

Cooperative Achievement

Elected Officials and Advisory Boards Work Together to Strengthen Their Cities

by Marilyn Crotty

One of the most common forms of citizen participation is the use of advisory boards. Every local government routinely appoints citizens to serve on these boards – sometimes without fully understanding the value and benefits that can be attained, and the pitfalls that should be avoided.

Why bother with advisory boards? They take time, cost money, and can at times make the work of the city more difficult. On the other hand, advisory boards fill an important role in most communities:

- They allow for an in-depth examination of issues.

- They serve as a communication channel between elected officials and the community.

- They bring a broad range of ideas and expertise to public decision making.

- They assist in resolving conflicts.

- They provide training for new leaders.

Before determining if the establishment of an advisory board will be beneficial, careful thought should be given to the purpose of the board. Of course, there are statutory provisions, both federal and state, that require the use of advisory boards. However, in many instances, a city has wide discretion in the use of these boards.

Do you need to determine the popularity of an issue? Are you looking for substantive content input on a matter? Will an impartial, open-minded group be able to deal with a controversial or sensitive issue? How about building a constituency for an issue? Or is there a need for a “watch-dog” group to oversee something? Would there be value in establishing a committee of critics or a committee of advocates? Each of these questions should be explored as you determine the need for the advisory board. You must be clear on the purpose of the board before you create it. If there are things you do not want an advisory board to do, spell it out in the ordinance establishing the board. Set a timeframe for committees that are convened for a specific purpose. There is nothing like a deadline to keep a group focused on its task.

The next step in assuring the success of an advisory board is appointing the right people to serve on it. Balanced committees that broadly represent your community will assure that a variety of viewpoints are heard. If you have difficulty identifying people in your community who are willing to serve on advisory boards, you might want to set up a “board bank.” This registry of applications from citizens interested in serving on advisory committees should be promoted in every medium the city uses to communicate with its residents. Some jurisdictions actually establish a citizen committee to make recommendations to the elected officials of nominees to serve on boards. It is helpful to develop job descriptions for members of boards so applicants and appointees fully understand their roles and responsibilities prior to accepting appointment.

Local governments should assign appropriate staff to assist in and support the work of advisory boards. An aggressive board can overtake a weak staff, while too strong a staff can overpower the members of the citizen committee. Staff and boards that achieve a balanced approach to their work tend to be most effective. Sometimes it is appropriate to use an outside facilitator to assist a committee in its work. This is especially important when the issue is controversial or sensitive, and the city must avoid any appearance of bias or control.

It is critical that members of advisory boards are given orientations and training in the specifics of their jobs. This should include information on “sunshine laws,” roles and responsibilities, parliamentary procedure, and content-related topics. Encourage your boards to continue their education by sending them to appropriate conferences or workshops that keep them up to date on changes in the law or alternative approaches to dealing with the issues.

A mechanism for ongoing, two-way communication between an advisory board and the elected body should be

Advisory Committee Dos and Don'ts

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established. At a minimum, annually schedule each advisory board on the agenda for a report or review of its activities. Of most importance is that elected officials listen to the advice of its citizen boards. Of course, you may not always follow this advice, but if you constantly ignore it, you will probably face frequent turnover on your boards and skepticism in your community.

Once boards are established and members appointed, elected bodies have an obligation to periodically evaluate their performance. Are they functioning effectively? Are there things that could be changed to increase board effectiveness? Is the board still necessary? You can use a variety of methods to evaluate boards. Ask the boards to complete an annual self-evaluation, and report their findings to the council. You may engage an outside, independent evaluator to review the work of your boards. Or, staff and the elected body may conduct regular evaluations of their advisory boards. These reviews should assess the work of the advisory board as a whole, and also look at the participation of individual members.

And finally, local officials must give meaningful recognition to their advisory boards. Many cities hold annual appreciation events for their advisory boards and/or highlight them in newsletters and on Web sites. Be creative in finding opportunities to give sincere thanks to your board members. Whatever methods you use, make sure they are frequent, public, and acknowledge the hard work of your volunteer citizens.

Advisory boards that serve a real purpose, consist of the right people, and are appropriately staffed, trained, evaluated and recognized, can be a terrific asset to every community.

