

# *Local Government Policy-Making Process*



MRSC

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# **PREFACE**

This publication has been written primarily for local officials and staff in the state of Washington. Citizens and representatives of community interest groups who participate in local issues may also find this publication useful. The purposes of this publication are to describe the local government policy-making process, outline effective roles for local officials, and to provide practical tips to make the local policy-making process more satisfying and productive. Local policy-making is complex, demanding the very best of local officials. It is worth the effort. The destiny of your community – the fulfillment of its dreams and aspirations – flow out of the exercise of policy-making.

The policy-making process weighs and balances public values. Often there is no “right” choice or correct technical answer to the question at hand. That is why policy-making can be an adversarial process, characterized by the clash of competing and conflicting interests and viewpoints rather than an impartial, disinterested or “objective” search for “correct” solutions for policy problems. Because of these value clashes, the policy-making process can get emotional. However, it does not have to be rancorous. If you are a local official, you will be more effective and productive over the long-term if you respect the viewpoints of others – whether you agree with their position or not. Take time to understand your roles and responsibilities. Legislators, for example, are most effective if they focus on policy issues, not administrative matters. And chief executive officers such as mayors, county executives and city managers are most effective when they recognize and support the policy-making responsibilities of their local councilmembers and commissioners.

Many people deserve credit for the development of this publication. Officials and staff of Federal Way and the community leaders who participated in the Federal Way Leadership program were the initial inspiration for this project. Their spirit and dedication to local government issues reaffirmed my belief that local policy is important community work. I would like to extend a special thanks to Bob Jean, the City Manager of University Place, for enthusiastically sharing his insights about local policy-making activities, providing several of the illustrations, and critically reviewing the draft of this publication.

Additionally, I would like to thank Bob Meinig, Tom Sutberry, Carol Tobin, Byron Katsuyama, and Ron Bartels of the MRSC staff for reviewing drafts of this publication and making constructive suggestions to improve its content. Lynne De Merritt provided valuable editing assistance. And Holly Martin put the document in final published form.

This is a work in progress. Please share your experiences with us so that we can improve future editions of this publication. I hope that you will find this report useful in carrying out your local policy development responsibilities.

A handwritten signature in black ink, reading "Richard Yukubousky". The signature is written in a cursive, slightly slanted style.

Richard Yukubousky, Executive Director  
Municipal Research & Services Center of Washington

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# INTRODUCTION

*"My experience in government is that when things are non-controversial and beautifully coordinated, there is not much going on."*

*John Fitzgerald Kennedy*

Policy-making is often undervalued and misunderstood, yet it is the central role of the city, town, and county legislative bodies. The policies created by our local governments affect everyone in the community in some way. Public policy determines what services will be provided to the residents and the level of those services, what kinds of development will occur in the community, and it determines what the community's future will be. Policies are created to guide decision-making. Elected councilmembers of cities, towns, and counties have public policy-making responsibilities. County commissioners also set policy, but have an executive role of administering policy as well.

Local policy-making is complex. It demands the very best of local officials. The public policy-making process is highly decentralized. Policy initiation, formulation, adoption, and implementation involve many interests. This process has been characterized as tending to be "fluid, incremental, confused, often disorderly and even incoherent." [*Public Policy Making, Washington Style, Bone et. al., p. 4*]. And yet, from this, the destiny of a community – the fulfillment of its dreams and aspirations – flow out of the exercise of the policy-making process.

This publication provides an overview of the local government policy-making process. It does not discuss theories, nor does it deal with the "art and science" of policy-making. It is written from a practical standpoint and is intended to provide the reader with a better understanding of the roles and responsibilities of legislators as policy-makers. It discusses how local public policy is created and provides practical tips, based on experience, on how to make the policy-making process more productive and satisfying for participants. Since confusion or disagreement about policy-making has been a frequent source of conflict for local governments, an important objective of this publication is to help Washington local government officials distinguish between policy and administrative matters.

## **What Is Policy?**

Formally adopted policy generally takes the form of a governing principle, plan, or course of action. In the public sector it generally evolves from a deliberative process, and is adopted by an ordinance or resolution. Legislative bodies make public policy decisions; others perform the administrative task of implementing those policies. The decisions could be the adoption of a vision for the community, a comprehensive plan, a budget, or a policy relating to a specific issue, such as allowing or prohibiting local gambling activities. Policy-making requires political wisdom, diplomacy, and prudence to bring diverse community interests together around a shared purpose. Common usage of the term "policy" also includes the wise and expedient conduct of management; thereby blurring the line between policy and administration and causing confusion in the roles of elected legislators.

Public policy is a combination of basic decisions, commitments, and actions made by those who hold authority or affect government decisions. The policy-making process weighs and balances public values. Often there is no "right" choice or correct technical answer to the issue at hand. Policy-making can be an adversarial process, characterized by the clash of competing and conflicting interests and viewpoints rather than an impartial, disinterested, or "objective" search for "correct" solutions for policy issues. The larger and more diverse the constituency, the more difficult policy-making becomes, particularly when addressing regional issues. Democracy is sometimes *messy*. Since our government is a representative democracy, an effective policy-making process insures that all relevant viewpoints are heard, and that the rights of individuals are protected.

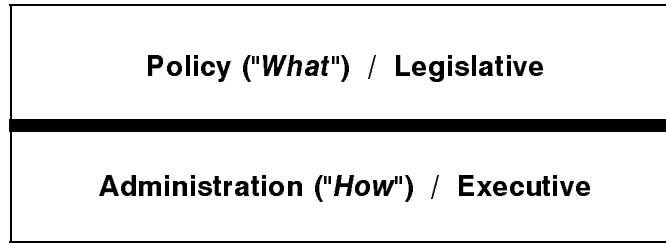
# **MAKING POLICY IS JOB # 1 FOR LEGISLATORS**

*"The buck stops here."*

*Harry S. Truman*

The key to avoiding conflicts is to recognize that the general public policy of the municipality is usually a matter for the legislative body to determine: the city or town council, the county council, and the board of county commissioners, though the latter also has an executive and administrative function. It is also important to recognize that it is not the role of the legislative body to administer city or county affairs, except in the case of the county commission. The council sets policy, but it is either the county executive, the mayor, or city manager that actually sees that the policies are implemented. Since the distinction between formulation and implementation is not always clear, open communications between legislators and administrators is absolutely necessary.





