

---

# Cooking in a Hot Kitchen: Running a Meeting on a Controversial Topic - A “Planned and Educated Approach”

WPPA – Annual Meeting – Legal Committee  
Tacoma, Washington

December 6, 2022

Frank Chmelik  
Chmelik Sitkin & Davis P.S.  
1500 Railroad Avenue  
Bellingham, WA 98225  
(360) 671-1796  
fchmelik@chmelik.com  
www.chmelik.com

## The Problem

- Public meetings about controversial topics have become increasingly disrupted and divisive.

## The Reasons?

- Live streaming video or broadcast of meetings.
- National and state-wide trends in meetings – recently televised Congressional meetings.
- Encouragement for “grass roots” involvement.

## And

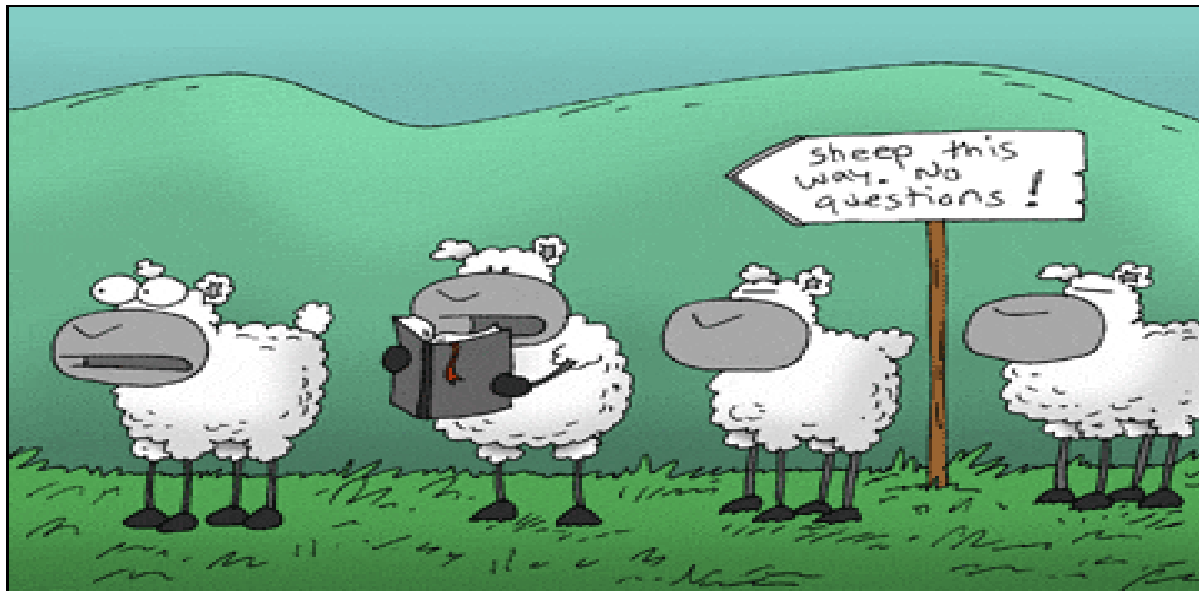
- A lack of thoughtful planning and education by the government.

**Without planning, the perspectives of the elected officials' and staff**



## The feelings of the commissioners just before the meeting

REVERENDFUN.COM COPYRIGHT BIBLE GATEWAY



(See Acts 8:32)

02-10-2012

HERE IT IS, "LED LIKE A SHEEP TO THE SLAUGHTER" ... WHAT THE HECK IS THAT SUPPOSED TO MEAN?

Famously observed by Paul O'Neil – Secretary of the Treasury 2001 - 2002

*This meeting was like many of the meetings that I would go to over the course of two years. The only way I can describe it is that, well, the president is like a blind man in a roomful of deaf people. **There is no discernible connection.***

## The Central Thesis

With proper planning and commissioner education of the meeting process, a port district can address a controversial topic in a public meeting in the most constructive manner possible and in a way that enhances the port's standing in the community.

## IDENTIFY controversial topics early and plan ahead

- Usually, these agenda items are foreseeable
- Controversial issues need the commissioner's "A" game
- Keep the issue in perspective
- Create a plan
  - How and when will the commission address this issue
- Be prepared on the meeting topic
- Allow more than enough time for:
  - Staff presentation
  - Public comment
  - Commission discussion

# UNDERSTAND and discuss with the public the commission's role

- The commissioners should tell the public:
  - That the commission is neither an “advocate” or a “rubber stamp”.
  - That the commission is elected body that represents all the citizens of the port district
    - The commission “speaks for the public”.
  - That the Commission is a “deliberative body” that:
    - On controversial issues is charged with making the decision – sometimes selecting the “least bad” alternative.
    - Has to determine what is in the best interest of all the citizens of the port district.
    - That has a staff that has studied the issue and will provide expert input.
    - That recognizes there are “pros” and “cons” to almost every decision.
    - That welcomes diverse public views to help make the “best decision”.