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DO:

1. Clearly define your charge to the committee. (Many committees flounder and fail because of the lack of a clear charge or any specific charge at all.)
2. Give a specific time limit for single-purpose committees and discourage extensions.
3. Select the best possible members for your committees, considering factors such as sex, race, geography, expertise, and any others you deem important for proper balance.
4. Provide staff support if at all possible. In smaller communities and counties, citizen advisory groups sometimes have been successful without assigned staff support, but that pattern seems to be increasingly rare.
5. Define the relationship to the staff. Involve your manager in deciding how to structure the advisory committee, assign its work and staff it. Ask his or her recommendations on what to do about the committee's advice.
6. Provide orientation and training for new committee members. Unless they're already specialists, they'll need help in understanding their assigned subject area, and also will need to understand the relationship of the assigned field to the governmental agency as a whole.
7. Develop a work program for the committee for the term of its work, or have the committee prepare one for its use and yours.
8. Evaluate the work of the committee (or the committee can do this).
9. Maintain good communications with all of your advisory committees. As part of this effort, each committee should send regular reports of its activities to the legislative body. Periodic meetings between the legislators and the individual committees also can be quite helpful.
10. Abolish and thank committees when their work is done.

DON'T:

1. Neglect your advisory committees.
2. Ignore their advice on a regular basis, or good people will decline to serve on the committees.
3. Let the advisory committee capture the staff. In some jurisdictions, by default or evolution, the advisory boards dominate the staffs, thus removing them from the effective control of the central executive (whether that person is elected or appointed).
4. Go overboard in appointing large numbers of committees in the name of responsiveness and citizen participation. Some jurisdictions have established committees on practically every governmental topic one could imagine. The usual result is conflict between committees with overlapping jurisdictions, a lack of staff to give adequate support to the committees, and a tendency for the legislative body to ignore much of the work of the committees since it is simply overwhelmed with the volume of reports coming in.

Ethically Speaking

State Laws Cover Appointed Board Members

by Bonnie J. Williams

I believe it is fair to say that there are more misunderstandings about the applicability of state ethics laws to members of advisory boards than there are with respect to any other category of public servant. The misunderstandings are understandable, however, in light of the numbers of ethics statutes and the plethora of distinctions and exemptions within them. It is my hope that the following information will assist appointed board members in becoming familiar with the range and breadth of these laws.



Financial Disclosure

The financial disclosure law has changed over the years in the way it addresses those appointed board members who are required to file. While the law once stipulated that members of advisory bodies (meaning those bodies that were solely advisory in nature) did not have to file financial disclosure, current law abandons this distinction and requires disclosure of the members of the following local appointed boards:

- ▶ An expressway authority or transportation authority
- ▶ A community college or junior-college district board of trustees
- ▶ A board having the power to enforce local code provisions
- ▶ A planning or zoning board
- ▶ A board of adjustment
- ▶ A board of appeals
- ▶ Any other board having the power to recommend, create, or modify land planning or zoning (with the exception of citizen advisory committees, technical coordinating committees, and such other groups that only have the power to make recommendations to planning or zoning boards)
- ▶ Any other appointed member of a local government board who is required to file disclosure by the appointing authority or the enabling legislation, ordinance or resolution creating the board

The last of the above categories, the so-called “local government option,” is the trickiest. Even though one’s position may not meet the criteria contained within any of the first seven categories of boards – and even though one’s authority and responsibility on a board may be perceived to be solely advisory in nature – the local government itself may have opted to have members of that board file disclosure. Local governments have been inconsistent in their handling of notification, so it is wise to question the board’s attorney as well as the local financial-disclosure coordinator about one’s responsibilities in this regard. This is particularly important because late and non-filers are automatically fined \$25 per day, up to a maximum of \$1,500, for noncompliance.

Conflicts of Interest

Another reason to be confident about one’s disclosure status is that one, and only one, of the conflict of interest laws applies strictly to persons who file financial disclosure. This is the law that prohibits a public official from accepting a gift worth in excess of \$100 from a person or agent of a person who for compensation seeks, or sought within the past 12 months, to influence decision-making within the official’s public agency. This would include those persons traditionally thought of as lobbyists, as well as vendors and other persons employed to influence governmental

decisions. This law further requires the reporting of other gifts valued in excess of \$100 on a quarterly basis. The only exception to these requirements are gifts from relatives. Full information about this and other ethics requirements is available on the Florida Commission on Ethics' Web site at www.ethics.state.fl.us.