## Focus on Strategic Policy-Making

Legislative bodies are most effective and are most successful when they focus on strategic activities that guide the future of their communities. Whether it is called goal setting, strategic planning or futures planning, the process of assessing need and establishing priorities is a necessary function of local government. It is a process that can be used to build citizen support, encourage efficiency, and improve productivity. [Goal Setting in Local Government, *ICMA MIS Report*, vol. 27, no. 4, April 1995]

Some observers believe that governments are driven by *past* decisions and reaction to operational issues and limitations. There is a legacy of *prior* actions that limits the community's vision about *future* possibilities. Policy is about the future of your community, whether tomorrow, next week, or years from now. Policy-making is about visions, goals, choices, and possibilities. Alignment of vision and goals with the community and its local government structures builds trust and community confidence. Limited resources go further where there is alignment and trust.

Key policy-making activities include:

- **Creating a Community Vision** This is the "big picture" for your community. A vision captures the dreams, aspirations, and hopes of your community. It is a choice of one future out of many possibilities. Important community values shape this vision. Does your community see itself as a trader in a global village? A place where diversity is cherished? A place where there is peace and harmony between the built and the natural environment? A "vision statement" could provide a benchmark against which all other local government actions are measured. If you don't know where you are going, any path will do. Communities with vision know who they are and where they are going. Some communities also develop value statements and strategic plans to help implement their vision statements. Those without vision spend considerable energy on wrong or irrelevant issues, bouncing reactively from one topic to another. In short, they cannot see where they are going.
- **Community Goals and Objectives** Community goals identify components of the community vision and provide direction for implementation. A goal statement may grow out of a difficult community problem, for example, a high crime rate. The goal is to find a satisfactory resolution to this problem by implementing policies designed to reduce crime. A goal may also be born of a desire to instill some quality that is not currently part of the community, such as economic growth. Or, a goal may grow from a desire to preserve a valued characteristic or quality that already exists, such as the preservation of small town qualities while accommodating growth. Goals are qualitative statements; objectives are quantitative and measurable.

- **Comprehensive Plan** The comprehensive plan represents the community's policy for future growth. The plan assists in the management of the city or county by providing policies to guide decision-making [*Small Communities Guide to Comprehensive Planning*, Washington State Department of Community Development, June 1993]. A majority of Washington's counties and cities prepare comprehensive land use plans under the state's Growth Management Act. Comprehensive planning usually starts with an inventory and analysis of land, followed by an analysis of population and demographics, economic conditions, amenities, physical conditions, and infrastructure to determine future needs and alternatives. Based upon an agreed amount of growth, the land-use element of the plan maps locations for future development. Zoning and development regulations limit the permitted size of these developments, and govern how various uses must relate to their neighbors. Transportation and public facilities elements of the plan address service levels, locations, and financing of infrastructure needed to support community development. These plans are powerful policy tools that address major pieces of your community's vision.
- **Local Services** Some local services are mandated by state statute. Other services, while not mandated by statute, are prudent to provide, while others are discretionary. General-purpose local governments make key decisions about which services to provide to residents, at what service level, the manner in which these services will be provided. Counties provide a broad range of services, many of which are mandated by the state as its agent. Many regional services are provided by policy choice. Not all counties, for example, provide regional transit service. For cities, the statutes require the appointment of a chief law enforcement officer. Once such an officer is appointed, there is no further guidance as to the level of police services that must be provided. Whatever level is selected is a question of policy to be deliberated and determined by the city council. Some cities contract with the county to provide police services rather than provide their own. This is a matter of policy choice, based upon desired levels of service and the costs of providing that service.
- **Budgets and Capital Facilities Plans** These address the allocation of scarce financial resources to achieve the community's vision, accomplish goals and objectives, implement the comprehensive plan, and provide services. The budget is considered one of the strongest policy-making tools. It defines the spending and service priorities for numerous other policy decisions. There is rarely enough money to do all the things that a community desires. Thus, budgets and capital facilities plans must *prioritize*. What gets funded? In what order? What does not get funded? How much will be spent to provide desired services? Long-term financial plan projections (5 to 6 years ahead) often help reveal some of the costs or consequences of seemingly "inexpensive" short-term policy decisions. The allocation of resources to competing needs is an important exercise of setting local policy. Deciding what *not* to do is also an important part of policy-making.

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<b>Procedures</b>		<b>Information</b>
Elections and initiatives	Ordinances and resolutions	Newsletters, television and press
Policies and procedures	Standards and benchmarks	State-of-the-city
Operating procedures	Job checklist	Annual report
		Monthly/quarterly reports
		Progress reports
		Status report
<b>Control</b>		

**Policy Level**

**Administrative Level**

im ne effectiveness. When resources are clearly measure efficiency. When rules and processes can establish control without "over controlling.

## How to Recognize "Good Policy"

Since there is usually not a "right or wrong" policy, how are good policy decisions recognized? The following qualities may assist in defining "good public policy:"

- **There Is Public Support** Usually policy adopted by a majority vote of a legislative body is "good" policy. A supermajority vote makes "great" policy. The council does not make policy in a vacuum. Councils rely on ideas from many sources, including staff, citizen's groups, advisory committees, chambers of commerce, and others. Strong council support for a policy is more likely if there is strong support in the community.
- **Policies Are Just** Good policy is fair and equitable; it does not impose disproportional impacts on interest groups. Policy decisions should be based upon due process that respects the constitutional rights of individuals. Policy-making is not always about what's popular. Sometimes it means protecting the legitimate interests of minority views too.
- **Sound Decisions Are Backed by Solid Analysis** Good policy analysis starts with clear goals and objectives, considers a range of alternatives, expresses evaluation criteria, and assesses the impacts of alternatives with respect to these criteria. Measure the consequences of policy decisions against the community's vision, values, and goals.
- **Policies Are Relevant** The decision addresses a problem or issue that is generally perceived as significant to the community.
- **Policy Can Be Implemented** The decisions are feasible for local government to implement. The adopted policy has a reasonable chance of working. There are clear assignments of responsibilities for implementation.
- **Results Are Monitored** There is always a risk that policy decisions have unintended consequences, or simply do not accomplish their goals. During the analysis phase it is useful to think about how a policy choice may fail. Good monitoring systems may provide early warning about policy failures or unintended consequences. This would enable policy-makers to alter the policy to increase effectiveness, or abandon it completely.

## Limits to Policy-Making

No one said that effective policy-making is easy. It is easier to second guess how something might have been done, than to determine *what* needs to be done. There are many challenges and hazards along the way. Public policy-making involves multiple interests, complex analysis, conflicting information, and human personalities. Listed below are some factors that make public policy a fascinating, sometimes frustrating, but absolutely essential exercise. These are listed to alert the reader about circumstances where extra care is necessary.

