



## MEMORANDUM

TO: Mayor Burch and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: Civics Education Initiative

DATE: September 10, 2015

[I]n the long run, success or failure will be conditioned upon the way in which the average man, the average woman, does his or her duty, first in the ordinary, every-day affairs of life, and next in those great occasional crises which call for heroic virtues. Theodore Roosevelt, *Citizenship in a Republic*, 1910

Skepticism toward government officials is a feature of American political culture. The framers of the U.S. Constitution were knowledgeable of human weaknesses and tendencies and wary of the potential for the establishment of an entitled political class the actions of which might not be in citizens' interests. The republican form of government, separation of powers, checks and balances, and free and frequent elections were all responses to these concerns. The Bill of Rights was designed to safeguard further the rights of citizens against the excesses of those in government roles.

Fundamental to the legitimacy of a republic is the consent of the governed. That consent is evidenced by socially cooperative behaviors such as voting, obedience to laws and expressions of loyalty. We are aware of historical circumstances, including our nation's, in which a people feels that its government is no longer legitimate. Citizens refuse to obey laws, take up arms, overthrow their rulers and install new ones. We are also aware of less violent regime change such as occurred in India with the end of British colonial rule in 1947. Our Civil War is another example of a challenge to the legitimacy of the national government.

Less obvious, except in hindsight, perhaps, are those subtle signs of discontent that precede the more overt actions that accompany a revolution. Modern and historical examples abound such as Poland under Soviet rule or Iran under the Shah. People grow increasingly intolerant of the shackles that their government imposes and eventually rise up to demand change. The proliferation of citizen initiatives on state ballots and the institution of term limits in some jurisdictions might well be early-warning signs of dissatisfaction with the current state of politics.

Let us consider our own country in 2015. We seem to be increasingly polarized along cultural, racial and class lines. Federal legislative bodies are frequently in a state of gridlock when asked to address important public policy matters. Talk radio and social media encourage a lack of civility that makes meaningful political discourse difficult. Conspiracy theories abound and attract ready adherents. Are incivility and conspiracy theories characteristics of a typical American cynicism toward government or are they signs of a coming challenge to political legitimacy?

Let us turn our attention to local communities where interactions between citizens and their governments are more easily observed. Much is expected of citizens relative to the governance and operation of the communities in which they reside. These obligations include:

- Voting
- Paying taxes
- Obeying ordinances
- Serving as jurors
- Participating on citizen committees and boards
- Acting as election workers
- Maintaining common areas such as public sidewalks
- Being good neighbors

It is regrettable that civics education has fallen by the wayside in many public schools. It is through the lessons of civics that students learn of their obligations as citizens, their duty to their neighbors and the relationship between themselves and their government. We cannot assume that youth magically acquire knowledge of their civic duties when they become adults.

As Frank M. Bryan, author of *Real Democracy*, has put it, “Citizens are not born. They are raised.”

One simple and often-cited measure of political apathy is voter turnout. The table below shows turnout rates for Charlotte city elections held over the past 25 years. I have also included information that might contribute to variations in turnout over that period such as contested mayor and council races or controversial ballot proposals.

<b>Year</b>	<b>Voter Turnout %</b>	<b>Uncon- tested Races %</b>	<b>Proposals</b>
2013	31	75	Income tax; Charter amendment
2011	22	75	Headlee override; recreation millage
2009	16	60	Charter amendment (city attorney)
2007	25	25	Street bond; Fire station bond
2005	22	25	
2003	22	25	
2001	22	50	
1999	25	50	Fairground lease
1997	19	75	
1995	31	0	
1993	42	0	
1991	21	75	
1989	44	75	City millage increase; state tax proposals

As the table demonstrates, contested races and proposals appear to have contributed to increases in voter turnout. Since the mid-1990s, however, this correlation appears to have weakened. Even the presence on the ballot in 2013 of the income tax proposal resulted in the turnout of less than one-third of eligible voters. Similar disengagement is evident in uncontested Council races and the difficulty faced by recent mayors in filling board and commission vacancies.