Other conflict-of-interest laws apply equally to all public officers, elected and appointed, and all public employees, although there are some exemptions pertinent to appointed board members. Following are prohibitions contained in the statutes:

- ▶ Do not ask for or accept *anything* of value based on an understanding that it will influence you in your public duties.

- ▶ Do not accept *anything* of value when you know, or should know, that it was given to influence you in the discharge of your public duties.

- ▶ Do not use your public position or public resources to obtain a special benefit for yourself or anyone else.

- ▶ Do not use or disclose information gained by virtue of your of your public position and not available to the public for personal benefit.

- ▶ Do not advocate the appointment, employment, promotion or advancement of a relative to or within your public agency.

- ▶ Do not purchase, rent or lease *for* your agency from your or your spouse's or child's business; and do not rent, lease or sell *to* your agency or any agency within your political subdivision from your business.

- ▶ Do not hold any employment or contract with a business or agency regulated by or doing business with your agency, or which will pose a conflict between your private interests and public duties.

There are a number of exemptions to the last two prohibitions above (conflicting business, employment and contractual relationships), including those relating to depositories of public funds; passage on common carriers; contracts awarded by sealed, competitive bid; emergency purchases; legal advertising; rotation system; sole sources of supply; and utilities services. Additionally, the prohibitions relating to business and employment relationships may be waived in a particular instance for a member of an advisory board by the body or person who appointed the board member with the conflict.

Voting Conflicts of Interest

A voting conflict of interest arises when an official is called upon to vote on a measure that would result in the special private gain or loss of the official, of a principal by whom the official is retained, of a relative, or of a business associate.

Appointed local officials are required to abstain from voting in such instances and to file, within 15 days, a Memorandum of Voting Conflict (Commission on Ethics Form 8B), if they elect not to make any attempt to influence the decision. If an appointed official chooses to participate in discussion of the vote, or otherwise try to influence the outcome by oral or written communication, he or she may do so but must either (a) file a Memorandum of Voting Conflict prior to the meeting so that the memorandum can be provided to other

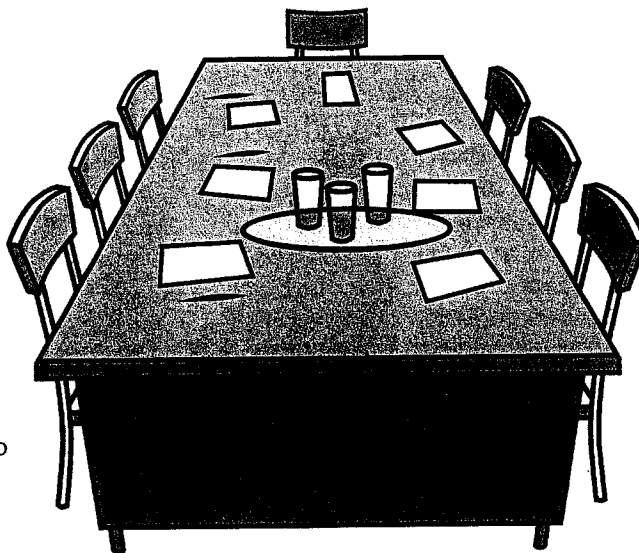
members of the board and read publicly at the meeting, or (b) make the disclosure orally at the meeting followed by the filing of the Memorandum of Voting Conflict. Whether or not one chooses to so participate, abstention from the actual vote is required.

There are many ins and outs within the above-cited strictures, some of which are explained in more detail on the Florida

Commission on Ethics' Web site (www.ethics.state.fl.us) and in its brochure "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees." The Web site also contains copies of the commission's rules and legal opinions interpreting the law since the commission's inception in 1974. If you have questions about any of this information, or if you have a personal issue on which you need guidance, you are encouraged to telephone the commission office at (850) 488-7864 to discuss the situation with an experienced staff member. We pride ourselves on providing prompt service. It is unlikely that your issue will be a novel one, given the many years of opinions and complaint adjudications, but a formal opinion from the commission is an option if staff is unable to comfortably respond based on precedent decisions.

Finally, the commission's Web site contains a link to a training course on the ethics laws and the public meetings and records laws, prepared by commission staff and staff of the attorney general in conjunction with The John Scott Dailey Florida Institute of Government (<http://iog.fsu.edu>). Those persons interested in a more comprehensive understanding of these laws related to preservation of the public trust in government are encouraged to enroll.

Bonnie J. Williams is executive director of the Florida Commission on Ethics.