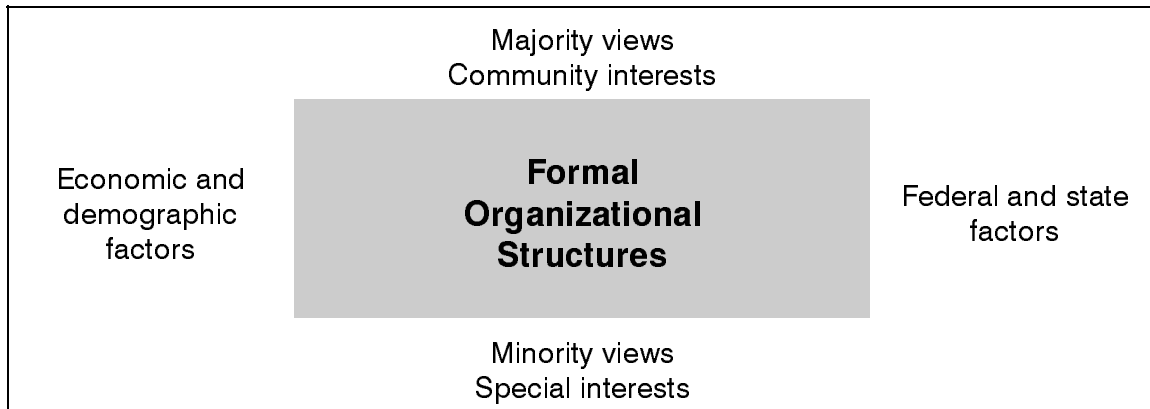
- Legitimate community interests have multiple and often conflicting goals. This is the essence of the policy-making challenge. For example, the business community may be motivated primarily by a profit goal in presenting its position on the comprehensive plan. Other

## 8 Making Policy Is Job #1 for Legislators

community interests may place a higher priority on a goal of preserving as much of the natural environment as possible. These goals may conflict.

- With multiple interest groups and centers of power, there is a tendency to "take a step in the right direction" rather than commit to significant change. Some participants are frustrated because they believe that the policy-making process should produce more dramatic changes than it usually does. On the other hand, seemingly minor changes in the short-term can have enormous long-term impacts.
- Failure to have the right information can impede decision-making. Elected officials are often faced with information overload. Too much information can create uncertainty and weaken decisiveness. When this occurs, all information becomes diluted in its persuasiveness. Decision-makers may then resort to less rationally defensive but more personally satisfying methods of decision-making. Concise, well-organized data and analyses can facilitate the decision-making process.
- Some interest groups may use analysis to rationalize choices they have already made. Research can be politicized. Some people are skilled in using statistics to prove anything. Close inspection of their analysis, however, may reveal serious flaws.
- Many forces that impact local communities are beyond local control. Local governments are subject to federal and state mandates. Income levels of individual jurisdictions depend upon job creation and retention throughout the region. Traffic congestion and air pollution transcend local community borders. Local decision-makers may have limited ability to influence an important community issue.
- It is not always clear or obvious how to implement good policy, even when there is a high level of agreement about a desired direction.
- Resources to implement policy may be limited.
- Mediation may be required to resolve issues where communities are polarized.

### External Factors & Considerations



Policy-making is not done in a vacuum. External influences surround your decision-making. Also, remember, policy abhors a vacuum. If elected officials don't or won't lead community groups or individuals with try to assume the council's role. Or staff will have to guess what the policy is and "fill in the blanks" if even with the best of intentions. Policy-setting really is the council's number one goal.

# **ROLES AND RESPONSIBILITIES**

*"Management is doing things right. Leadership is doing the right things."*

*Warren Bennis*

Constitutions, charters, statutes, and ordinances are the sources of authority for elected officials and staff in the policy-making process. A clear understanding of roles and responsibilities can increase the effectiveness of participants in the policy-making process. Whether legislative or executive, the goal is to serve the community. In addition to reviewing the powers of the legislative and executive branches of cities and counties, this section provides practical tips on how to avoid conflicts between key players who are in administrative and policy-making positions.

## **Legislative Bodies**

City, town, and county councilmembers and county commissioners are legislators. Together they constitute a legislative body which is given authority by the state constitution and state law to make local law. Local legislative authority is generally limited to what the state specifically grants to counties, cities and towns. However, code cities, charter cities and charter counties have "home rule" powers which permit them to exercise authority not specifically granted; provided that the state has not specifically prohibited that local authority.

We elect legislators to make policy decisions and enact laws on our behalf. Except through the exercise of the initiative and referendum, we do not practice direct democracy. Our political system is a representative democracy. Our representatives may come from a variety of backgrounds: farmers, teachers, doctors, lawyers, business owners, etc. The essence of the legislative process is the give and take of different interests, and the search for a compromise that is acceptable to the majority. Often there are elaborate mechanisms to involve citizens and interest groups in the policy-making process. However, in the final analysis, legislative bodies make the decisions. Those who are not satisfied with the outcome can always seek to change the representatives by voting them out of office. But they must abide by the decisions whether they like them or not.

## Executives

While mayors and city managers often develop and propose policies, their basic authority is to carry out the council's directives and to implement the policy adopted by councils. Commissioners serve both legislative and executive roles. The relationship of the executive to the legislative body varies by form of local government.

- **Mayor-Council Form of Government** Policy and administration are separated. All legislative and policy-making powers are vested in the city council. This is also true for charter counties that have county councils: King, Snohomish, Pierce and Whatcom Counties. Administrative authority is vested in a directly elected mayor or county executive. Mayors in second class mayor-council and code mayor-council cities may veto ordinances but the mayor's veto can be overruled by two-thirds vote of the council.
- **Council-Manager Form of Government** All legislative and policy powers are vested in the city council. The council employs a professionally trained administrator to carry out the policies it develops. The city manager is head of the administrative branch of government. The mayor is usually selected by the city council from among its members, although in a few larger cities (e.g. Tacoma, Spokane, Vancouver, and Olympia), the voters directly elect the mayor. The mayor's responsibilities are primarily to preside at council meetings, act as head of the city for ceremonial purposes, and for purposes of military law. The mayor votes as a councilmember and does not have any veto power. Political skills possessed by the mayor can be helpful in bringing parties together in the policy development process. Currently, no Washington counties use this organizational model.
- **Commission Form of Government** In the commission form of government one elective body includes the executive, legislative, and administrative functions of government. There are only two Washington cities (Wenatchee and Shelton) currently operating under this form of government. Thirty-five Washington counties have commission forms of government. The board of commissioners sits as a body, passes laws, and makes policy.

