

How to Make a Difference at a Planning Commission or City Council Hearing

by Amanda Fritz, Portland Planning Commission member 1996 - 2003

1. Provide information, in plenty of time and in useful formats.
2. Be polite and respectful, both to the decision-makers and to any opponents.
3. Plan your testimony, and use your time wisely.
4. Say what you want the decision-makers to do, clearly and repeatedly, and why.
5. Know the rules, and quote them.
6. The Rule of Three - *Tell them, tell them again, tell them what you told them.*
7. Organize diverse participation with more than a single constituency.
8. Use Meeting Mechanics to your advantage.
9. Use Personal Contacts to your advantage.
10. Be gracious in victory and defeat - use either to prepare for Next Time.

*

How to Make a Difference at a Planning Commission or City Council Hearing

1. Provide information, in plenty of time and in useful formats.

Often, decision-makers don't know as much about the issue as you do. They have to vote on multiple issues, week after week. You care most about one item on their agenda, and can research it in far greater detail than they can. Your goal is to convince them your position has more support (factually and/or in citizen popularity) than the other side.

- ***Present your position in several formats.***

Different people have different ways of processing information. So provide a one-page overview with bullets, for those who don't read much, followed by several pages with all the details you feel are important, for those who like to consider all the facts. Use photographs/diagrams if possible, for visual learners.

- **Send in your written testimony BEFORE the hearing.**

For the Planning Commission, this means at least ten days before the hearing, because the members are mailed a briefing package with letters submitted to date, the week prior to the hearing. For City Council, get your testimony in by the Thursday of the week before, if you can. Even the day before is better than at the hearing. FAX or e-mail, or both (some legislators prefer one or the other).

- **Make phone calls.** A day or two after you send your first written testimony, call to find out if it was received and to ask if there are any questions, or to present your case if you haven't sent in written materials yet. Call **503-823-4000** and ask for the Planning Commission coordinator or for the staff assistants in Council offices. Since the Planning Commission members are volunteers, citizens generally can't contact them directly unless invited to do so, but the Commission coordinator will send out an e-mail if you so request, telling Commission members that you'd like to speak with anyone willing. Council members and their staff are full-time public servants whose job is to talk to people like you. And, almost always they want to hear from you, too. So call! Council staff often have a collective briefing on an issue on Monday afternoon of the week of the hearing, so ideally you should talk to them before and after that meeting to tell them your concerns and advocate for your position, and so they/you can anticipate which issues will be most important.
- **Keep the staff for the project in the loop**, too, especially if you believe they support or at least don't oppose your position. It's discourteous to present new arguments at a hearing without warning the staff, plus it tends to throw them into defensive mode. Asking "*what if we asked for?*" beforehand gives them a chance to scope a compromise ("*that might not work, but this might get to the same goal*"), and/or gives you a chance to think of counter-arguments to their counter-arguments. An exception may be warranted if you know the staff clearly opposes your position and will fight to stop you even if you try the collaborative approach. In this case, the surprise factor may be one of your only tools.
- **Make sure your information is accurate to the best of your knowledge.** If you're unsure of something, it may be better to omit mentioning it rather than let the opposition focus on a mistake. Don't invent or exaggerate. Even if you get away with it at the time, it may come back to haunt you in the future.
- **Concede points when necessary, and quickly correct any mistakes you make.** Defending an untenable position will hurt you now and in the future.

2. Be polite and respectful, both to the decision-makers and to any opponents.

- **Don't annoy or insult the decision-makers....** especially while they're making the choice. It sounds obvious, but you'd be amazed how many people start off their testimony with phrases like, "*You guys are all getting rich off the system by screwing good people like me*". Even if that's what you think.... even if it's 100% true... you gain nothing by such comments. You waste precious seconds in your

limited allocation, and you rarely shame the decision-makers into voting your way just to prove you wrong. More likely, you turn people against your position by making them focus on your behavior and how much they dislike you.