Some would point to a lack of trust as characteristic of citizen attitudes toward their government. I previously noted the skepticism toward government that is a feature of the American political system but I think it

is inaccurate to equate that to a general distrust. In fact, citizens show a significant degree of trust toward government in the United States. Most of us do not worry whether water will flow from the tap when we turn it on. We sincerely believe that emergency services will respond to our 911 calls. Seniors are confident that their Social Security payments will be deposited in their accounts. When governments fail, the public attitude is more often one of disappointment. It is only when disappointment occurs frequently and regularly that citizens come to distrust their government, a situation more common in cities experiencing fiscal distress, racial and economic disparity and similar problems, or where political systems are plagued by cronyism and corruption.

One source of disappointment in politics is an unrealistic expectation of what government is capable of achieving due to insufficient resources to meet all demands for government action. Another source is a relationship between government and its citizens in which the latter are treated like, and see themselves as, only recipients of the benefits of government activities. If citizens are only customers, are they truly citizens?

Some observers of American politics have called for efforts to restore trust in government. If we focus on distrust instead of disappointment, however, we are likely to pursue the wrong strategy to address the problem. I suggest that the proper response to the problem of disappointment is to undertake initiatives that treat citizens less as customers and more as stakeholders; that is, we need to implement measures that provide practical experience with the fundamental lessons of civics education related to the relationship between citizens and their government. The measures I will suggest fall into three categories: transparency, engagement and accountability.

**Transparency.** Electronic communications have allowed for significant improvements in the City's ability to demonstrate a commitment to transparency. The City's website was redesigned a few years ago to allow for quicker and more complete access to information. Use of Facebook and Twitter has enabled us to "push" important information to citizens and let them know when documents are published to the website. More recently we have begun posting videos of Council meetings to the Internet ensuring

that interested individuals have an opportunity to view the actual proceedings of the Council.

Opportunities remain, however, to be more proactively transparent. One of the ways in which we can begin to transform citizen-customers into citizen-stakeholders is to invite them to request information on topics of particular interest to them. To that end, I am suggesting two initiatives.

Project/Issue Updates. How do we inform residents about matters of interest to them aside from the print and social media. Let us consider the 2016 street improvement program as an example. Our typical approach to communicating with residents who live on the streets to be repaired might take the form of a letter advising them of a construction project that would take place a few weeks in the future. Unless those citizens regularly read the contents of agenda packets, this might well be the first that they become aware that a mill-and-fill project will be taking place on their street.

There are various points in time at which information about this project is generated by City staff and others as shown in the following list:

1. Council approves the streets on the project list.
2. Staff recommends the hiring of a consulting engineer.
3. Council approves the hiring of a consulting engineer.
4. The consulting engineer performs survey work and associated tasks.
5. The City publishes the availability of bid documents
6. Bids are opened.
7. Staff recommends award of a bid.
8. Council approves awarding a bid.
9. A preconstruction meeting is held.
10. Construction work begins.
11. Construction work is completed.
12. Payment is authorized by the Council.

Some of these events might be of greater interest to residents than others. Taken as a whole, however, they offer residents a much more complete understanding of what is involved in a simple mill-and-fill project.

We can implement a procedure that provides customized access to project information through the following process:

- Identify potential citizen-stakeholders for projects and initiatives.
- Send letters and publish Facebook posts inviting citizens and the news media to subscribe to periodic updates via email group, by following the City on Facebook and/or Twitter and/or by regularly visiting the City's website.
- Regularly post updates regarding projects and initiatives on the City's website and notify subscribers via email, Facebook and Twitter.

This procedure can be implemented by adopting an administrative policy.

FOIA Fee Waiver. Council Policy 2015-02 allows the Freedom of Information Act (FOIA) coordinator to waive or reduce charges for responding to FOIA requests if he/she determines that providing the information is in the public interest. I believe that it is consistent with our commitment to greater transparency to waive fees entirely for retrieving and copying the first ten pages of non-police documents requested by City residents and property owners.

This practice can be implemented by adopting an administrative policy.

**Engagement.** Civic engagement is a term that is being used with greater frequency in local government circles. It refers to an approach to government through which citizens are more intentionally involved in the policy development process.

