San Francisco City Hall

DEFENDING AMERICAN DEMOCRACY at the Local Level

We must all take action to preserve our democratic institutions, public processes, and the council-manager form of government.

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American democracy at the local level is increasingly under attack. These attacks vary but all threaten the ability of our local governments to continue the daily work of serving our communities.

City and county managers and assistants must be staunch defenders of local representative democracy and the council-manager form of government—on top of all of our numerous and at times overwhelming duties and challenges.

At a well-attended session at the 2023 ICMA Annual Conference in Austin, Texas, participants from across the globe explored a sampling of six typical scenarios that undercut our local government democratic institutions:

Scenario #1: Angry crowds disrupting governing board meetings and not allowing the people's business to occur. Example: An organized opposition group to a housing proposal swarms the council meeting, chanting and making noise and loudly booing anyone who attempts to speak for the project.

Scenario #2: Use of hate speech in public meetings and social media. Example: A self-styled community influencer uses social media to spread racist, homophobic, antisemitic, and sexist slurs against members of the city council and staff and "zoombombs" a governing board meeting with other extremists to repeat his hate speech, including calls for violence.

Scenario #3: Physical threats against elected and appointed officials and their families. Example: Because the county election official validated election results, she receives death threats on social media from election deniers, and her family home is picketed.

Scenario #4: Unwillingness of some elected officials to make a decision about a controversial issue that needs to be addressed. Example: Because of conflicts among interest groups, the council does not take action on how to address a significant homelessness problem confronting the community, or elected officials do not make compromises to move forward on any actions.

Scenario #5: Board member interference in administration of agency. Example: The mayor tells the city manager to move ahead with a park project that did not make the CIP list because she promised it during her campaign, warning the city manager that he could count on two other votes to fire him at any time.

Scenario #6: Avoiding or distorting issues through manipulation of agendas, staff reports or ballot language. Example: The county board chair opposes the desire of two supervisors to rename a park in honor of a slain civil rights leader and directs the county manager to not agendize the matter until after an election.

What Does American Democracy Look Like at the Local Level?

Democracy at the local level is founded in part on several premises:

- Citizens in the local jurisdiction vote to elect their representatives.
- These elected officials represent the community's ideas and concerns in the local government.
- Policy decisions are made by elected representatives of the people.
- Democracy rests upon the principles of majority rule and the protection of individual rights.
- Government is conducted by the rule of law.
- There is give-and-take and compromise in response to the big needs of the population.
- Given the intergovernmental system, local government decisions and actions are sometimes constrained by state and federal regulatory agencies.
- There is an independent judiciary that settles disputes.

How Does the Council-Manager Form of Government Support Democracy?

The council-manager form of government has long supported local democracy. The form features the following characteristics:

- Local government elections are often nonpartisan.
- Elected officials represent the needs and interests of the entire community.
- There is a policy/administration divide, with policy decisions made by elected officials in consultation with professional staff who carry out the decisions.
- Top management is often bound by a professional code of ethics.
- Local affairs are shaped by robust participation by community members and varied business, neighborhood, and other stakeholder groups.

Are There Upsides to Disruption?

If a jurisdiction historically excludes certain groups or the local government is not working to intentionally include all segments of the community in addressing a contentious issue (such as homeless encampments or police mistreatment of certain groups), people may storm the governing board meeting and demand action. It may be disruptive and ugly, but sometimes these disruptive displays force local government agencies to pause, reevaluate, and take more inclusive action.

How Can We Minimize the Threats to Democracy?

Participants in the ICMA Annual Conference session recognized that there were no simple solutions to the kinds of threats to local democracy that have unfortunately become all too common. However, they did recognize that city and county executives and other senior managers have a critical role to play in defending the democratic institutions at the local level. In doing so, we must partner with those elected officials who support democratic norms and traditions.

As part of the interactive conference session, participants discussed a number of partial responses to the threats to democracy:

1. Promote the ICMA Code of Ethics.
Because some elected officials, other political players, and/or monied interests may try to pressure you to take unethical actions undercutting local democracy, promote the ICMA Code of Ethics, post the Code in your office (so you can refer to it during conversations), and reference the Code in your employment agreement. During discussions with governing board members, reinforce that you serve the whole board, share information with all, and execute the decisions of the board majority.

2. Help the governing board develop a code of conduct for the governing board members and those attending governing board meetings.
Support the governing board in developing a code of respectful conduct by board members and protocols for public input at board meetings. Start meetings with the presiding officer expressing the standards and expectations for respectful input at the meeting. ICMA, National League of Cities, and state municipal leagues have sample codes and other resources to develop codes of conduct. In the case of disrespectful or hateful speech, help the presiding official provide a response indicating that the governing board does not condone hurtful speech.