- ***Don't berate the opposition, or anyone else.*** Making it personal creates a bad aura. Criticize the application, not the applicant. Diss the proposal, not the project staff or the opposition. Remember those involved are people, and that nobody's all good or all bad. And that people have friends, and relatives, and relationships you can't know about. I once said something disparaging about a public figure who'd been arrested for DUI, only to discover later the person I was talking to was the spouse of the miscreant.
- ***Especially, don't insult the staff and/or other citizen volunteers.*** These people are only trying to get to the endpoint they believe is correct, just as you are. Taking a few seconds to thank staff and volunteers is always appropriate and appreciated.
- ***Applauding at City Council is not allowed.*** If you want to express agreement with a speaker, raise your arms and wave your hands/wriggle your fingers. This can be very effective if the entire audience knows and does it together/on cue. The Planning Commission is less strict about applause, but it makes the hearings longer so should be avoided in most cases.
- ***Avoid arguing with other testifiers.*** Each person only gets to speak once, and there's no time allocated/assigned for rebutting others' testimony. Be especially careful before refuting a previous speaker's position. You'll have to take time out of your pre-planned speech, and you may come across as argumentative and personal. Couch any rebuttal in positive, factual terms, preferably without referring to the previous testimony (who knows, perhaps the decision-makers failed to catch it the first time, anyway). For example, say "*Our neighborhood survey found 90% support for the crosswalk*" rather than "*the previous testifier was wrong when he said engineers ruled the crosswalk isn't needed*".
- ***When you can, show up to say "Thank you" or "We support this proposal".*** Decision-makers will remember you as a pleasant, thoughtful, balanced testifier 😊

3. Plan your testimony, and use your time wisely.

- ***In almost all hearings, you will have a limited, set amount of time to speak.*** At the Planning Commission, it's usually **3 minutes for individuals**, 5 minutes for one representative of an organization such as a Neighborhood or Business Association. At Council, most often it's 3 minutes for all, and sometimes even less. This should show you the importance of getting your testimony and phone calls in before the hearing. How many people can make all their points persuasively in 3 minutes? Very few.
- You'll need to ***state your name and address before you start.*** Giving your address can start to set the context for your testimony... for instance, you could add "*in the neighborhood*" or "*two blocks from this proposal*".
- ***Cut to the chase.*** Don't waste the first minute in generalities or in saying who you are. If you're speaking for a group, name it and say you're authorized to do

so. It may be appropriate to give some of your background, such as *"I was on the advisory committee"*, but who you are is usually less important than what you want. One of my personal pet peeves is when testifiers say *"I'm on the Board of ... , however today I'm speaking only for myself"*. If you're not speaking for the group, it's inappropriate to mention your affiliation with it, in my opinion. Saying, *"I'm speaking only for myself"* is quicker and cleaner. If you want to give the context of your experience with the issue in your capacity with a group you're not representing, say something like *"I've attended numerous meetings on this subject in the XYZ neighborhood/at the League of Women Voters/over the last ten years"*. But always remember, the important part of your testimony is your opinion on the topic being reviewed. Spend most of your time on that.

- **Remind the decision-makers if you sent in written testimony beforehand.** They may want to find and refer to your letter as you speak.
- **At the end, offer to answer questions, and/or remain seated** until the Council/Commission indicates there are none. Don't be too quick to get up... let the panel think about what you've said and give them time to ask questions. Ending with a question of your own can be effective, although you're not likely to get an answer immediately. But you can look hopeful and make eye contact, and smile. Try to anticipate questions that might come up, to be ready to respond.
- **Try not to read your testimony. Just talk.** I know, it's hard to *ad lib*, plus you want to be sure you say everything important. But if you also submitted the same testimony in writing, the decision-makers are less likely to listen if you just read it. ***It's better to read a prepared speech, however, than to ramble off the point for most of your time.***

4. Say what you want the decision-makers to do, clearly and repeatedly, and why.

- **Make a specific request, make it clearly, and say it at the beginning and end of your testimony.** Countless times, I've listened with pen poised, waiting to write down the main issue of concern. At the end of the person's testimony, all I've been able to tell is that the person cares very much about the issue and feels something is wrong. But I can't tell what they see as the problem, and/or what they want me to do about it.
- **Identify the problem, and propose a solution to it.** It doesn't have to be a specific solution, in fact sometimes it's best to leave the details to be figured out later, but remember, you're trying to help the decision-makers do what you want. ***So tell them what you want!***
- **Explain why they should vote your way - what facts or values support your case, not just how many people support it.** One person can make a huge difference if s/he can persuade a decision-maker there's a valid core principle.
- **Don't assume the decision-makers understand the issues and what to do about them.** Explain why, as well as what you want them to do.

