



Town of Fairfield

Office of the First Selectman
Fairfield, Connecticut 06824

Sullivan Independence Hall
725 Old Post Road

Kenneth A. Flatto
First Selectman

MEMORANDUM

TO: Boards and Commissions Chairs

FROM: Kenneth A. Flatto, First Selectman *Kenneth A. Flatto*

RE: Ethics Report Regarding Civility at Public Hearings and Meetings

DATE: July 11, 2007

The Ethics Commission and Board of Selectmen asked me to forward a report produced by the Ethics Commission entitled, "Civility at Public Hearings and Meetings." Please furnish this report to members of your boards and commissions.

I know you and your fellow members take your responsibilities very seriously and I commend you and your members for your outstanding level of civility at meetings and for a high level of integrity.

Thank you very much.

ETHICS COMMISSION
TOWN OF FAIRFIELD, CONNECTICUT

June 26, 2007

To: Hon. Kenneth A. Flatto
First Selectman
Independence Hall
Fairfield, Connecticut 06824

Dear Mr. Flatto:

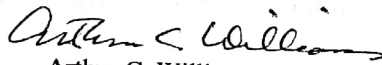
The Ethics Commission received a request in March of this year, through Second Selectman Dougiello, to consider the development of some guidelines to encourage and promote civility and courtesy in public hearings and meetings.

This Commission has during the interim collaborated on and unanimously approved a statement "Regarding Civility at Public Hearings and Meetings". On behalf of the Commission, I am pleased to enclose three copies of our statement, one for each of the Selectmen.

We hope of course that the dissemination of this statement will prove to be a benefit to the Town which we all serve.

Please note in particular that the guidelines are general in scope and are not directed to any specific incident or issue.

Yours sincerely,



Arthur C. Williams
Chairman, Fairfield Ethics Commission

REGARDING CIVILITY AT PUBLIC HEARINGS AND MEETINGS

The Ethics Commission of the Town of Fairfield has been asked to consider the preparation of guidelines for the purpose of promoting civility in the conduct of public meetings and hearings.

The Charter provisions establishing this Commission authorize it only to receive and investigate complaints as to whether alleged actions and conduct of elected or appointed officials, members of the RTM, or employees of the Town have constituted a conflict of interest or an abuse of official position under the Standards of Conduct set forth in the Charter.

This Commission (despite the "Ethics" title) is not authorized under the Town Charter to function as a general and comprehensive arbiter of ethical conduct, whether at public hearings and meetings or otherwise.

It has come to our attention that on occasion personal attacks, rude conduct, and unseemly behavior have taken place in public meetings or hearings. Therefore, the Ethics Commission has reached a consensus that now would be an appropriate time, as a public service, to issue some general guidelines to encourage civility and courtesy at public meetings and hearings.

The Charter provides that Robert's Rules of Order shall regulate the conduct of all meetings of both elected and appointed boards and commissions unless a particular board or commission otherwise specifies (Sections 8.1(B)(4) and 10.1(B)(4)).

The RTM under the Charter is vested with the power to adopt standing rules for the conduct of its meetings. Sec. 4.4(F). Rules adopted by the RTM provide that the "procedures and protocol" of its meetings and meetings of its standing committees shall be governed by Robert's Rules of Order except as otherwise provided by its own rules or any Freedom of Information Act.

Robert's Rules are designed for the conduct of parliamentary bodies and deal primarily with parliamentary procedure at "meetings" of "members" presided over by a presiding officer, chairman, President or Moderator. By analogy the Rules may be equally applied to public hearings and meetings of our quasi-judicial boards and commissions presided over by a chairman and attended by members of the board or commission holding the hearing as well as persons participating in the hearing or meeting, as advocates or opponents.

The Rules themselves do not attempt to define or set a specific standard or code of civility - the Rules however do provide for different degrees of discipline which imply and anticipate the possibility of unruly, obnoxious or disruptive behavior which is sometimes bound to happen where controversial or contentious issues are at stake.

Robert's Rules allow the Chairman to call an unruly member out of order and to demand that he or she sit down, and in an extreme or continuing situation to call for a penalty which could include removal from the meeting, censure, demand for an apology, or even suspension of rights or expulsion.

Rule #4 of the RTM states the point very clearly:

"If there is any disturbance, disorderly conduct or other activity in or about the Meeting Hall which, in the opinion of the Moderator may impede the orderly transaction of the business of the Meeting, the Moderator may take such action as the Moderator deems necessary to preserve and restore order."

By the same token, in dealing with any case of disorder at a meeting, the presiding officer should always maintain a calm, deliberate tone.

Beyond the Rules themselves, there are a number of good textbooks explaining and elaborating on the basic principles behind the rules. We have looked at one such text - "Webster's New World Robert's Rules of Order" from which we have gleaned a fair number of guidelines which are said to promote courtesy, justice, impartiality and equality:

- Members take their seats promptly when the Chair calls the Meeting to order and conversation stops.
- Members giving reports (presentations) during the Meeting take seats in front.
- Members rise to be recognized by the presiding officer and do not speak out of turn.

(The custom of having all advocates on a matter speak first, and then all opponents, answers this point).

- Members should refer to other members and officers in the third person whenever possible (i.e. "the previous speaker", "Mr. Chairman", etc.). This tends to prevent personalizing the debate or discussion and, in a worst case scenario, name-calling or personal attacks.
- In debate, members do not crosstalk, or talk directly to each other, when another member is speaking. All remarks are to be made through and to the Chair.
- Members keep discussion to the issues, not to personalities or other members' motives.

- Members speak clearly and loudly so all can hear- use the microphone if provided.
- Members listen when others are speaking.

The new Webster text points out that when controversial issues are debated, some members may get so excited that they talk out of turn and continually seek the floor to rebut those who do not agree with them. To head that off, the Chairman should make sure that:

- Only one member can be assigned the floor at a time.
- Members to take turn speaking.
- No member speaks twice until all members have had the opportunity to speak.

* * *

It may be in the end that civility comes down to common sense and good judgment, or perhaps even in the words (paraphrased) of the U.S. Supreme Court, that it (or the lack of it) is something you know when you see it (or hear it). One thing we do conclude from the text material reviewed is that to head off improper, unruly or disruptive behavior at meetings or hearings it is very important to have (1) a good acquaintance with the rules to be followed, and (2) a Chair or Moderator known for his or her fairness, impartiality, diplomacy, and firmness when called for.

It is our understanding that at the beginning of each year or new session, the Moderator of the RTM reviews the essential rules of that body with all of the respective Members. It might be a good idea for the Chairman of each of our Boards and Commissions to follow a similar practice.

Dated at Fairfield, Connecticut, June 25, 2007.

The Fairfield Ethics Commission

Kevin Ward Flynn
Israel C. Stein
Mary-Margaret Weber, Secy.
Edward H. Bourque, Vice Ch.
Arthur C. Williams, Ch.