While much of this publication is relevant to counties, there are some factors that make the policy-making process of counties different from cities. Elected county offices are partisan; candidates declare party affiliation when they run for office. All elected city offices are non-partisan. County commissioners share power with other elected county officials such as the assessor, auditor, prosecuting attorney, sheriff, county clerk, and treasurer. There are only a handful of Washington cities that elect anyone other than mayors or council members. An extensive treatment of the



responsibilities of commissioners can be found in the *New Commissioner Handbook* (Report No. 43, Municipal Research & Services Center, September 1998).

The separation of authority between the legislative body and the chief executive in the mayor-council, county executive, and council-manager forms of government is very similar. In the mayor-council form of government, the mayor is the chief administrative officer who is responsible for all administrative functions. When separately elected, the county executive serves as chief administrative officer in those counties that have a council (*e.g.*, King, Pierce, Snohomish and Whatcom Counties). In the council-manager form, the appointed manager is the chief administrative officer. The council creates the departments, authorizes positions, and fixes compensation. The council may not direct the hiring of any employee by the chief administrative officer, although local ordinances may call for council confirmation of appointments in the mayor-council form of government. The mayor has the power to appoint and remove all appointive officers and employees consistent with the laws of the city. This authority to hire and fire may be delegated to department heads. In the council-manager form, the manager supervises city business, appoints and removes department heads and employees, executes laws, recommends activities to the council, submits reports, submits a proposed budget, and performs other duties directed by ordinance.

Mayors, county executives, city managers, and staff do not make policy decisions. However, they have *strong influence* on the policy-making process and its resultant decisions. For example, they propose budgets, oversee the studies and analyses carried out by staff, and make policy recommendations to councils. Through their ongoing contacts with key interest groups, elected and appointed chief administrative officers and department heads influence (and are influenced by) other participants in the policy development process.

## **What Staffs Need to Know about the Needs of Elected Officials**

Policy development processes are most effective and productive when key players work well together. Each party has a role to play and has defined responsibilities. Conflicts often develop when the legitimate needs and roles of one party are not understood by another. Here are some suggestions that might make the policy development process more effective:

- Elected officials have different needs than staff. To be effective, they must be responsive to the needs of their constituents. Concerns for "fairness" and "minority views" may outweigh issues of effectiveness or efficiency.
- Elected officials want to know where various constituent groups stand on an issue. This information is important in attempting to balance the conflicting values that often come into play during the policy-making process.
- Elected officials do not like surprises, particularly at the end of a long and arduous process. (Who does?) A staff member's credibility can be seriously undermined if key interests introduce relevant new information at a final public hearing before action is taken. Councilmembers will think that the staff has not done their job of getting this information considered earlier.

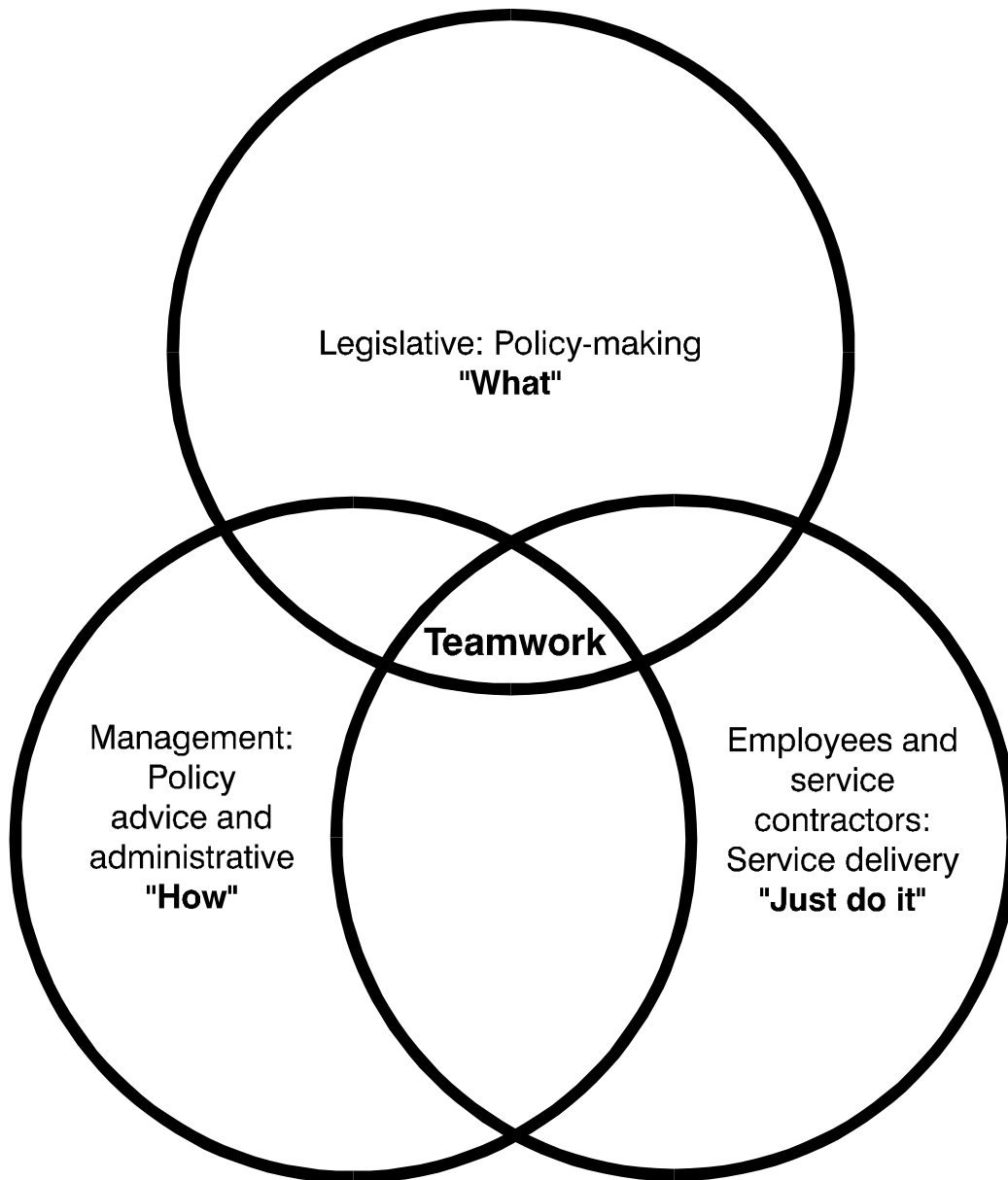
- Elected officials like to have choices. Nobody likes to feel backed into a corner where there is only one solution. A brilliant staff proposal may not carry the day if other choices were not seriously considered.
- Staff can be an enormous help by showing how compromise can be reached on thorny issues.
- Staff can make everyone on the policy/administrative team look good by sharing credit.