5. Know the rules, and quote them.

- It's one thing to have an opinion that may be different from someone else's. The decision-maker is free to choose yours, or the opponents'. It's another matter when there are written rules, policies, regulations, etc., that support your position. Quote the rule and demand that it be honored. If the rules say one thing and you want something else, your strategy should be to figure out how to change the rules, rather than asking the decision-makers not to abide by them. ***Find out the rules, and quote them to support what you're asking for.*** Sometimes they're in the Staff Report or briefing documents given to the decision-makers. These papers are public documents - you can and should ask for copies from the staff person assigned to the project. Ask the staff person or your neighborhood land use expert for help.
- ***The most important Rule Book in Portland is the Comprehensive Plan.*** Get a copy from your neighborhood district office, read it, and quote it. It sets the city's policy - if the decision-makers know what's in it, and abide by it.
- The ***Portland City Code***, which includes the Zoning Code, the Sign Code, Public Improvements Code, Neighborhood Plans, and many other sections, lists specific rules projects must follow. The Code is more detailed than the Comprehensive Plan, and some of its rules are flexible. But if you can point out a section of the Code which seems to conflict with the proposal, it can establish precedent that should be addressed. The Code is on line at www.portlandonline.com
- ***Ask the staff person in charge of the project what they've been charged to do.*** Sometimes the main decision has already been made, and the process you're participating in is only on how to implement that decision. So, is the question on the table "Should we...?" or, "How should we....?" ?

6. The Rule of Three - Tell them, tell them again, tell them what you told them.

- ***Having three people testify on the same problem makes it A Real Problem.*** It's very possible for one person to make a difference. Don't give up without speaking if you can't get two others to testify, too - sometimes your point is so valid, everyone will accept it the first time. But in general, the more people who testify, the better. 90% of success is showing up.
- ***The chair of the meeting will probably announce it's not necessary for more than one speaker to address the same position. Ignore this.*** Ignore this. Each person cares about the issue in a slightly different way and the second, third, or twentieth person may say something that conveys the point better. If you care enough to go to a hearing, the decision-makers must honor your right to have your say. Don't have everyone saying exactly the same thing, though. If you're organizing a group, give them talking points/issues to cover, not a set speech. This is especially important when submitting letters - petitions or form letters are almost worthless. Tell how it matters to you for your own personal reasons. Three people on the same topic makes it A Real Problem. Thirty testifiers on the same topic makes it A Big Problem. A hundred speakers almost always sends the project back to the drawing board. But a hundred signatures on a form is just a sheet of paper with many names - the decision-maker doesn't know what they were told before signing.

- ***It's not your problem if the decision-makers don't like what they're hearing*** (e.g., that many people think the proposed solution stinks). But keep in mind *Rule 2a, Don't Annoy The Decision-Makers*. It's OK to be persistently oppositional, and to insist on your right to speak. But remember if you win on this day, there will still be another on which you will want the decision-makers to listen to you again. Try to not to waste everyone's time if you seem to have made your point. Later speakers can be very brief, or you could have the person at the microphone ask the remainder to raise their hand if they're in agreement with your position.
- **HOWEVER..... *Have a point, and have a valid point.*** Red isn't green even if ten thousand people say it is. These decisions are made in a republican democracy, by elected/appointed officials whose primary responsibility is to promote the long term public good, rather than to vote with the majority of testifiers at all times. Increasing the number of people testifying in support of your position increases the likelihood of being heard. It's very important to remember it doesn't necessarily increase the likelihood of getting what you want.

