

COUNCIL WARS AND POWER PLAYS **2011 Illinois Municipal League Conference**

by:

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INTRODUCTION

Woody Allen's recent film, "Midnight in Paris," made the point that every present generation believes that previous era was the "golden age" of intelligence, charm and civility. The movie points out that people forget some of the problems associated with the past. If we believe that municipal government has suddenly and for the first time become uncivil, we need only remember the times that were specifically called "Council Wars" that took place when the forces of Chicago Mayor Harold Washington clashed with those led by Alderman Ed Vrdolyak. Whether our recollection of earlier fights in local municipalities has mellowed, or whether that "Big City" infection has now spread to smaller communities, our newspapers and blogs are now filled with stories of disputes, locally, countywide and statewide. Many of the fights go on for long periods of time and seem to use up much governmental energy and resources. When governmental officials begin fighting with one another, it is not too long before they turn to their lawyer or lawyers to ask: "Can he, she, we or it do that?"

Tolstoy's novel, Anna Karenina, begins with this famous sentence: "Happy families are all alike. Every unhappy family differs in its unhappiness." The same is true of local governments. When things work perfectly or near perfectly, ambiguities or outright absences in clear legal concepts matter little. People work out their differences and happily fill in the blank spaces. Where officials mistrust, misunderstand and hate each other, every interaction has the ability to turn into a conflict, misunderstanding, irrational debate and a lawsuit. Since elected officials are usually quite clever, there seems to be no area of dispute, which goes unexplored and unfulfilled. There is one thing that everyone agrees on, whether in happy or unhappy governments: Governments and public officials all function better when peace prevails. It is our hope that public officials attend this session not to learn additional weapons to add to their arsenals to inflame public disputes; but to learn tools to resolve problems that may arise.

Set out below are a series of questions, which highlight areas where disputes between various officials, their officers and the public can reach flash points. We will try to discuss most of these situations during the two sessions at the IML conference devoted to this issue. Following the questions there is an article on "Civility" written

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by Rob Bush. We use the terms “council” and “board,” “mayor” and “president,” and “alderman” and “trustee” interchangeably throughout this document.

QUESTIONS FREQUENTLY ASKED BY COUNCILS IN CONFLICT

A. COUNCIL/BOARD vs. MAYOR

1. Can a Council pass an ordinance designating someone other than the Mayor to sign the municipal checks over the Mayor’s veto?

A: Yes. Nothing in the statutes requires that the Mayor sign municipal checks, but the Mayor can veto any expenditure. The Mayor’s veto can be overridden.

2. Does the Mayor have the power to veto all motions?

A: No. The power of the Mayor to veto relates to motions or resolutions that create any liability against a municipality and that provide for the expenditure or appropriation of its money and all ordinances. (65 ILCS 5/3.1-40-40)

3. Can the Mayor give an oral veto and, if so, when must he or she do it?

A: No. The ordinances, resolutions and motions which the Mayor vetoes must be returned to the corporate authorities with the Mayor’s written objection at the next regular meeting of the Council or Board occurring not less than five (5) days after their passage. (65 ILCS 5/3.1-40-45)

4. Can a Board of a home rule community change the President’s veto power by ordinance?

A: No. Even in a home rule municipality, the Mayor’s veto power can only be modified by a binding referendum changing the form of government.

5. Can the Mayor refuse to allow the Council to discuss or act on an issue?

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A: The Mayor cannot refuse to allow the Council or Board to discuss or act on an issue. His action to do so can be overridden.

6. Who controls what appears on the agenda?

A: The development and posting of the agenda is controlled by the full legislative body, and can be assigned to various parties. It is often assigned to the Clerk.

B. MAYOR vs. PUBLIC

1. Can the Mayor refuse to allow citizens to speak at public meetings?

A: No. The Open Meetings Act requires that any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body. (5 ILCS 120/206(g))

2. Can the Mayor only allow the first ten speakers who sign up to speak at a public hearing?

A: No. Although some limit in number or time period may be established for the number of individuals who will be allowed to speak, ten (10) is too small of a number.

3. Can citizens successfully FOIA e-mails between the Mayor and a real estate developer about a future development?

A: Yes, the Attorney General has determined that, absent certain exempt communications, all e-mails relating to public business are subject to FOIA.