### **What Elected Officials Need to Know about the Needs of Staff**

- Some key staff belong to national and state associations that hold members to professional and ethical standards. For example, many city managers and administrators belong to the Washington City/County Management Association and are bound by the International City/County Management Association code of ethics. Asking staff to help on certain political matters, such as election and ballot campaigns, puts them in a difficult position. State laws also significantly limit the use of public resources for campaign issues.
- Staff will sometimes assert that "we can't do this because it violates technical standards." While these standards are legitimate attempts to address important public goals, they often do not fully recognize other community values. For example, street design standards favor the movement of traffic. If the street is not critical for the movement of large traffic volumes, there may be ways to design the street to achieve other community goals by providing wider sidewalks, bike lanes, and space for recreational and social activities. (However, access may be lost to certain categories of state or federal funds if standards are not met.) Explore these issues with staff and challenge their creativity.
- Competent staff can be a tremendous help in developing ideas, structuring good processes, and generally keeping you out of trouble. Get to know and trust key staff.
- Treat each other respectfully. Otherwise the official may not get that extra effort that can make a difference in effectiveness.

- Avoid public criticism of each other; it only makes for martyrs. If there is a legitimate concern, discuss the matter privately. If you are a councilmember, remember that you do not have the authority to direct employees. Discuss your concerns with the mayor or city manager. If on the staff, ask for policy clarification if you are not sure what was intended.
- Show appreciation for good work. Say "thanks." Share credit.

Another way to improve policy-making and decision-making is to better understand the role of team members.



# IS IT POLICY OR ADMINISTRATION?

*"All government – indeed, every human benefit and enjoyment, every virtue and every prudent act – is founded on compromise and barter."*

*Edmund Burke*

The goal of this section is to answer, through examples, the age-old question: is it policy or is it administration? The Municipal Research & Services Center (MRSC) has received numerous questions about this issue over the years. Lack of clarity or agreement about this issue is perhaps the most frequent source of conflict among local officials. There are no "black and white" answers. There will always be some overlap between policy and administration. That is why it is very important for executives, legislators, and key staff to develop ways to communicate and work together effectively.

The introduction to this report suggests that legislative bodies are most effective and successful when they focus on strategic activities to guide future development of their communities. These key policy-making activities include the development of a vision for the community, the adoption of community goals and objectives, the adoption of comprehensive plans, decisions about which programs and services will be provided by the local government, and the adoption of budgets and capital facilities plans. These are clearly policy matters.

Councils and commissions have the powers to enact laws and policies consistent with state law, usually through the enactment of ordinances and resolutions. The chart below lists actions that city councils and commissions can take, followed by a brief description of the responsibility of the mayor, city manager or administrator. These also apply to county councils and commissions; however, counties have a number of independent elected officials whose functions and duties are defined by either the state constitution or state statutes.

Policy	Administration
<ul style="list-style-type: none"> <li>Enact a budget.</li> </ul>	<ul style="list-style-type: none"> <li>Propose budget. Spend within budgetary limits.</li> </ul>
<ul style="list-style-type: none"> <li>Define the powers, functions and duties of officers and employees.</li> </ul>	<ul style="list-style-type: none"> <li>Fill positions consistent with local ordinances.</li> </ul>
<ul style="list-style-type: none"> <li>Fix the compensation of officers and employees.</li> </ul>	<ul style="list-style-type: none"> <li>Administer payroll consistent with budget and compensation plan adopted by council.</li> </ul>
<ul style="list-style-type: none"> <li>Establish the working conditions of officers and employees.</li> </ul>	<ul style="list-style-type: none"> <li>Insure that proper working conditions are provided.</li> </ul>
<ul style="list-style-type: none"> <li>Establish retirement and pension systems.</li> </ul>	<ul style="list-style-type: none"> <li>Administer pension and retirement plan.</li> </ul>
<ul style="list-style-type: none"> <li>Adopt ordinances regulating local affairs.</li> </ul>	<ul style="list-style-type: none"> <li>Implement and enforce ordinances.</li> </ul>
<ul style="list-style-type: none"> <li>Set fines and penalties for violation of ordinances.</li> </ul>	<ul style="list-style-type: none"> <li>Collect fines and enforce penalties.</li> </ul>
<ul style="list-style-type: none"> <li>Enter into contracts.</li> </ul>	<ul style="list-style-type: none"> <li>Propose contracts. Manage approved contracts. Enforce contracts.</li> </ul>
<ul style="list-style-type: none"> <li>Regulate the acquisition, sale, ownership, and other disposition of real property.</li> </ul>	<ul style="list-style-type: none"> <li>Negotiate terms of acquisition and sale of real property; carry out acquisition and sale.</li> </ul>
<ul style="list-style-type: none"> <li>Decide which governmental services will be provided. Adopt budgets for their provision.</li> </ul>	<ul style="list-style-type: none"> <li>Oversee the day to day operation of programs and services provided by the local government.</li> </ul>
<ul style="list-style-type: none"> <li>Establish public utilities.</li> </ul>	<ul style="list-style-type: none"> <li>Manage provision of utility services.</li> </ul>
<ul style="list-style-type: none"> <li>Grant franchise for the use of public ways.</li> </ul>	<ul style="list-style-type: none"> <li>Enforce terms of franchise agreement.</li> </ul>
<ul style="list-style-type: none"> <li>License, for the purpose of revenue and regulation, most any type of business.</li> </ul>	<ul style="list-style-type: none"> <li>Administer business licenses as provided by council.</li> </ul>
<ul style="list-style-type: none"> <li>Set tax rates and user fees consistent with state laws.</li> </ul>	<ul style="list-style-type: none"> <li>Collect taxes and user fees.</li> </ul>
<ul style="list-style-type: none"> <li>Approve claims against the city or county.</li> </ul>	<ul style="list-style-type: none"> <li>Bring lawsuits, with legislative approval. Propose settlement of claims. Pay approved claims.</li> </ul>
<ul style="list-style-type: none"> <li>Enter into agreements to accept grants and gifts.</li> </ul>	<ul style="list-style-type: none"> <li>Propose agreement. Carry out terms of the agreement.</li> </ul>

The mayor, city manager, or county executive is the chief executive and administrator in charge of carrying out the policies set by the council and enforcing local laws. They are basically in charge of the day-to-day operation of the city or county, including the supervision of all appointed officers and employees in the performance of their official functions. The chief executive is in charge of hiring and firing all appointive officers and employees, subject, where applicable, to laws regarding civil service. Councils of first class, second class, and code cities have some authority to require confirmation of the mayoral appointments of certain officials; councils may not, however, require confirmation of firings by the mayor. Town councils do not have this power.