7. Organize diverse participation with more than a single constituency.

- ***Try to find people in different parts of the city, and in different age groups, socioeconomic brackets, cultural backgrounds, etc., who are willing to testify and explain why the issue is important to their demographic group.*** Sure, most people interested in an issue are going to be those most directly affected, and that might be a single-interest group such as neighbors or dog-owners. And you want people who talk from the heart, and explain why the proposed/preferred solution matters to them. So don't let anyone label you as a NIMBY (Not In My Backyard) - people who are personally affected are especially important. But the more different viewpoints of people who support/oppose something, the better.
- ***Both experienced testifiers and newcomers are (or should be) welcome.*** It's always nice to see new faces, new participants in the public process. Sometimes they get "beginners luck", if they make a good point and the decision-makers want to encourage their continued participation. One of the most effective testifiers in my seven years on the Planning Commission was a woman who was so nervous and shy, she could hardly talk above a whisper. It was painful to watch... but everyone got the message that she thought the topic was so important, she was willing to make herself very uncomfortable in order to support her position. On the other hand, people who've spent years researching an issue and/or are frequent participants and/or great speakers deserve respect, too. They've paid their dues and earned the right to consideration of their thoughts. So try to get all kinds of people to support your cause. Nobody will argue with a middle school student or an octogenarian.
- ***Formal position statements from groups do matter.*** Going through the arduous process of getting a vote in accordance with the by-laws of your organization is worth the effort. Plus, it encourages debate and refinement of the most important issues and values held by the group, before the hearing - it's part

of the public process. So as well as getting many individuals to participate, it's worth your time to get organizations to support your position.

- ***Don't assume that one letter/speaker from your group carries the same weight as dozens of individuals participating in the process.*** Testimony from the Portland Audubon Society representing 10,000 members may have more weight than a letter from Ms. Unknown expressing the same opinion, but three people speaking in support of either Audubon or Ms. Unknown is more effective - if they've done their homework and truly care about the issue. Letters are often ignored if nobody shows up to testify to say the same things again.

8. Use Meeting Mechanics to your advantage.

- ***The Planning Commission takes testimony in the order that blue cards are submitted to the meeting Coordinator. Council takes testimony in the order of sign-ups on a sheet placed on a table outside Council Chambers.*** In either case, call the coordinator/clerk to find out what time the cards/sheets will be available for sign-ups, to plan your strategy for order of speakers.
- ***A "Time Certain" item at Council or a hearing at the Planning Commission won't start earlier than the stated time, but may start later.***
- If you or others have time constraints, you'll probably want to sign up first so you can speak and leave. And often there's an advantage to having several of the first speakers be from your side, to set the tone for the hearing and get your message on the table first.
- ***Having several people sign up together can provide an opportunity for you to establish and build your case, despite the three minute limitation.*** In general, testifiers aren't allowed to use time from someone else's three minutes. Sometimes the chair may agree in advance to allow a panel of speakers to pool their time, but don't assume this will be approved. It's better to divide your topics into small sections each to be covered by one person in three minutes.
- ***Consider having one of your strongest speakers/most knowledgeable participants sign up last,*** or not even sign up but wait for the chair to ask, "*does anyone else want to testify?*", so s/he can "bat cleanup", respond to issues raised in testimony, and leave your best impression on the decision-makers at the end of the hearing. On the other hand, don't save your ace for the end when the game may already have been lost.
- ***Expect the meeting to run longer than the agenda estimates.*** Bring a snack, water, cough lozenges, mints. If you need to bring small children, bring quiet diversionary activities (coloring books, homework, etc.,) and also lots of their favorite non-messy, non-sugary treats.
- ***If you need to use the bathroom*** before you're called to testify, ask someone to say you had to step out and will be back in five minutes, in case your turn comes up. If you miss your turn, tell the coordinator/clerk and ask to have your name called again.
- ***Usually there's a staff presentation at the beginning that can take five minutes or much longer.*** It's helpful to hear the staff presentation to assess what the decision-makers are being told about the proposal. The staff

presentation is mostly to inform decision-makers and people in the audience who may not know as much about the project as you do. Some decision-makers and participants may not have done their homework you want them to understand the proposal so you can explain why yours is better, and so they make the best decision on good data. Listen for errors and for areas you might give additional information, instead of being irritated about a long staff report.