How To Succeed with Advisory Boards

An Interview with Steve Meisburg

by Mandy Rogers

Municipal advisory boards are made up of dedicated citizens who devote time, energy and expertise to issues or causes that affect their city.

However, advisory boards without a clear mission or purpose not only are ineffective, but waste the time of board members, elected officials and city employees.

Former Tallahassee City Commissioner Steve Meisburg has firsthand knowledge of what makes advisory boards work. In 1999, he helped create Tallahassee's Community Neighborhood Renaissance Partnership.

The partnership's mission is to rebuild the community's most distressed inner-city neighborhoods, and address both the physical and social needs of neighborhoods by using a holistic approach.

Apalachee Ridge Estates, an at-risk south-side Tallahassee neighborhood, has been the first to reap the benefits of the partnership. One of the cornerstones of the neighborhood's revitalization is the Technology and Learning Resource Center, which has opened a new world to many residents who do not own computers or have Internet access. (For more information on this partnership, see the May/June 2003 issue of *Quality Cities*.)

The next Renaissance community, Providence, has a series of problems, such as crime and poverty, that will be addressed as part of its revitalization.

Meisburg, the chairman of the Partnership Board, said advisory boards are important to cities or projects, but often are overlooked or don't receive the attention they deserve.

Meisburg commented, "These boards are invaluable." He stressed that he is concerned when he learns that an elected or appointed official is unaware of a particular board or its work.

Meisburg said there are several factors that made his advisory board successful, and that can be used to help new and existing boards.

Communication

The most important factor that keeps an advisory board running smoothly is regular communication with everybody involved with the board – members, city staff and elected officials.

As chairman of the Partnership Board, Meisburg worked with numerous organizations that offered their help and expertise to the effort. Included in the partnership are organizations such as Florida State University (FSU), Florida A&M University, Tallahassee Community College, Arvida Corporation, the City of Tallahassee, the Leon County Board of County Commissioners, the Leon County School Board, AmSouth Bank, Bank of America, Capital City Bank, the United Way of the Big Bend, the Apalachee Ridge Estates Neighborhood Association and Covenant Partners.



Steve Meisburg stands outside the Technology, Learning and Resource Center in Tallahassee's Apalachee Ridge Estates neighborhood.

Forming the partnership took almost a year, but Meisburg said the most effective way to reach so many people, and to get them excited about a cause, is through direct and personal contact.

"For the Renaissance Partnership, I knew we could benefit from FSU's vast resources, so I called the university's president and met with the council of deans to let them know what the partnership is all about," Meisburg said. "If cities can build advisory boards around the same philosophy, they will be successful."

Meisburg said one of the worst scenarios is when advisory boards work for months – or even years – on recommendations that never get to the city commission, or are totally rejected.

"The outcome is a bunch of frustrated people who gave a lot of time and energy, and their voices were never heard," Meisburg said.

He said that if advisory boards have regular communication in some form with the elected body, it is more likely that they will learn sooner rather than later if they are going in a direction that cannot be supported.

“At such time, they will have clear choices: continue in the same direction, alter the course, change membership, or disband,” Meisburg said.

“It is meaningful to board members when elected officials make appearances at meetings and acknowledge their effort,” Meisburg said.

He said elected officials with an interest in the topic being addressed by a particular advisory board should naturally align themselves with that board. The participation of elected officials not only helps advisory boards stay on the right path, but also makes board members feel as if their work has meaning.

No matter what the issue, the board needs to give the city commission a reason to get its arms around the problem.

Clearly Defined Roles

Not all board members are appointed at the same time. Meisburg said it's important to help orient new members, and to make sure each knows what is expected. Also, occasionally making sure existing members know what they are supposed to be doing can be beneficial.

“Every board should have some type of bylaws that defines what people's roles and responsibilities are,” Meisburg said. “When people come on board, they need to know what to do and what not to do, and if the person is wandering astray, somebody needs to let them know.”

Each committee has a chairperson who leads the group. The person should be well informed, adept in leadership skills, tactful and organized, Meisburg said. “Leadership is critical.”

Clearly Defined Goals

It is important to have long-range goals that are assessed on a regular basis. “If your goals are clearly defined, it gives both the board and the government a sense of what the board is and where it's going,” Meisburg said.

Having a clear mission and attainable goals also gives the board members a sense of importance. “A clear mission allows the members to know there is an important reason for being on that board,” Meisburg said. “This also gets members fired up and lets them know what they're doing has a purpose.”

