- Civility is about more than just politeness, although politeness is a necessary first step.

- It is about disagreeing without disrespect, seeking common ground as a starting point for dialogue about differences, understanding biases and personal preconceptions, and teaching others to do the same.

Source: Institute for Civility

Isn’t civility just politeness?

Traditional applications of civility that emphasize manners and behavior over meaningful engagement and shared understanding have led us to a fatal misunderstanding of how to resolve our differences.

Forced politeness that conceals authentic human feeling only fosters resentment and drives agendas underground.

At the Institute for Civility, we believe the call to civility is nothing short of a call to our shared humanity where respect, kindness, compassion, and dialogue grow out of a commitment to an ever-deepening understanding of self and others.

Source: Institute for Civility

Ethics Defined

1. **moral principles that govern a person's behavior or the conducting of an activity.**
   - the moral correctness of specified conduct

2. **the branch of knowledge that deals with moral principles**

3. **a set of moral principles, especially ones relating to or affirming a specified group, field, or form of conduct.**

   "the puritan ethic was being replaced by the hedonist ethic“

➢ Are there “*municipal* ethics”?

Is There an Ethics Problem in Michigan?

- From a survey by the Gerald R. Ford School of Public Policy:

"In general, how would you rate local government elected and appointed officials across the state overall in terms of ethical behavior in their official positions?"

- How ethical are local government officials across the state?

Regarding cities:

- 13% said they are very ethical
- 63% said mostly ethical
- 15% said equally ethical and unethical

Being Mindful of Ethical Conduct

Four tenets of ethical conduct for public office:

1. Public officials may not use their offices for personal financial gain.

2. Holding public office does not entitle a public official to personal advantages or perks.

3. Transparency promotes public trust and confidence. (Do not be secretive in decision-making.)

4. Merit-based decision-making, based on fair processes, produces the best results for the public. (Do not let favoritism or bias cloud decision-making.)

Source: Institute for Local Government

Being Mindful of Ethical Conduct

- Michigan Public Act 196 of 1973 - Standards of Conduct and Ethics Act

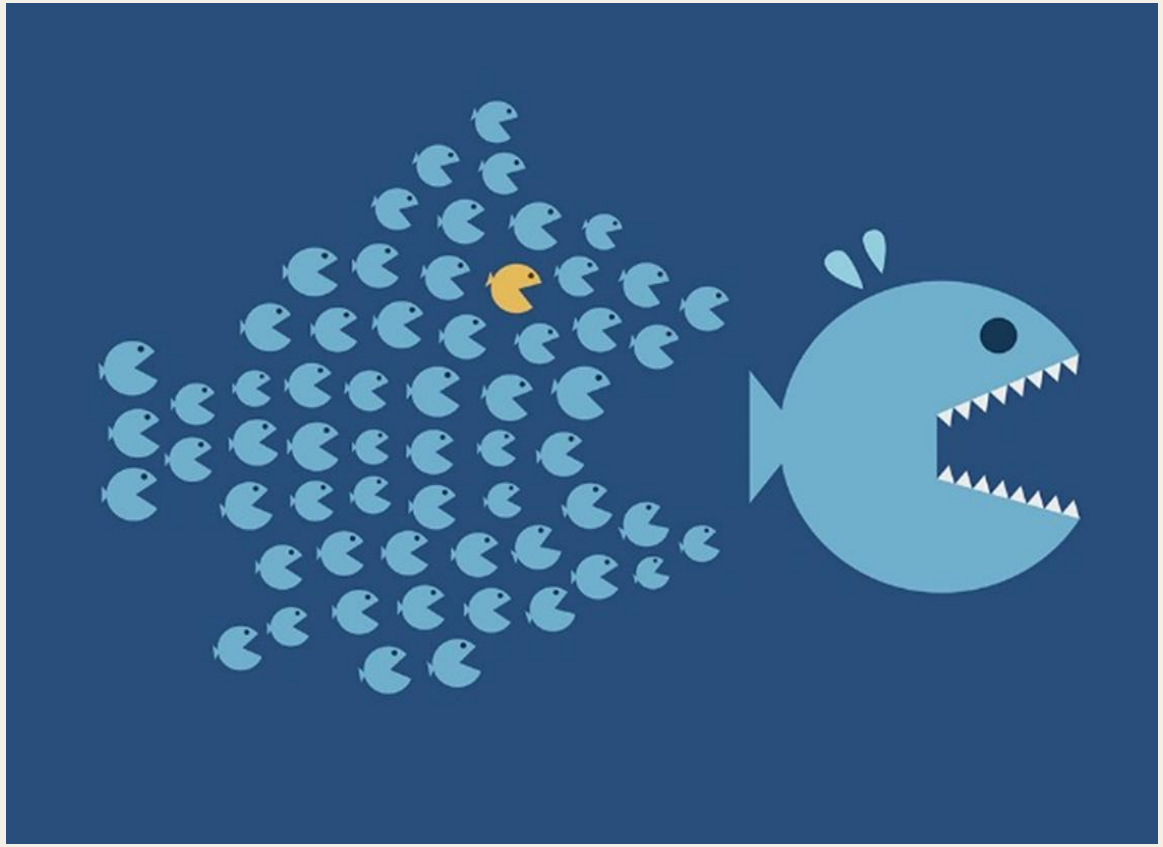
- Michigan Public Act 317 of 1968 – Conflicts of Interests as to Contracts Act