Civic engagement requires asking quality questions of citizens and engaging them in an open and productive discussion while local government listen and learns. It is another key tool in the leadership toolbox. Ed Everett, *Public Management, August 2015*

Ed Everett and others suggest that civic engagement processes are useful in addressing some of the more challenging and complex problems that cities

face. I do not disagree with this perspective. If we are to successfully involve citizens in dealing with what are known as “wicked” problems, however, the skills that they need must be developed through an ongoing process of engagement in the routine and ordinary course of government affairs.

I am proposing that Council modify its policies and procedures in the following three ways:

Ordinance Public Hearings. At present, public hearings are required only when amendments are made to the zoning ordinance or zoning map. Council can choose to set a public hearing for other ordinances but is not required to do so. This is unusual in my experience. The other communities for which I have worked required public hearings on every new ordinance or amendment.

Ordinances are among the most important policy statements that Council makes and are those actions that often directly affect citizens and their relationship with government. Inviting public comment by setting aside a time on the agenda and advertising that opportunity is a simple way to involve citizens in their government and to be more transparent about Council policy processes.

Implementing this proposal would require a modification to Council’s policy 2008-02 *Procedure for Considering and Adopting Ordinances*.

Procedural Delays. Government is often criticized for its inefficiency and red tape so it might come as a surprise that I am proposing to slow down the decision-making process. The purpose of such an action is to offer citizens an opportunity to become better informed about proposed actions and to afford them more occasions to comment.

At present, Council action typically follows the request for such action by the few days that fall between the publication of the agenda and the meeting. For Council members, this is rarely a cause for concern; your greater familiarity with City business processes provides you the advantage of being able to quickly act on most matters.

The same cannot be said of citizens, however, who often lack the institutional knowledge that is necessary to establish the proper context for such actions. If we are to embody within City procedures opportunities for civics education for residents, additional time is warranted for them to acquire knowledge and offer input.

I am recommending the following procedural changes:

- Only mayoral appointments, proclamations, ceremonial resolutions and approval of claims and accounts and a limited number of urgent items would be eligible for final action at the meeting at which they are first introduced.
- All matters for which action will be sought must be introduced as ordinances or resolutions, the latter to be discussed in detail under “Accountability” below. Except for those noted above, all ordinances and resolutions will be subject to two readings except when a super-majority of Council determines that the matter is urgent and requires immediate action.
- Unless another later date is identified in the adopting action, first readings of resolutions will advance the resolution to a second reading at the following regular Council meeting.
- The agenda format will be modified by eliminating the consent agenda and including sections for public hearings, ordinances and resolutions proposed for adoption, ordinances and resolutions to be introduced and discussed, and presentations and other discussion.

These changes will result in a two-week delay before final action can be taken on most items. In this respect, Council resolutions will be treated in much the same way as ordinances.

Implementing this proposal would require a modification to Council Policy 2011-02 *Order of Business at City Council Meetings*.

Electronic Citizen Comments. Citizens have always had the opportunity to offer comments on matters before Council by attending meetings or by letter. More recently, we have received some comments via email.



I am proposing that as a part of routine meeting processes the City invite comments to be submitted via email or the contact form on the City's website. When we publicize the availability of the agenda, we would direct citizens' attention to a page that describes the process for submitting comments. Those comments received prior to 4:00 p.m. on the day of a Council meeting would be collected, organized in accordance with the proposed agenda and distributed in printed form to Council as they arrive for the Council meeting.

Implementing this proposal would require the approval of a new Council policy.

On additional area with potential for additional civic engagement is in the use of ad hoc citizen committees. I do not have any specific recommendations concerning employing them but they can be useful avenues for obtaining additional perspectives on important issues.

**Accountability.** As a general rule, accountability in council-manager government can be seen as following two related courses. First, the city manager is accountable to the council for the implementation of its policies. Second, the council is accountable to the voters for the manner in which its policies address community needs. As a practical matter, these are really two faces of the same coin.