3. Help the governing board develop strategic priorities and adopt an organizational work plan for the coming year.
Help the governing board identify its big-picture priorities for the upcoming one- or two-year work cycle. Recommend a one- or two-year list of key projects for the governing board to adopt. If an elected official or other powerful individuals or groups pressure you to take unauthorized action, return to the governing board to get direction.

4. Understand the limits of public hearings to address controversial issues.

Public hearings at governing board meetings are the worst forums for addressing controversial adaptive challenges facing local communities (e.g., concerns related to the unhoused community, climate change actions, affordable housing projects, etc.). Either in advance of the public hearing (the better option) or in response to a contentious public hearing, design and offer a facilitated meeting or series of meetings in a neutral space away from city hall involving the stakeholders or other affected participants. Go beyond the usual stakeholders to ensure more representative input. (See Endnote #1 to learn more about this in the article, "Career Compass No.15: Dealing with Angry Crowds.")[1]

5. Develop relationships with key stakeholder groups in advance of confronting contentious challenges.

Relationships must precede problem-solving. Ensure that local government staff develop relationships with key stakeholder representatives in advance of controversy and conflict. With a solid relationship, you may not be able to resolve a conflict, but you can work together to minimize conflict and acrimony that can tear apart the community.

6. Ensure all voices are heard.

Oftentimes, well-organized business or homeowner groups dominate a discussion at governing board meetings with little input from marginalized groups (such as renters, at-risk youth, new immigrant groups). To ensure that all voices are considered by elected officials, develop outreach plans to engage marginalized groups. In addition to providing hard data to the governing board and other interested groups, incorporate "soft data" (for example, testimonials and stories) to make the hard data come alive. This soft data can include the lived experiences of any marginalized individuals or groups. (See Endnote #2 to learn more about this in the article, "Career Compass No. 50: Storytelling: A Powerful Way to Lead and Communicate.")[2]

7. Anticipate disruption and develop a plan.

Work with the mayor or chair of the board, city attorney or county counsel, city clerk or clerk of the board, and police chief or sheriff to anticipate Zoom bombs, hate speech, and angry groups that could potentially disrupt governing board meetings. Identify what actions that elected officials, appointed officials, and public safety officers will take to minimize the disruptions. Provide de-escalation training for elected and appointed officials in charge of the meeting, as well as any attending public safety staff. Assign a police officer to be visible at the meeting. Experiment and refine the plan based on your experience. (See Endnote #3 to learn more about this in the article, "Managing Angry Mobs Disrupting Governing Board Meetings."[3])

As is the case of California, elected officials may wish to work with their state municipal league to pass new state legislation clarifying when hate speech becomes disruptive behavior and thereby allows law enforcement officers to remove a disruptive individual from a governing board meeting.[4]

8. Protect public officials under attack.

Governing board members, city and county executives, election officials, public health officers, and other public officials are under attack for doing their jobs. To make matters worse, family members are now being threatened. It is our duty to protect public officials and their family members with adequate law enforcement resources at work—and at their homes, if necessary—so officials can safely do their work. Secure restraining orders if needed.

9. Provide mental health and peer support.

When officials and family members are threatened, it is often traumatic. Therefore, we need to provide peer support and mental health resources, as well as law enforcement protection. Mental health resources can be provided by your agency's employee assistance program (EAP) or the organization may partner with county agencies or community mental health organizations.

10. Know your ethical boundaries.

Our professional and ethical reputation is our one key asset. And many chief executives have a severance clause as part of their employment agreements. Therefore, if you are being threatened with termination if you do not take an action that in your view is illegal or unethical, or in some other way seriously undercuts your core values, you must know your boundaries, resist, and deal with the consequences (even if it is termination of your employment).

No Perfect Solutions

We in local government have recently been overwhelmed with attacks on democracy. While there are no magic solutions in responding to these threats, we must all take action to preserve our democratic institutions, and public processes. This takes guts and comes with some risk. Yet, it is now required of us, and we must rise to meet the challenge. PM

ENDNOTES AND RESOURCES

[1] "Career Compass No. 15: Dealing with Angry Crowds," ICMA Coaching Program, December 10, 2010, https://icma.org/articles/article/career-compass-no-15-dealing-angry-crowds.

[2] "Career Compass No. 50: Storytelling: A Powerful Way to Lead and Communicate," ICMA Coaching Program, June 1, 2016, https://www.icma.org/articles/article/career-compass-no-50-storytelling-powerful-way-lead-and-communicate-0.

[3] "Managing Angry Mobs Disrupting Governing Board Meetings," Dr. Frank Benest et al, Institute for Local Government, March 2022, https://www.ca-ilg.org/sites/main/files/ilg_managing_angry_mobs_ver4.pdf.

[4] "Bill to address public meeting disruptions signed into law," https://www.calcities.org/news/post/2022/08/24/bill-to-address-public-meeting-disruptions-signed-into-law

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