[BTW, city and village managers who are members of the International City/County Management Association (ICMA) agree to abide by a strict Code of Ethics. The code specifies 12 ethical principles of personal and professional conduct.]

Achieving ethics in Michigan

Although there are state laws… exceptions and limited penalties limit their effectiveness.

So, why not use a *local* option…through ordinance and charter amendment?



Ethics – Local Option

Scope–who is covered: staff, councilmembers, appointed boards, administrators

How detailed are the provisions–in charter, and/or in ordinance

Approach– the charter *mandates* provisions, or only authorizes adoption of provisions

Enforcement and sanctions–Ethics Board or Police Chief/City Attorney, etc.

Ethics – Local Option

Topics that *could* be addressed include:

- Conflicts of interest
- Disclosure of financial interest
- Impartiality
- Improper use of position
- Nepotism
- Personal interests
- Public information
- Public property and personnel

Ethics – Local Option – A cautionary Note

An ethics ordinance or charter provision is a tool….

Used carefully, it is a shield to protect

the community from unethical conduct.

Or it can be used as a sword–to unfairly attack officials, and thus is a detriment

to the community.

Effective Meetings and Parliamentary Procedure

The “law” according to Coco Siewert, MML Parliamentarian:

- **Council Rules of Order and Procedures**: Governs the procedure of the public meetings, may include rules for public comment, cancellation of meetings, etc….and

- Parliamentary Procedure

Parliamentary Procedure-Why?

Tool that enables members to accomplish municipality’s goals.

A recognizable format for a meeting.

Introduces motions that lead to decision-making.

Prescribes minutes that record action.

Source: Effective Meetings - *Eleanor A. Siewert*

Professional Registered Parliamentarian

e.siewert@wayne.edu”

Effective Meetings and Parliamentary Procedure

Basic Objectives of Parliamentary Law

- ✓ Accomplish the objectives for which the group is organized.
- ✓ Expedite business.
- ✓ Insure justice and equality to all
- ✓ Maintain order

Basic Rules of Debate

- ✓ The maker of the motion is entitled to speak first.
- ✓ A member may not *speak* against his or her own motion, but may *vote* against it.
- ✓ All remarks must be limited to the merits of the subject immediately under discussion.

Effective Meetings and Parliamentary Procedure

- ✓ All remarks must be addressed to or through the chair.
- ✓ Personal comments about other individuals should be avoided.
- ✓ Members are seldom referred to by name; rather by title.
- ✓ No member may comment adversely on any prior act of the body.
- ✓ Start the meeting on time
- ✓ Have clear rules of procedure that are designed to encourage audience participation
- ✓ Discourage the addition of last-minute items not already on the agenda

Effective meetings and Parliamentary Procedure

Rules During Public Debate

- ✓ No person should speak a second time on a motion as long as another is requesting recognition to speak for a first time on the issue/motion.
- ✓ Remarks should be limited to two minutes… (or what is specified in your local rules)
- ✓ The speaker may be asked, but not required, to state name and any other requested identifying information.
- ✓ Remarks must be confined to the pending question.
- ✓ Speakers should address the chair and not enter into debate with other members of the audience.
- ✓ During debate, the chair shall make an effort to alternate between supporting and opposing arguments.