4. Can citizens FOIA the Mayor's submitted expense account reimbursements?

A: Yes. Subject to certain exemptions, principally relating to privacy, all expense account claims are subject to FOIA.

5. Can the Mayor use a municipal newsletter to urge the passage of a referendum or to outline his successes around election time?

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A: A newsletter can give facts about a coming referendum, but public funds cannot be used in support of or in opposition of a public issue or a candidate. Factual data about the successes of a municipality may, obviously, encourage the re-election of an incumbent.

C. ALDERMAN/TRUSTEE vs. ALDERMAN/TRUSTEE

1. What can we do if two Board members hate each other and any statement by one results in an angry statement by the other?

A: Debate can be limited at a public meeting and officials can be publicly chastised about their incivility.

2. Where a municipality has committees, can a disruptive member of the Council be left out of any committee assignments?

A: Yes. The existence of committees and the manner in which committee assignments are made can be established by ordinance or by custom, and the party making the choices can exercise broad discretion.

3. Can one Board member demand that another Board member “answer the question?”

A: Neither a Board or Council member, or members of the public can demand that a Board or Council member “answer the question.”

4. Can an alderman demand that her supporters in the audience be allowed to comment repeatedly on issues being considered by the Council?

A: A Board or Council member can point out the occurrence of the improper act of failing to allow all views to be stated regarding a particular issue. The Council or Board can, however, forbid repetitive comments or multiple comments so long as the individual has been given an opportunity to initially speak for a reasonable period of time.

5. What can we do if a Board member threatens to hold his breath until he gets his way?

A: We suggest the use of “time out.”

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D. THE CLERK vs. EVERYBODY

1. We don't like the way the Clerk takes the minutes. What can we do about this?

A: The corporate authorities and subsidiary bodies of all governmental bodies have the ability to approve the minutes and can probably choose another person to take them. The statutes say that the Clerk is to "keep a full record of...proceedings in the journal." In most communities, the Clerk does a terrific job of keeping the minutes and can adapt to any local preference.

2. I have been the Clerk/Collector for many years. Can the Council remove my title and functions as Collector?

A: Yes, Illinois law allows a Clerk to be a Collector. But unless an ordinance makes those positions synonymous, a Clerk can be removed as a Collector or someone else can be appointed to that position.

3. I am the Municipal Clerk. Council members want me to change my minutes to include things that they never said. Can they do that?

A: The Council has the right to approve its own minutes, but since the Clerk's Office is generally the repository for all minutes, the Clerk can add his or her note at the end of the minutes if it is believed that they are incorrect.

4. I am an elected Clerk, paid on a part-time basis, and the Council wants me to be at the municipal building every day. Can they make me?

A: If the elected Clerk fails to fill responsibilities given to that office by the Council, it is probably up to the electorate to decide, during the next election cycle, if the Clerk has or has not done a good job.

5. The Clerk has passed away and I am the Deputy Clerk. Can the Council remove me as Deputy Clerk, and can a new Clerk replace me?

A: A new Clerk can certainly replace a Deputy Clerk and it is unclear, under the statutes, whether any powers remain with a Deputy Clerk if

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the Clerk that appointed that person is no longer in office. (65 ILCS 5/3.1-35-95)

E. THE MAYOR vs. THE MANAGER

1. I am a Manager in a community that adopted a Manager form of government by referendum. Who appoints the municipal attorney – me or the Mayor?

A: In a municipality, which by referendum has adopted the Manager form of government, the Manager has the power to appoint and remove all directors of departments. (65 ILCS 5/5-3-7)

2. I am the Mayor in a municipality where we call the Administrator “the Manager.” I want to see books and records of the municipality and the Manager refuses to give them to me. Can she do this?

A: No. In all municipalities in this State, the Mayor or President may, at all times, examine and inspect the books, records and papers of any agent, employee or officer of the municipality. (65 ILCS 5/3.1-35-20)

3. We have a Manager, but we are not the “Manager form” of government. Who gets to appoint department heads who are listed as officers in the ordinances?

A: Although some municipalities have given the power to appoint officers to an administrator, the statutes reserve that power to the Mayor or President. (65 ILCS 5/3.1-35-10)

4. We have a Manager, but we are not the “Manager form” of government. Can we give the power to hire employees to the heads of committees?

A: State law does not generally provide the office or entity who has the power to appoint employees.