## EDUCATE commissioners on the commissioner's role in the controversial meeting

- How to react to large crowds
- How to react to ad hominem (personal) attacks and how to react to disruptive citizens
- Recognize that there are different viewpoints, and it is the commissioners' job to understand those viewpoints and make the best decision
- Above all - be polite and engaged
- Keep a sense of perspective

## WHAT ARE THE VIEWPOINTS that the port commission will have to consider?

- Very Important Step
  - Most “big issues” have many valid interests and viewpoints
  - The commission’s job (at 30,000 feet) is to weigh competing interests and viewpoints
  - Allows the commission to prepare for the meeting
  - Importantly, allows the commission to acknowledge to the public that it is a controversial issue for which the commission will need to weigh different interests and viewpoints
- Adequate staff work includes identifying the different viewpoints for the commissioners

## MAKE a plan

- Allow all the time needed and all the meetings needed for public comment.
  - Build in breaks.
- Decide how many meetings before a decision will be made.
- Who will run the public comment period?
  - Commission president, executive director or moderator.
- Decide who and how will the port explain both the competing viewpoints and the process to the public.
  - Staff be prepared to present both “pros” and ”cons”.
- Reach out to the opposing views – invite them to the meeting.

## GET A ROOM – a large enough room

- Too small a room leads to high emotional energy
  - Create some distance and elevate
  - Consider using a city or county council chambers (interlocal ahead of time)
- ADA compliant room



- Get a podium for speakers
- Make sure the PA system is up to the task and loud enough



## AT THE FIRST MEETING and each meeting where the topic will be discussed

- Introduce the topic and acknowledge the controversial nature of the topic.
  - Commission president or executive director.
  - Let the public know that the commission's job to listen and weigh the various interest and viewpoints.
  - Acknowledge that this will be a difficult decision.
- Note that public comment is needed to inform the commission.
  - Note this is the time to listen and not a time to debate.
- Provide the timeline and invite oral and written comment.
  - When will the commission discuss the issue and make a decision?
  - For example: "We will take public comment on today and again on December 20<sup>th</sup> and make the decision at the December 20<sup>th</sup> meeting"

## PUBLIC COMMENT PROCESS needs to be explained at each meeting

- Public comment not public debate.
  - “It is our opportunity to hear from you to help us understand all aspects of this issue”.
- Invoke a ‘community standard’ of polite and respectful.
  - “In the best tradition of the citizens of our community”.
  - Do not invoke a commission set of rules.
- Immediately stop any ad hominem (personal) attacks and note the tradition of “our community” and ask people to refrain.
- Thank everyone who comments.

## ALLOW ALL THE PUBLIC COMMENT that is there to be heard

- Have a podium.
- Have a per speaker time limit (bell) and gently remind speakers to wrap up comments “in fairness to all the speakers”.
  - A audible bell or alarm managed by the staff.
- Take public comment on this topic first (after roll call).
  - Polite, respectful and personal.
  - Thank each speaker .
- Remember, this is sometimes a new experience for most speakers and each speaker is looking to be heard
- Sign up sheets or line up?



## DO NOT ENGAGE

- If a commissioner engages one speaker, then then others will demand a similar accommodation.
  - Commissioners may ask a speaker to meet another time for more information.
- Always be respectful.
  - Verbal and non-verbal communication.
- Expect a bit of “street theatre”.
  - Walk outs and backs turned.

## IF A MEETING GETS TOO HEATED take a break

- Better to have scheduled breaks.
- Remind the audience of the “community standard” and respect for all who attend.
- Keep a sense of perspective – keeping reminding the public that the commission needs competing viewpoints.
- Commissioners should never respond to a personal attack directed at them – let another commissioner or executive director invoke the community standard.

## MAKING THE DECISION

- Set a pre-determined meeting for discussion and decision.
  - Be prepared to be flexible.
- Acknowledge the competing viewpoints.
- Restate the role of the commission in balancing community viewpoints and interests.
  - Talk about the port's mission.
- Thank everyone for their input.
- Actually, discuss the issue and the viewpoints received.
- Decide the issue and take a break.

## The Central Thesis

With proper planning and commissioner education of the meeting process, a port district can address a controversial topic in a public meeting in the most constructive manner possible and *make a discernable connection with the public.*

**CHMELIK SITKIN & DAVIS** P.S.  
ATTORNEYS AT LAW