For the most part public agencies are *administrative*; they must follow policies, laws, budgets, and other rules. In order to prevent abuses of power and to provide predictability, administrative functions have limited flexibility or discretion. For example, the enforcement of building and land use codes are generally ministerial in nature. If applicants comply with requirements as set forth in the code, they get their permit. However, there are certain types of decisions, such as rezones, that must go to the legislative body.

On many matters, citizens will no doubt call councilmembers. In these situations, it is best to pass on the complaint (through the mayor or city manager), let staff deal with it, and report back to the councilmember on its disposition. Give the staff a chance to do their job. Treat citizen comments, complaints, or requests as feedback on basic service delivery systems. These are opportunities for service "tune-ups" as part of a continuous improvement effort.

Consistent with the doctrine of separation of powers, the council is not authorized to interfere with the chief executive's administration of government. Councilmembers may not give orders to department heads or to other employees. In council-manager cities, this prohibition is established statutorily. The council must work through the city manager on matters of city administration, except that it may deal directly with officers and employees under the manager's direction "for the purpose of inquiry." To do its job, the council needs information on how the city or county is operating. The chief executive must provide timely, useful information evenly and equally to all councilmembers – either directly or through subordinate officers and employees.

Of course, things do not always run smoothly between the council and the administration, and the line between policy and administration is imprecise in some situations. One area that is a frequent source of conflict is personnel. The council may not like a mayor's appointment to a particular position, or it may be dissatisfied with the performance of certain officers or employees. An employee may complain to and seek relief from the council about some aspect of employment. On the other hand, the mayor may believe that certain personnel policies interfere with his or her supervision of employees and hiring and firing authority. The mayor may direct that all communications with city staff go through the mayor's office. The council, in response, may feel that the mayor is unlawfully restricting its access to city personnel for information purposes.

The remedy for some of these situations may be to review the respective roles of the mayor and the council and to understand the limitations of their respective authorities. For example, if the council is not happy with a mayoral appointment, there may be nothing the council can do directly within the bounds of its authority. However, if it has the authority to confirm a particular appointment, it can reject the appointee and force the mayor to choose another. If the council does not have confirmation authority, it can express its dissatisfaction to the mayor, but it can do nothing else with respect to that particular appointment. The council may, however, provide for a detailed personnel system

establishing specific qualifications for positions, requiring publication and public posting of job opening announcements, and the like. Moreover, the mayor, at least in code cities, is required by statute to make appointments "on the basis of ability and training or experience."

Similarly, if the council feels that an officer or employee is performing poorly and should be disciplined or fired, it can say so to the mayor, but it has no power to do anything else. Although it controls the salaries paid to city officers and employees, it may not lower a salary with the purpose of causing the person holding that position to quit. A rule to follow is that the council (and the mayor) may not do indirectly what it cannot do directly.

On the issue of communication between the council and city officers and employees, the mayor may not prevent council members from gaining information although he or she could reasonably regulate the inquiry process. If councilmember inquiries unreasonably take staff away from their duties, the mayor may require those inquiries to be channeled through the mayor or a department head, if it can be done without unduly encumbering council access to information.

Another area that often provides ground for conflict is finances and budgets. For example, the mayor may not take full advantage of the budget authorized by the council. The council may authorize a certain position at a certain salary, and the mayor may decide not to fill the position or may do so at half time and half salary. The mayor may cite financial difficulties, such as revenues falling short of projections, and may conclude that the city cannot afford someone filling this position full-time. The council, on the other hand, may not agree that the conditions warrant such action or may determine that a different cost-saving measure is appropriate and should be instituted.

Resolution of this type of issue may prove particularly tricky. Although the mayor may not pay an employee less than is authorized by the council in the budget or separate salary ordinance, under certain financial circumstances, the mayor may be able to partially fill a position, thus proportionately reducing the salary for the position. Legal authority, however, is hazy on such issues. The best strategy would be for the mayor and the council to work out a mutually agreeable accommodation.

In situations where it is not clear whether the executive or the council has the authority to act, counsel of the city attorney or that of a MRSC consultant could be sought. Understanding roles is a necessary step in resolving many conflicts. When roles are not clearly defined, compromise may be in order. Statutes and case law may not provide a ready answer. All sides need flexibility to meet the challenges of effective local government that is responsive to public needs. Local government works best when local officials work well together and build relationships based on honesty and trust.

# THE POLICY-MAKING PROCESS

*"Democracy means government by discussion, but it is only effective if you can stop people from talking."*

*Clement Atlee*

There is no question that effective policy-making requires *lots of process*. But in the end, it requires decisiveness too. While citizens and interest groups value the opportunity to participate, they also expect efficiency in the process of analyzing issues and bringing them to resolution. "Democratic efficiency" may sound like an oxymoron, but it is a worthwhile goal. Drawn out, inconclusive processes wear out participants and frustrate everyone. Such processes may make citizens less willing to participate in future community activities.

In this section, the policy-making process as exercised by individual councilmembers or commissioners is outlined and described. The main focus is to highlight practical tips that can make everyone involved more effective in managing that process, participating in it, and influencing outcomes more effectively.



**Get Issue on the Agenda** A councilmember has little or no power acting alone. If there is an issue or problem that should be addressed by your city or county, it has to be put on the public agenda. Some issues are so important that there is a consensus that something must be done. However, your issue may be in competition with others for time and attention. The support of other members of the legislative body is needed to commit time and resources to study the issue. The same is true for the chief executive. A budget is needed to carry out the studies and conduct the processes needed to bring resolution to important policy issues.