Standards exist for some City operations that can serve as the basis of accountability. There is an evaluation process for assessing, for example. There are drinking water quality standards about which the City publishes an annual report. The City's capabilities with regard to fire suppression determine the insurance rating for the community

As useful as these might be, they do not establish an accountability relationship between the City and its citizens. Instead, they create an accountability relationship between the City and an oversight organization. They might provide an objective way to assess whether or not the City's administration is doing a good job; they do not address whether that job is being performed in accordance with the expectations of citizens.

Establishing an accountability relationship between the City and its citizens must begin by answering the question, “What are citizens asking us to do?”

The philosopher and business consultant Fernando Flores offers a useful framework within which to begin addressing this very question. His work focuses on speech acts which he indicates involve more than transmitting information. It is his insight that these acts involve an exchange in which requests and commitments are made.

The challenge we face is in developing a process that permits a meaningful dialogue with citizens on the myriad items about which requests and commitments are made. The procedural changes that I have recommended in previous sections will certainly help. Ultimately, however, Council members must act as spokespersons for the larger body of citizens to assure that efforts are made to be clear about what government is being asked to do and what we are promising to do.

Resolutions. A greater degree of formality is required to accomplish these goals, in my opinion, and to that end I am proposing that Council implement a practice of framing the majority of actions it is contemplating as resolutions. You are familiar with resolutions as they have been required on occasion for specific actions that you have been considering. Robert’s Rules of Order lays out the basic format for resolutions including whether or not a preamble—the *Whereas* clauses— is required. I am aware that some other city governments act primarily through formal resolutions but I am not aware how common a practice this is.

A feature of resolutions that is important to our efforts in civics education is that they are in writing. A written resolution that is introduced, discussed, amended and advanced to a second reading offers the best opportunity to inform citizens in an unambiguous way about the actions that Council is considering, the reasons for those actions and what Council hopes to accomplish. In this way, citizens are better able to understand and meaningfully participate in public policy discussions.

An important feature of some resolutions intended to enhance accountability will be those statements related to measurable objectives

and standards and time frames for reviewing performance. These should be related to the conditions giving rise to the resolution that are highlighted in the preamble of the resolution. In some instances, it might also be appropriate to insert sunset dates after which the resolution would no longer be in effect. This would require revising those resolutions.

The process of discussing and amending resolutions will require closer conformance to Robert's Rules of Order than has been typical of Council meetings. With a little practice, however, this should become second nature for Council members.

Implementing this proposal would require a modification to Council Policy 2011-02 *Order of Business at City Council Meetings*.

Ordinance Sunset Dates. We have established sunset dates for a few ordinances in recent years. This helps to insure that we revisit ordinances on a periodic basis to insure that they are still necessary or that they conform to current conditions. This practice should be expanded to apply to the majority of ordinances that Council considers.

Implementing this proposal would require a modification to Council Policy 2008-02 *Procedure for Considering and Adopting Ordinances*.

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As noted, the proposed changes will involve some procedural delays, modifications to Council policies and the adoption of administrative policies. Additional staff time will be required to implement changes and on an ongoing basis although I do not believe this will be extensive. Other costs associated with the changes should be minimal.

The measures that I have described, in combination with those already in place, are designed to bring citizens more fully into their proper role as partners in governance with Council members and City staff. We might well identify similar measures that we can take that will offer additional opportunities to engage our residents in the City's business.

An important feature of the proposed measures is that they provide opportunities for participation on a 24-hour per day basis. By using the Internet and social media, citizens are able to access information and respond to it at a time that best fits their schedules and to do so at a minimal cost.

The success of this civics education initiative will be apparent in the short term if we begin to see a greater interest in commenting on matters before the City Council. In the long run, we can hope for an increase in voting and in serving on City Council and other boards and commissions.

More importantly, however, is the hope that, through the hands-on lessons learned in helping govern Charlotte, citizens become more effective participants in the political processes through which state and national policies are formulated and officials elected. In that respect, then, these measures, if effective, could serve as a model to be emulated by other units of local government.

It is time to resuscitate real democracy—that unique blending of conflict and decision at the human scale—in the heartland. I see thick, local democracies—real democracies--as pasture springs in the high hills of the American homeland. From these pasture springs of politics will flow the waters that refresh our national reservoirs of citizenship. Frank M. Bryan, *author of "Real Democracy," from a 2003 interview*