5. We have a Manager form of government. We want to fire our Manager in the middle of his contract. Can we do so? If so, do we have to pay severance pay?

A: In the statutory Manager form of government, the Manager is to be appointed for an indefinite term and the conditions of the Manager’s employment may be set forth in an agreement. (65 ILCS 5/5-3-7)
There is no requirement to pay severance pay unless a community has

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agreed to do so, for example, in an employment contract. Severance clauses in such agreements generally will be honored.

F. MAYOR vs. POLICE OR FIRE CHIEF

1. I am the Mayor in a town of under 5,000 that does not have a Board of Fire and Police Commissioners. I appointed the Chief of Police for four years, but I have lost confidence in the Chief. What can I do?

A: You can remove the Police Chief when it is your opinion that the “interests of the municipality demand removal.” The corporate authorities can override your decision by a two-thirds vote. (65 ILCS 5/3.10)

2. I am a Police Chief in a non-home rule municipality with a population of 12,000. My contract and the Mayor’s term are up next year. Can I negotiate a new four-year contract?

A: Probably not. In non-home rule communities, multi-year contracts with officers generally cannot extend beyond the term of the Mayor. This allows a new Mayor to make substantial changes if the Council or Board will confirm new appointments.

3. I am the Police Chief in a community of 30,000 and the Mayor has told me not to investigate a charge that one of the Aldermen took a bribe. What should I do?

A: You should report what may be this obstruction of justice to the State’s Attorney, and you should ask the Sheriff or Attorney General to conduct an investigation.

4. There is a vacancy in the office of Fire Chief in our municipality of 15,000. The Mayor wants to appoint me as the permanent Chief, but a majority of the Council will not support his action. Can he appoint me anyway?

A: The Mayor can appoint you but you cannot serve in that position unless and until the Council confirms your appointment. (65 ILCS 5/10-2.1-4)

5. I am an Alderman. Can I be the Chief of Police, too?

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A: A member of the Police Department can serve as an Alderman if elected, but only if the municipality grants that individual a leave of absence as Chief of Police. (65 ILCS 5/3.1-15-15)

G. THE MUNICIPALITY vs. THE NEWSPAPERS

1. The newspaper keeps writing unfair stories about the Council. As the Mayor, what can I do?

A: You can address this issue at a meeting of the Council or Board, where your remarks will be likely subject to absolute immunity. You can address issues at a press conference, or in a letter to the editor, in which case your immunity will be inapplicable.

2. I am the Finance Director. One of the Aldermen called me a crook during a public meeting and the newspaper printed his comments. What can I do?

A: You can sue the Alderman and the newspaper. Because you will likely be classified as a public official, you will only collect damages if the remarks were false and malicious. The Alderman probably has absolute or qualified immunity.

3. As an Alderman, I am constantly misquoted by the newspapers. Is there any way that I can control printed statements?

A: You can submit your views to the newspapers in press releases and not talk to them otherwise. They will likely quote the words in your press releases or state that you were unavailable for comment.

4. The newspaper keeps printing terrible pictures of me. How can I fight back or make them use my photos from Glamour Shots?

A: You can provide the newspaper with better pictures or have plastic surgery. You can show terrible pictures of the editor and owner during your televised meetings. The plastic surgery is not reimbursable by the Village.

5. As a Clerk, do I have to notify a small newspaper in the next town of our meetings? That silly paper strongly supports the Mayor's opponent in the next election.

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A: You shouldn't base the submission of notices on the political views of the newspaper. Interestingly enough, however, a governmental body is only required to supply notices to "any news media that has filed an annual request for such notice." (5 ILCS 120/2.02) Of course, public hearing notices must be published in specific newspapers per statute.

H. TRUSTEE OR ALDERMAN DYSFUNCTION

1. Can a Council pass procedural rules to prevent an Alderman from speaking for a long time or repeatedly?

A: Yes. All governmental bodies have the ability to adopt procedural rules. So long as legislative members are given a reasonable opportunity to speak, limitations may be placed upon duration or frequency.

2. Can a community refuse an Alderman's requests for documents, whether the Alderman requests them either directly or under FOIA?

A: Although only the Mayor is specifically authorized by statute to review all documents, courts have held that members of legislative bodies are entitled to data which can reasonably assist them in their legislative duties. FOIA requests from legislators are to be treated the same way as FOIA requests from anyone else.