Elected Official Participation

It is important for elected officials to be involved somehow in the work of advisory boards. However, elected officials cannot sit on boards, and should not try individually to steer boards in a certain direction.

“Recognition is key – somehow the city and the elected officials need to convey appreciation to board members for the work,” Meisburg said. “Let people know they're important and that their faithfulness to the city and government is a great service.”

A Sense of Purpose

Hot-button advisory boards usually are in the spotlight more than boards that have an ongoing mission. It's important for all advisory boards to have a sense of importance.

“Although an advisory board's topic may never be controversial, it works just as hard as boards which have issues that are in the spotlight,” Meisburg said. “No matter what the issue, the board needs to give the city commission a reason to get its arms around the problem.”

Meisburg recommends appointing a knowledgeable spokesperson for the board who can convey the board's goals, mission and, eventually, its recommendations for the city.

Summing It Up

Based on the success of the Partnership Board, Meisburg's methodology worked, and his suggestions can be applied to any city advisory board or committee.

“All these things made this project successful,” Meisburg said. “Most importantly, I made sure every single board member always knew what was going on and made sure each person was included in the process – I drew on those people for advocacy and resources and gave them credit.”

Mandy Rogers is a publications specialist with the Florida League of Cities.

A City Case Study:

Dunedin

by Sandra L. Woodall, MMC

Citizen advisory committees, boards and task forces have become a very popular way to involve citizens in their local government – and possibly even to encourage them to consider seeking election to public office.

The City of Dunedin, in Pinellas County, has approximately 39 boards and committees, most of which have three-year appointments. They vary in size depending upon their specific task.

Dunedin's city attorney and I worked diligently to determine the types of committees that were needed and their definitions prior to putting together an enabling resolution that established each one and set forth its duties and responsibilities. The resolution also states that once a member has missed three consecutive meetings, he or she is removed from the committee for nonattendance. The city attorney has determined that there is no difference between an excused and an unexcused absence.

Advisory committees are advisory to the city manager and city commission.

Boards, meanwhile, are established by state statute, ordinance or other regulatory agency, and are quasi-judicial in nature.

A task force is appointed for a set time and project. When the project is completed, usually within 60 to 180 days, the task force then is "sunset."

Once the categories are determined, enabling resolutions are adopted for each committee. (See page 37 for a sample resolution.) The commission also assigns staggered terms, so that all appointments will not come due at the same time. A roster is kept for each committee, board and task force; the roster provides names, addresses, phone numbers, dates of appointment, terms, and the names of previous members of the committee.

One month prior to the end of his or her term, the committee member is notified by letter and asked if he or she wishes to be considered for reappointment. The chairman of the committee also is notified and asked to make a recommendation for reappointment. The clerk then puts the item on the agenda for appointment/reappointment. The commission selects the appointee from the applications provided to it.

A three-ring binder is kept of all applications received from citizens interested in serving on boards and committees for the city. Once every two years, the applications are purged and new applications are sent to citizens for update. The city uses newspaper articles, word of mouth and its *Leisure Services Bulletin* to notify citizens of openings. The clerk's office and the coordinator of volunteers work together to find interested citizens to serve on the various boards and committees.

The city developed a "Board/Committee Handbook" that contains a brief description of each board and committee, along with dates, times and locations of meetings. An application to be filled out and return to the City Clerk's Office is included in the brochure.

Each committee elects a chair, vice chair and secretary for a one-year term. Minutes are kept for each board/committee and filed with the city clerk, as required by state statute.

Committees are required by the enabling resolution to file a written report with the commission at least once a year. The report details the accomplishments of the committee for the preceding year and its current and future projects and goals. The report must be filed by March 31 of each year. The committee also has the option to make a personal report to the commission; in that event, the city clerk will notify the chairman of the committee when the report has been placed on the agenda.

For city staff, maintenance of citizen advisory committees can be very time-consuming. Nevertheless, such committees provide a vital role in keeping citizen's actively involved in the workings of their local government.

Sandra L. Woodall, MMC, is the city clerk for the City of Dunedin. She is active in the International Institute of Municipal Clerks as one of the directors from Region III. She also has served in all capacities of the board for the Florida Association of City Clerks, and served as its president in 1987. For more information, she may be contacted by phone at (727) 298-3034 or via e-mail at SWoodall@DUNEDINFL.NET.