

# More Form Than Substance?

Most planning boards hold public hearings some time during their decision-making processes.

Unfortunately, this ubiquitous proceeding is oftentimes the least productive and most cumbersome way to gauge informed public opinion.

## LEGAL UNDERPINNINGS — “THEY MAKE US DO IT”

Eliminating public hearings entirely would probably take an act of Congress, so entrenched is the notion in our body of law. The purpose is benign: to receive testimony from the public on an item or proposed action of interest. But the format can intimidate or alienate the citizenry. Often officials receiving the information sit on a raised platform removed from the audience, surrounded by an intense, busy staff.

Moreover, planning issues discussed in a public hearing may be highly technical or esoteric, discouraging citizens from voicing personal but valid concerns. Though the governing body often severely limits the amount of time for public testimony, staff or technical experts may be given much longer to describe their data or points of view. Given this rigid format, it is a rare public hearing that elicits new or convincing information. It is no surprise when the final decision seems to follow the “party line.”

## RECOGNIZE THE LIMITATIONS

Even if the primary purpose of the public hearing is to comply with the law and everyone has a set role as if it is a stage tableau, planning boards still should do everything they can to create and maintain a receptive, open environment. One simple way is to get off the pedestal or dais and move down to the people. You may have to find a room more conducive to this environment than the typical hearing setting.

## HOW TO MAKE THE MOST FROM PUBLIC HEARINGS

by Elaine Cogan

The chair should also state the operating rules and stick by them. Treat everyone equally, making no exceptions for VIPs, loudmouths or noisy claques. Staff or technical experts should not be given an inordinate amount of time to present their information so that citizens have to fit

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their remarks into the few minutes that are left. Still another action you can take to demystify the process is to make sure there are enough seats for everyone and that handouts are clear and easily understood.

## TEST THE PUBLIC PULSE IN OTHER WAYS

Despite everything you might do to create a more friendly environment, many people are intimidated by even the name, “public hearing,” and do not feel qualified to make an oral presentation in front of an audience. It is important to provide other ways for citizens to express their opinions. Give people opportunities to offer written statements or fill out questionnaires; additionally, you might want to consider using the services of a court stenographer to take down their testimony in a more private setting.

Never rely on the public hearing as the only way to ascertain public opinion. Depending on the magnitude of the issue

and the time available, give speeches and presentations to community and neighborhood organizations, discuss the matter in the media, and provide informal opportunities for people to contact you or the staff.

## SHOW THE PUBLIC YOU HAVE LISTENED

Citizens are understandably frustrated by the result or decision from a public hearing which could have been predicted before the planning body went through the formal motions. It is important — especially after a difficult or controversial decision — that a planning board communicate to its constituents. There are several ways: prepare a report of the hearing and send it to all who attended; write an article for the local paper (or fill in their reporter or editor on what happened); include a summary of the hearing in your jurisdiction's or commission's newsletter, if you have one. Find ways to show your respect for the citizens with evidence that you considered all opinions seriously.

By understanding the limitations of public hearings and mitigating against their worst drawbacks, you can continue to keep faith with the public you serve. ♦

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