3. Can a Board prevent a Trustee from repeatedly raising the same issue?

A: Yes. Once an issue has been definitively decided by a legislative body, efforts to raise the same question without a significant change of circumstances can be ruled out of order by the Mayor or Chair of the meeting.

4. Can a member of a Board be charged with disturbing the peace at a meeting?

A: Yes. Anyone who disrupts a public meeting can be arrested and charged with disturbing the peace or disorderly conduct.

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5. Can our Council videotape an Alderman's shenanigans and seek an injunction to prevent the repeat of such practices?

A: Yes. All open session public meetings can be recorded by the government or by a citizen. Someday, a government will have the gumption to seek a court-ordered injunction to prevent the repeat of disruptive tactics by an elected official.

I. HOME RULE CONFLICTS

1. I am the Mayor of a home rule municipality. The Council just passed an ordinance giving the Chairman of the Finance Committee the power to appoint the Treasurer, subject to confirmation by the corporate authorities. Is that legal?

A: Probably not. Even in a home rule municipality, all officers are to be chosen by the Mayor. That power can perhaps be taken away from the Mayor, but only by referendum.

2. In a home rule municipality, the Mayor, as the presiding officer, always calls on his supporters first. Can he do that?

A: Yes, the Mayor probably can choose who he wishes to call upon first to address a particular issue. No statutory or constitutional problem will occur if members of the Board or Council taking different positions are also allowed to speak in an equal manner. Ordinarily, the proponents of a motion are allowed to speak first.

3. In our home rule municipality, the Council members voted to reduce the Mayor's salary because she doesn't come to meetings. Can they do that?

A: No. Even in a home rule municipality, the constitutional prohibition against an increase or decrease in an elected official's salary remains in effect.

4. We are firefighters in our Fire Department. Can a home rule municipality require that we also be police officers?

A: Home rule municipalities have been given the power to make changes in the structure of various municipal departments. Such changes are subject to collective bargaining rights, but the organization of police and

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fire departments have been found to be within the power of a home rule municipality.

5. Can my home rule Council take away the Mayor's power to fill vacancies in appointed officer positions?

A: Probably not. A home rule municipality does not have the power by ordinance to make significant changes in the respective powers between the Executive and Legislative branches of municipal government.

J. THE CITY vs. THE COURT SYSTEM

1. I am the Mayor of a City of 40,000, involved in a controversial lawsuit in which the City is the plaintiff. The Judge said he will dismiss the lawsuit if I don't appear for a negotiating session. People on the other side are horrible liars and I hate them. Do I really, really have to appear?

A: Yes. Under our Constitution, the Judicial Branch is equal in power to the Legislative Branch and decisions by courts must be followed. Your lawyers can explain the reasons why you do not wish to appear, and can seek interlocutory appeal to test the validity of the trial court judge's threatened action.

2. I believe that the Judge in a court case is prejudiced against our Village. What can I do about it?

A: You can make a motion for a substitution of judges at the very beginning of the case. If the prejudice occurs later, a motion can be made asking the judge to transfer the case. Simply arguing that the Judge is ruling against you is not adequate grounds to prove improper prejudice.

3. We made some terrible business decisions in trying to encourage economic development and we owe a lot of people a lot of money. Can we declare bankruptcy?

A: Not at the moment. Although Federal law allows municipalities to seek bankruptcy protection, they can only do so in accordance with State law. There is some question about whether Illinois has an appropriate law in place to allow for municipal bankruptcies.

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4. We won a case at the trial court level and lost it at the Appellate level. Can't we automatically appeal to the Illinois Supreme Court? P.S. The Appellate Court is wrong and the people who sued us are very bad people.

A: Illinois is one of those States where there is an automatic appeal to the Appellate Court, but the Illinois Supreme Court has discretion over the cases it will hear and only takes a small percentage of the cases which it is asked to consider.

5. I am a Mayor. My former spouse is suing me personally in federal court alleging that I took away his liquor license because he was not paying alimony payments. Can he do that? Should the City defend me in this case?

A: A lawsuit claiming that a public official is depriving someone of constitutional rights because of a personal vendetta is rare, but not unique. In some cases, the governmental body, or its insurance carrier or governmental self-insurance pool, may conclude that the plaintiff is right and that your actions are personal and not governmental and so outrageous that it will not defend you or pay damages. Make sure that your decisions are fact and not fantasy based.