There are many catalysts for new or revised public policies. An economic calamity, such as the closing of a mill in the community, might generate a need for a new economic development policy. Technological innovations, such as networked computers and the Internet, are raising a myriad of technology policy issues for local governments today. Ecological shifts brought about by dramatic growth and development threatens Salmon species, requiring governments to respond. On some issues the community may have no choice but to act because of federal or state requirements like the Endangered Species Act and the Growth Management Act. On other issues, there may be local discretion to address them or not. These policy issues will need the consent and support of other elected officials to place them on the local agenda.

The policy-maker must be prepared to explain why action is necessary and why this issue is more important than other issues that compete for time, attention, and resources. What is the problem that needs to be solved? What are the implications of not acting? What is at stake? Why is government involvement or action required? Can someone else, such as a non-profit entity, address this problem?

**Document Existing Conditions** Issues become part of the public agenda when there is a shared perception that a problem must be solved, an issue resolved, or an opportunity realized. Explain the problem and recognize that everyone does not share the same definition of problem.

Existing conditions provide a reference point against which possible actions are compared. The task of documenting existing conditions will probably be assigned to staff. Councilmembers must recognize that resources need to be budgeted for these staff activities.

**Define Goals and Objectives** Policy action requires public support, or at a minimum, a working majority of the legislative body. The development of goals is an important part of the search for agreement. Conceptually, the idea is to move from the more general to the specific: first reaching agreement on broad principles before getting to specific means.

Goals are qualitative in nature, for example:

- Create a community where people can live, work, and play in an environment that is safe, vibrant, and aesthetically pleasing.
- Preserve greenbelts and natural areas.
- Provide for the efficient and safe movement of people and goods.

Objectives are quantitative, providing yardsticks to measure goal achievement. Some examples are:

- Create 1,500 new affordable housing units by the year 2005.

- Acquire outright or purchase the development rights to preserve 1,000 acres of greenbelts by the year 2005.
- Improve intersections in the downtown so they function no worse than Level of Service E, at or near the capacity of the roadway, during morning and afternoon peak hours.

Goal development can be a time-consuming process that requires the full attention of the governing board. All members should participate. There will need to be give and take among the participants. Goals should reflect what the governing board wants to accomplish. Avoid getting too detailed. Let staff figure out how to achieve goals. Organizations cannot do everything at once. Setting goals helps prioritize where time, energy, and resources go.

**Generate Alternatives** What options are there for attaining the policy-making body's goals? It is important to consider a range of reasonable alternatives. If alternatives favored by an influential interest group are excluded, it will be very difficult to reach a decision that has strong support.

- Do not prematurely lock into one choice. That will impede your ability to build a consensus and to bring other interests over to your position.
- Be respectful of costs to government. All levels of government are expected to do more with less. This is especially true for local government. Are there low or no cost solutions? Think creatively.
- Be mindful of ongoing costs. These have to be budgeted. For example, if the city spends money to purchase land and develop a park, it also needs to pay for ongoing maintenance.
- Think of what it will take to implement your solution, including administrative costs. Policy that cannot be implemented is ineffective. The more complex a solution, the more likely it is to meet with resistance.

**Identify Key Interest Groups** This is an important step in defining criteria for evaluating alternatives. Who else cares about this issue? How will they be impacted? Will they be positively or negatively affected by various solutions? Which interest groups are logical allies? Who is likely to oppose the action(s)?

**Evaluate Alternatives** This task will likely fall mainly to staff, and will often be addressed through formal process requirements such as the preparation of environmental impact statements. Some key considerations are:

- Address the costs and consequences of doing nothing.
- Recognize that there are tradeoffs and costs to others. Anticipate criteria that are important to others. You lose credibility if they are ignored. The same weight does not have to be placed on other interests' criteria, but the real impacts cannot be ignored. In many cases, there are legal requirements to address the impacts.
- Test the sensitivity of assumptions. How would the findings and conclusions change if the assumptions were modified?

**Decide** Even if everything is done right, some decisions are hard because they address a difficult issue. A few points to review are:

- Recognize constraints, such as budgets, laws, and authority. Balance dreams with the reality of what needs to be changed. Small changes can have major impacts through time.
- Recognize that there are often more than two positions on an issue. This makes it difficult to get a majority, much less a consensus.
- Think about how alternatives might be combined into "win-win" solutions that address needs of multiple parties.
- Treat all parties with respect. Remember that even if you do not win this one, long-term relationships count.

**Implement and Monitor** Even if you have done a great job in involving all the parties, analyzing alternatives, and achieving consensus, the process is not complete. Too many well-intentioned plans sit on a shelf and collect dust. Make sure that implementation responsibilities are clearly assigned.

Policies often have unintended consequences. Monitor the implementation of policies and revise them as necessary. It is better to discover (sooner than later) that the assumptions were not correct so that early corrective action can be taken. Unintended consequences can create bigger problems down the road. Consider sunset ordinances that require formal policy review after a set time period, especially if the council embarks on an untried innovative policy direction.

# **EFFECTIVE PUBLIC PARTICIPATION AND COMMUNICATION**

*"Process is our most important product."*

*Quip from an exercise in developing a mission statement for a large Washington city.*

In Washington State's culture of open government, the process of policy-making is every bit as important as the product of that process. Effective policy-making cannot occur without solid public participation. Open communications are essential to making that process work. This section contains a collection of tips acquired through experience while participating in both successful and unsuccessful processes.

## **Communications Barriers**

Effective communications among individuals with diverse backgrounds and interests can be difficult. The following are some factors that can create barriers to effective communications. They are listed here primarily to assist in heightening awareness of possible barriers to effective communications during the policy-making process.