Effective meetings – Samples of Council Rules

- The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting.
- When a person(s) becomes unruly, the President may declare said person(s) in the audience to be out of order and, if necessary, may rule that the individual(s) has forfeited the opportunity to speak further. A person(s) may be excluded from the meeting for breach of the peace committed at the meeting.
- A citizen shall immediately cease speaking if ruled out of order by the Mayor. Two or more violations of this Rule 7 or any other actions which disturb or disrupt the meeting shall constitute a breach of the peace of the meeting and shall subject the person or persons involved to being removed and/or excluded from the meeting.
- No speaker called upon to speak shall by speech or conduct disturb, disrupt, delay, interfere with, or otherwise impede, the orderly conduct of the Council meeting.

Effective meetings – the police; 4th Amendment

- Sterling Heights and its mayor were sued in federal court for having the police remove a disruptive citizen from a council meeting. The claim was that her 4th Amendment rights re search and seizure were violated. The 6th Circuit Court of Appeals said they were not.
  - "Ms. Rrasi lost her privilege to remain in the otherwise-public meeting. First, Mayor Taylor made clear during the meeting that citizens were allowed to address the Council only once, and admonished people attempting to speak for a second time. Ms. Rrasi's attempt to address the Council for a second time thus violated Council rules."
  - "Furthermore, this is not an instance of a citizen attempting to engage in dialogue with a public official during an otherwise-quiet moment. The recess during which Ms. Rrasi approached Mayor Taylor was called because the audience was yelling and disrupting deliberations. It was called for the purpose of restoring order, and Ms. Rrasi's behavior, which undisputedly involved loud speech and gesticulation, contributed to the disruption."
  - "It is common sense that a government body should be allowed to remove people…who are disrupting a public meeting, and the Michigan Open Meetings Act allows for such a removal… Ms. Rrasi lost her privilege to remain in the public meeting because of her behavior."
  - "Her description of the force used by officers to escort her out—holding her hand or arm, tapping her—does not exceed guiding force, especially in light of her mid-exit refusal to leave the Council chambers. There was certainly no painful force, and Ms. Rrasi's freedom was unrestricted once she exited the building. Because there was no seizure, Ms. Rrasi's Fourth Amendment rights were not violated…"

City of Sandusky's Code of Conduct for Elected Officials

Principles of Proper Conduct

Proper conduct IS…

- ✓ Keeping promises
- ✓ Being dependable
- ✓ Building a solid reputation
- ✓ Participating and being available
- ✓ Demonstrating patience
- ✓ Showing empathy
- ✓ Holding onto ethical principles under stress
- ✓ Listening attentively
- ✓ Studying thoroughly
- ✓ Keeping integrity intact
- ✓ Overcoming discouragement
- ✓ Going above and beyond, time and time again
- ✓ Modeling a professional manner

City of Sandusky's Code of Conduct for Elected Officials

Proper conduct IS NOT…

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

- It all comes down to respect!
- Respect for one another as individuals…respect for the validity of different opinions…
- Respect for the democratic process…respect for the community that we serve.

Effective Meetings – the Presiding Officer

- Acknowledge council members wishing to speak.
- Enforce fairly the council's established rules and procedures.
- Enforce fairly the public comment portion of meetings.
- Ensure that the rules of the Open Meetings Act are followed, especially when going into closed session.
- Be courteous to members of council and to the public.

Effective Meetings – the Presiding Officer

- Resist debate during the public comment portion of a meeting; presiding officer may state, “Your comments are noted. Thank you.”
- If a question from the public may be answered simply, go ahead, but bear in mind that the council is not obliged to respond to questions.
- If you do respond to a question or statement, avoid making unintended, hasty commitments.

Effective Meetings – the Presiding Officer

Your “tone” sets the tone of not only the meetings…

- it influences the perception of the council…and of your city or village!

Effective Meetings – the Presiding Officer

Appearance

Appearance

Appearance

Appearance

Is appearance superficial?
Regarding ethics and civility?

1st Amendment Influence

- If we look at *external* influences to what our cities and villages are experiencing, one important influence is the 1st Amendment.
- The 1st Amendment protects the public's right to disagree with government…in whatever forum: council meeting, city park, and now on social media.
- Generally, we can't delete or hide negative comments or block someone from your city or village's page.

*Materials on 1st Amendment based on a 2019 MAMA-GLS session by Julie Tappendorf, Ancel Glick P.C., Chicago

1st Amendment Influence

Which of these can you ban?

- inappropriate comments
- inflammatory posts
- colorful language
- hate speech
- posts that hold a person to public ridicule
- criticism of you or your city/village

➢ None!

But note that Facebook, etc. may have their own policies.

1st Amendment Influence

So, what *can* you ban??