K. TREATMENTS OR CURES FOR COUNCIL WARS

1. Newspaper editorials or letters to the editor demanding that the officials work together.

2. Open workshops with consultants to discuss municipal problems and goals.

3. Workshops in closed session with representatives of the Illinois Municipal League or other statewide organizations.

4. Litigation to focus the issue and mediation to broker solutions.

5. Referenda to change the form of government.

6. An ordinance of a home rule unit permitting recall.

7. The normal election process.

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8. Citizens' petitions.
9. Resignation because of frustration.
10. Implementing suggestions from Rob Bush's article on civility.

L. TECHNIQUES WHICH MIGHT DIMINISH COUNCIL WARS

1. Don't confront people at Board meetings with information or allegations that they could have been furnished prior to the meeting.
2. If you really have a question to ask, wait for a real answer.
3. Don't reject ideas you didn't think of first.
4. Use an egg-timer to delay immediately sending nasty e-mails.
5. Write out and read your response to controversial issues and give copies of your carefully-crafted words to the press.
6. Really, really listen to compromise suggestions. At rare and golden moments, be willing to admit that your previously held position might have been incorrect. Remember Mark Twain's quote, "Loyalty to a petrified opinion never yet broke a chain or freed a human soul in this world – and never will."
7. Praise your natural opponent when that individual surprises with a cogent idea of well thought-out position.
8. Try to creatively expand your power base.
9. Don't let anger or sarcasm use you.
10. Really listen to suggestions from people you respect.
11. Crush your opponent only when to do so really helps your cause, and when you can actually accomplish the crushing effectively.

On the disk which you have received from the IML, there is also an article entitled "Civility in Municipal Government; Keeping Order When Factions Fracture

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Your Meetings,” by Robert K. Bush. That article, as well as these questions and answers are also posted on the Ancel Glink website: www.ancelglink.com. If you have any further questions or comments about the phenomenon of Council Wars, or the questions and answers we have provided, please feel free to call any of the speakers at: 312-782-7606.

If you visit the Ancel Glink website, you will also find a great deal of additional material about governmental bodies, and municipalities in particular. From that website, you will be able to download 10 pamphlets, which we call the Ancel Glink Library. The titles of those 10 pamphlets are:

Ancel Glink’s 2011 Guide for Newly-Elected Officials
Municipal Questions and Answers
Labor Law Handbook for Smaller Governments
Illinois Tort Immunity Handbook
Ancel Glink’s Zoning Administration
Zoning Administration and Tools of the Trade
Municipal Annexation Handbook
Economic Development Toolbox for Municipal Officials
Lien on Me: Municipal Debt and Expenditure Recovery Procedures
Ten Things You Need to Know About 14 Local Governmental Issues

Rob Bush’s Article on “Civility in Municipal Government” is attached

CIVILITY IN MUNICIPAL GOVERNMENT: KEEPING ORDER WHEN FACTIONS FRACTURE YOUR MEETINGS

“The inference to which we are brought is that the causes of faction cannot be removed and that relief is only to be sought in the means of controlling its effects.” James Madison, Federalist Paper No.10.

When former Speaker of the United States House of Representatives, the late Thomas “Tip” O’Neil, observed that “all politics are local,” he was right on the money. All across America, the day-to-day lives of average citizens are governed by and dependent upon the politicians elected to local office. These mayors, presidents, councilmen, aldermen, trustees, selectmen, commissioners, etc. are charged with adopted and enforcing the laws, ordinances, resolutions and motions which have a direct affect on our everyday life. It is an awesome responsibility. It is also a credit to the thousands of “everyday” Americans who agree to run for these offices and serve as local elected officials. Hats off to all of them.

Unfortunately, in too many local communities, elected officials see local government as a platform for promoting factional self-interest. It is constantly amazing how the task of governing a city, town or village can deteriorate into regular bouts of bickering between local factions. These are not your typical “Democrat vs. Republican” conflicts. Often, opposing groups find it a challenge to even define the ideologic differences between themselves. For example, at a board meeting in one community I represented for a time, I leaned over to ask one trustee what the “real” difference was between his group and the “opposition.” Without blinking he responded, “They think they are conservative but, really, we are more conservative.” Actually, the real difference was that one group supported the Little League from the west side of town while the other group supported the east side Little League.