- **Power Needs** Legislators and interest group representatives need to show that they are doing a good job for their constituents. They have a need to forcefully represent their members and to receive credit for accomplishments. Sharing credit is one of the most important things elected officials can do to win support for their proposals. Big problems occur when the process is structured to produce solutions where one side "wins" and the other side "loses." If at all possible, insure that an influential interest group does not lose on all of its issues. Sometimes it may be necessary to broaden the scope of the overall effort in order to find a "win" for an important interest.
- **"Political Irrationality" Versus "Technical Rigidity"** Some technical staff may see political behavior as irrational. Elected officials may see staff as inflexible because they appear to hide behind the technical standards of their professions. It helps to understand the needs of the other parties to carry out an effective dialogue.
- **Different Perspectives** We see problems differently, experience the same event differently, hold different values, use different approaches to solve problems, and have different communication styles. In short, we are diverse. Any of these differences can get in the way of effective communications. Try to understand where other parties are coming from and to see things in their terms. Stephen Covey has written some excellent material on empathic communications in *The 7 Habits of Highly Effective People*. Habit 5 is "seek first to understand, then to be understood."
- **Part-Time Versus Full-Time** Most city and town elected officials are part-timers who make their living in a non-governmental occupation or profession. Part-time officials have limited time available to spend on issues that staff may be paid to address. Some elected officials have much more time available than others to spend on their mayoral or councilmember roles. Those who have less time to spend on an issue may feel at a disadvantage.
- **Technical Expert Versus Citizens** Some experts may see citizens as lacking the knowledge and skills to participate effectively. This is unfortunate since value choice is at the root of the public policy-making process. Conversely, some citizens may feel that technical experts are suspect, especially if they work for government. They may be seen as part of the established order that wants to protect the *status quo*. This too is unfortunate since experts who understand their role can assist the identification of "win-win" solutions.
- **Public Apathy and Feelings of Powerlessness** Some officials believe that the majority of citizens are distrustful and apathetic about the functions of government. That may leave them wondering about how representative the participants are. Richard Nixon had his "silent majority," whom he believed supported his policies. On the other hand, there are citizens who feel powerless to influence government; they assume that "officials won't listen" and "you can't fight city hall." The reality of the policy-making process is that those who put in thoughtful time and effort have more influence on the outcome.
- **Formal Proceedings** Rules of order are needed, although formality can get in the way of open communications. Council chambers are formal and often place legislators on a podium above citizens. This does not create an impression that a citizen can really have an influence. Public process can be designed in ways to encourage, not inhibit, participation.

## Guidelines to Improve Public Process

Formal public hearings are part of the vocabulary of public process in America. While it is necessary to conduct public hearings to meet legal requirements, these hearings should by no means be the only opportunity for citizen involvement on important policy issues.

The formal public hearing setting can create a theater atmosphere, especially if the session is videotaped for community broadcast. Legislators and interest group representatives make speeches to the camera for the benefit of those watching at home. Formal hearings often bring out the most extreme positions. Interest group leaders often feel that they need to present a harder position than they might actually be willing to accept. They have to look like strong leaders, and their "opponents" will be making equally strong statements for contrary positions.

At a hearing, there is usually little, if any room for reasonable discussion, give or take, or response to prior testimony. Usually there is a parade of speakers who come to read their prepared statements. Interest groups often feel that it is necessary to pack the place with supporters of their positions to influence legislators politically.

If this is the only means of public process, there is a high risk that the process will fail. On important public issues, there has to be solid public process before a hearing is scheduled, if there is to be any hope of reaching a solution that has a high level of community support. There are a number of techniques that can be helpful. Newsletters and other mailings can inform the community about issues, options, and the process of decision-making. Surveys can be used to assess community views and opinions about important issues. Community meetings can be structured to maximize opportunities for dialogue on important matters.

There is no one right method or one single set of techniques that guarantee success. A genuine willingness to be open, to listen, and to explore options and issues identified by the community will instill faith in the process. Citizens can sense very quickly whether their participation is really welcome. It is also important to structure and facilitate community meetings in a way that truly permits participation of interested parties.

The following guidelines can help to design a *public participation* process that has a strong chance of being effective:

- For public meetings, including hearings, prepare and distribute a printed agenda showing the purpose and objectives of the meeting, an outline of subjects to be covered, time limits, and rules for participation.
- Change physical setting of the meeting room to reduce feelings of separation and "power differences" between public officials and citizens. Sit around a table if possible.
- Involve interested parties in the process of generating alternative solutions and approaches. Do this early in the process so that promising new alternatives can be fairly addressed.
- Make sure there is plenty of opportunity for people to receive answers to questions. This usually does not happen at a hearing. Some agencies have successfully used informal "open

houses" where there is ample opportunity for community members to view illustrations of alternatives, discuss the potential impacts of alternatives, and receive answers to specific questions.

- Use small groups to involve participants. Many people are hesitant to speak out in large groups and may hold back good ideas.
- Consider the use of portable microphones and a "talk show" or town hall format.
- Listen to what participants are saying. Ask clarifying questions. Repeat what you heard to confirm the message. Use a recorder to write comments and suggestions on large sheets of paper that can be posted on the walls.
- Use good graphics and handouts to illustrate and summarize the proposal(s).
- Use a comfortable setting. Regulate room temperature so that the room is not too hot or cold.
- Schedule meetings at times and places that are convenient to those you want to involve.
- Use trained facilitators to conduct meetings if issues are especially controversial.
- And finally, provide food! There is research showing that people are less likely to express anger if fed. You need to be careful, however, about the use of public funds. It is best if you can pay for food out of a fund generated from private donations.

Conducting an effective public participation process is hard work. And it can be frustrating, especially if you think you already have all the analysis and information you need to make a decision. There can be tension between the goals of democracy and the desire to make decisions quickly and efficiently. However, a truly participatory process can be very rewarding. Decisions are far more likely to be supported, even by those who might prefer a different outcome. Good will generated by the process can provide momentum to implement a difficult decision. Your community will gain experience, knowledge, and skill at working together to create the future.

# READING LIST

The Authority of the Legislative Body to Regulate Administration of City, by Susan Rae Sampson in *Legal Notes: Proceedings of the Washington State Association of Municipal Attorneys*. Information Bulletin No. 467. Seattle: Municipal Research & Services Center, 1990. P. 193.

*Elected Officials Handbooks*. 4th edition. International City/County Management Association, 1994

*Elected Official's Little Handbook: A Portable Guide for Local Government Legislators*, by Len Wood. Rancho Palos Verdes, Calif.: Training Shoppe, c1994

*Goal Setting in Local Government*. ICMA MIS Report Vol. 27, No. 4. Washington, D.C.: International City Management Association, April 1995

*Handbook for Councilmembers*. Information Bulletin No. 493. Seattle: Municipal Research & Services Center of Washington, 1995

*Handbook of Practical Program Evaluation*, Joseph S. Wholey, Harry P. Hatry, and Kathryn E. Newcomer, editors. San Francisco: Jossey-Bass, 1994

*The New Commissioners Handbook*. Report No. 43. Seattle: Municipal Research & Services Center of Washington, 1998

*Public Policy Education: Its Role in Community Change*, by James C. Barron and Emmett P. Fiske. Corvallis, Ore: Oregon State University, Western Rural Development Center, revised April 1993

*Public Policymaking, Washington Style*, by Hugh A. Bone, Nand E. Hart-Nibbring, and Robert H. Pealy, University of Washington, Institute of Governmental Research, August 1980