- ✓ Obscene, sexual or pornographic content
- ✓ Content that promotes discrimination on the basis of race, age, religion, gender
- ✓ Threats to any person
- ✓ Conduct that violates any law or encourages illegal acts
- ✓ Promotion commercial activities unrelated to gov't business
- ✓ Advocating or supporting political campaigns or referenda

➢ Include these in your policy!

1st Amendment Influence

- Elected officials: personal social media activities, if tied to your governmental duties, could be a "public forum"…subject to the 1st Amendment and OMA, FOIA

- Employees: can be disciplined for
  - ✓ Excessive use of social media at work
  - ✓ Individual gripes about job or boss…even on personal site
  - ✓ Illegal personal social media activities
  - ✓ Violating employer's social media policy

- But be careful re political speech, public concerns, concerted activities among co-workers

Returning to Civility

Give respect

Expect respect

Civility: Key Aspects and its Importance

- **Politeness and Courtesy:**

Civility includes using polite language, acknowledging others, and showing respect for their opinions, even if you disagree.

- **Respect for Others:**

It involves recognizing the inherent worth and dignity of every individual, regardless of their background or beliefs.

- **Constructive Engagement**
- **Consideration and Empathy**
- **Avoiding Harmful Language and Behavior**
- **Restraint**

✓ **Promotes Healthy Relationships**

✓ **Facilitates Effective Communication**

✓ **Encourages Collaboration**

✓ **Fosters a Culture of Respect**

✓ **Strengthens Communities:**

Civility helps create a culture where individuals feel valued and respected, which can have a positive impact on overall well-being.

Source: Professor Google

“We Just Disagree” – Can we do better?

So let's leave it alone

'Cause we can't see eye to eye
There ain't no good guy
There ain't no bad guy
There's only you and me, and we just disagree

-- Dave Mason, “We Just Disagree”, 1977

Institute for Civility

It is not difficult today to find people who share a concern about the lack of civility in our society in general, and our public discourse in particular.

What is difficult is to find people who believe they can do anything about the degree of civility in our political processes …beyond remaining civil themselves.

Institute for Civility

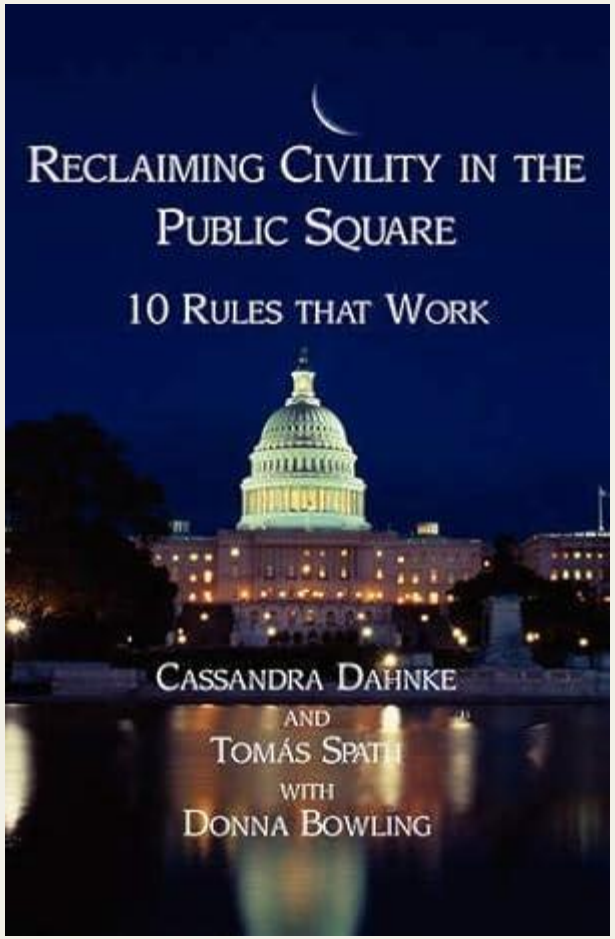
"Tact is the knack of making a point without making an enemy." – Sir Isaac Newton

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed it is the only thing that ever has."

– Margaret Mead

"Silence is not inaction. It is doing something; silence is acquiescence." – Rabbi Robert Marx

Source: *Reclaiming Civility in the Public Square 10 Rules that Work*



Parting Words of Wisdom

"What you have a right to do

… does not equal
what is right to do."

Potter Stewart, former US Supreme Court Justice

It’s a long process…

But worth the effort!

Thank you!

William Mathewson

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