Another more positive national trend has been the professionalization of local government. More communities have abandoned the tradition of having an elected official, a mayor-type, run the town in favor of a professional manager and staff. But merely because a community has a professional manager does not, necessarily, result in a less contentious political environment. Quite the contrary, if the politicians don’t need to worry about the day-to-day municipal operations, they are often left free to create political havoc.

Over my more than twenty-five years of representing public entities, three archetypes of elected officials and the characteristic problems they present, have emerged. These archetypes highlight the problems of factions in local government:

1. **The Freshman: Newly Elected Officials generally unfamiliar with municipal practices and procedures.** These newly-elected officials are first learning their way through the subtleties and nuances of municipal government, practices and procedures. They bring great

energy and enthusiasm to their office and are excited about the thought of serving the public. They attend the IML Conference to soak up as much knowledge and information as possible and to network with more experienced officials and administrators. They pose questions regarding Roberts Rules of Order, council mechanics, voting requirements and other generally non-controversial procedural matters. In recent years, however, these political "newbies" are more concerned about making change for change's sake (or to help those supports who helped get them elected) than to assess the actual operations of their local government and respond intelligently to its strengths and weaknesses.

2. **The Ruling Class: Officials seeking ways of taming a raucous or belligerent minority faction.** These public servants, often long time incumbents, generally serve municipalities where board meetings are long, loud and often cantankerous. Their efforts to conduct the municipality's business have become difficult and discouraging by a minority trustee's or faction's continual opposition or outright violation of local or state laws and, as regularly, publicly disclosing topics discussed in closed session. This disloyal segment is generally viewed as obstructing the legislative process, providing no benefit to the business of government.

3. **The Revolutionaries: Officials desperate to throw off the oppression of a tyrannical mayor or majority faction.** These officials are relentless in their attempts to throw off the oppression of what they see as a tyrannical mayor or majority faction. These officials ask questions to see how they can prevent a mayor and majority from restricting their participation at meetings and their attempts to play a productive role in municipal government. They voice complaints about mayors who control or prevent the flow of information to the Board and about majorities which reject any idea or proposal, regardless of how innocent or beneficial it may be. When revolutionaries ask why certain governmental functions are performed in a certain way, the majority tells them "Because that's the way it's always been done."

What, then, can we learn from the complaints of these various factions? Can they live harmoniously under one roof? What can a professional manager do, if anything, to reduce the impact conflict can cause in the effort to run an efficient municipal operation?

In the first instance, it is important to recognize the reality of the situation. Throughout our country's history, factions have, for better or worse, thrived at all levels. In a free society, people tend to gravitate towards others with similar beliefs, values and prejudices. Just as naturally, these groups grow to distrust and disapprove of other elements with dissimilar beliefs and philosophies.

Political factionalism infiltrates from the most local level to the national scene. Economic factions are a natural consequence of a free market economy where the "have nots" envy the possessions of the "haves,"; even the "haves" still crave the material wealth of people who have even more. Social factions emerge when people congregate with others who are "like them." It takes more energy and tolerance to live in a heterogeneous community with all the foibles and conflicts prevalent in a diverse environment than to seek the comfort of homogeneous neighborhoods, churches, clubs and the like. Even sports promote disagreement

and disdain. Can a Cubs/Mets/Giants fan ever truly befriend a supporter of the White Sox/Yankees/A's?

What is often forgotten, is that a cornerstone of our country's emergence was the premise that diversity and discourse were fundamental to the American existence. The Founding Fathers understood that, while conflicting philosophies posed a real threat to the successful operation of society and government, it was totally unacceptable to embrace the alternative of eliminating the encouragement of diverse thought. James Madison, in the Federalist Paper No.10 wrote,

It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire, an element without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes factions than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties and that measures are too often decided, not according to the rules of justice and the rights of the minority party, but by the superior force of an interested and overbearing majority. The framers of our American experience believed people with honest intentions and good-will could overcome even fundamental prejudices and differences for the betterment of the whole community.

The purpose of a public meeting is to conduct the public's business in an effective, orderly and efficient manner. It is not a forum to climb upon a personal soap box to champion the individual beliefs of one's minions. Elected officials must recognize that their selection to office is a mandate from the electorate to exercise the public trust in a reasonable, rational and responsible manner, not simply a carte blanche to promote partisan views before a larger public audience. Successful candidates, by virtue of their election, have the duty and responsibility to advance the greater good and to minimize the potentially deleterious consequences of factionalism and partisanship. They also bear the equally important duty to act with civility and respect when conducting the public's business, even when such business is conducted with people who disagree.

The duty of civility arises in many contexts for public officials. Public officials have the responsibility to behave reasonably and respectfully when confronted by citizens from the community – even when those citizens make incorrect statements, pose false accusations, ignore essential information, or simply lack the faculties to comprehend the issue about which they are currently impassioned. During the “public comment” section of a meeting, distraught and irate residents may get angry and argumentative over any number of local issues. Too often, there is a “knee-jerk” reaction from officials, both elected and appointed, who bear the brunt of the citizens' diatribes. The reaction is to respond with equal passion and disrespect. This “discourse” generally disintegrates into a war of words and emotions which seldom benefits the municipal official. The irate citizen is usually supported by scores of friends and partisans, while

the officer, at best, has only the silent sympathies of fellow members of the board and staff. Public officials who choose to participate in such exchanges contribute to the public's view that government is bureaucratic, unresponsive and out of touch with the needs of its constituency.

Elected officials also have a duty to be civil and respectful to municipal employees and administrators. Unfortunately, local elected officials at times will use a council meeting forum to disparage, criticize and embarrass employees with whom they have a particular disagreement or who were appointed by their political opponents. For the most part, public employees use their best efforts and capabilities to perform their jobs. They have chosen their professions because they want to serve the public. Working for a local government should not bring the additional consequence of being publicly humiliated without any real opportunity to respond, especially when the perpetrator of the criticism is cloaked with legislative immunity, regardless of the libelous or slanderous nature of the comments.

Local elected officials, most importantly, must be civil to the other members of their board or council. In too many municipalities virtually every council meeting becomes a battleground where members launch personal or political attacks against each other. Such conduct violates all fundamental tenets of personal dignity, civility and respect. Have a problem with a fellow trustee's idea? Demonstrate the flaws by illustrating the merits of a different proposal, not by sinking to personal attacks. Individuals with the fortitude to seek and win election to local governmental office should have the wisdom and self-control to permit other elected officials to hold and express beliefs without fear of personal attack.

Finally, local officials must be civil to the press and the media, no matter how pesky they are. To behave otherwise ultimately works against the best interests of all elected officials. Mark Twain's admonishment to, "never engage in a war of words with a man who buys ink by the barrel" was prophetic. Every reporter covering the local municipal beat is hungry for stories of controversy and personality. Why write a story about the city's balanced budget when you can write about one alderman assailing another? Reporters have thin skins and long memories. Public officials who cannot act reasonably when dealing with reporters may find themselves publicly cast in a distasteful light for years. A "letter to the editor" attempting to refute comments made in a negative front page newspaper article is an ineffective response, which few people will read, fewer will care about, and which may only add fuel to the fire.

Too many municipal managers, in addition to their increasingly difficult jobs of running a local government, must serve in the additional capacities as counselor, political advisor, financial advisor, psychologist and nursemaid to some local elected officials to have even a chance of getting the business of government accomplished. This is not a part of the profession they teach you in public administration school. However, it is at least equally important, depending on the community, to assure streets are plowed, garbage is collected, warrants are paid and the job of governing is successfully performed. Managers must educate local elected officials in their appropriate roles. Even at a local level, the separation of powers remains a critical concept and the distinct role of a professional manager is often foreign to people who believe their election to office is an anointment of absolute power. Dispelling them of this distortion can be challenging and painful but is essential if a professional manager is to perform the job efficiently.

Local government practices and procedures have developed over time to provide a framework for the conduct of public business. When properly followed, they can result in the orderly, effective operation of government. However, government can only be as effective as the people participating in the process. When public officials forget their proper role and allow proceedings to disintegrate into a contest of embittered factions, then the worst fears of our Founding Fathers are realized and government grinds to a halt. When this happens, it is truly the municipality and its citizens who suffer for the weaknesses and foibles of their supposed leaders.

Governmental service is a true calling for people who want to leave community a little better than they found it. Who else would voluntarily subject themselves to the regular ridicule, criticism, second-guessing and general blame thrust upon professional municipal mayors, trustees, appointed officials, managers and employees? Civility in government can be achieved, but only if everyone in government accepts responsibility for its promotion.