- ***You may be able to give a Power Point or slide presentation, and you can always use large charts, photographs, and other visual aides.*** Take a small version of large graphics to give in for the record, because you'll want to save the larger copy for the next battle.
- ***Speak directly into the microphone.*** At the Planning Commission, you have to be within an inch.
- ***At Council, the laptop computer on the testimony table shows you the time ticking off your three minutes.*** For both, practice out loud at home with a timer, so you're sure to get your most important points made in three minutes.
- ***Remember to say your name at the start,*** or you'll be interrupted and asked for it.
- ***Try to have as many of your supporters stay to the end of the meeting as possible,*** even if the decision isn't going to be made that day. It shows you're truly invested and want to hear all the arguments, plus you might hear something you'll want to rebut in written testimony or in a phone call to staff (you can always talk to staff either in the Bureau of Planning or in Council offices, even after the record is closed and you can't talk/write directly to the decision-makers). It also reminds the decision-makers you're unpaid volunteers, participating only for the public good, and that the public is watching and cares how they vote. And you may be able to make personal contact after the end of the meeting, to shake hands and say "*thanks for listening*" or "*please let me know if you need any more information*".
- ***In some types of hearing, you have the right to have the record kept open for seven days for further written comments, if you ask before the close of the hearing.*** At the Planning Commission, decisions are rarely made the day of the hearing, and most times the President will agree to a request to hold the record open. At most legislative City Council hearings, the decision is made the same day (which is another reason it's important to get your written testimony in beforehand) so most likely you won't get an extension, but it usually doesn't hurt to ask, if there's a valid reason such as an amendment or new evidence. Further comments might include additional evidence, or rebuttal of other testimony. It's worth asking have the record held open, if in doubt.
- ***City Council usually has a "Second Reading" at which they vote, after indicating their intended positions at the first hearing.*** No testimony is taken at Second Reading, and Council members almost never change their vote between First and Second Reading. But it can happen, and it rarely hurts to send a respectful memo to Council members stating why you disagree with their vote and asking them to continue addressing the outstanding issues of concern. In general, however, if it's sent to Second Reading, it's going to pass. Move on.

- **Try to have a delegation attend the meeting when the decision is made, even if additional testimony won't be taken.** You can roll your eyes or smile even if you're not allowed to say "*that's garbage!*" or "*right on!*" when a decision-maker speaks. It shows you really care, and it may remind people what you said in testimony at the hearing. And if nothing else, it forces the decision-makers to realize you're watching them, and you'll remember their vote and their rationale.

9. Use Personal contacts to your advantage.

- **This may seem unethical, but it isn't in most matters.** Unless the hearing is one where "*ex parte contact*", or communication outside the hearing, is forbidden, it's OK for you to contact decision-makers before the hearing. It's only forbidden for quasi-judicial land use cases on specific proposals like subdivisions or design review. If in doubt, ask the staff person in charge of the project. It's always OK to talk with staff, even in quasi-judicial cases.
- It's common knowledge that most decision-makers have personal or professional **ties to particular constituencies.** So you need to figure out who are the ones who might be sympathetic to your position, then explain to them or their staff why they should support your position - i.e., why your position promotes their agenda on matters they already care about. Sometimes you can talk to someone who can talk to someone. In a recent case, we heard we caught the ear of one decision-maker by one of our elderly participants talking with the mother of the decision-maker.
- **You need one person on the decision-making body who will voice your arguments after the hearing is closed.** If you hear "*no*" from one person, keep casting the net until you find someone willing to say "*yes*" or even "*maybe*". Sometimes you can't identify that person before the hearing, and have to hope your testimony persuades one or more to vote your way. But sometimes you can find out ahead of time what each decision-maker is hearing and what might be effective in persuading them to support your position.
- **If there's someone on the decision making body who's "your" person, you need to provide that person with as much help as possible.** If you're concerned about greenway issues, you should be contacting anyone who's been part of a watershed council or a member of Audubon, and asking what information they need or what kinds of testimony might be effective. If you want something to happen in Parks, you have a much better chance of success if you're working with the Parks Commissioner instead of in opposition to him/her. The opposition is surely talking with "their" person, so play with the same rules.

10. Be gracious in victory and defeat.

Neither is entirely up to you. Citizen involvement means doing your best to make a positive contribution to making your community better. You can't do it alone, and often you won't be able to do it at all. But God willing, there will be another day, another issue, another opportunity to do your part to make a difference.

Be sure to celebrate your victories and acknowledge those who helped achieve them. Write thank-you letters/e-mails to decision-makers who heard and helped you. Let go of your defeats and hope you were wrong, that the choice you worked hard to oppose might turn out for the long term public good after all. Don't let one loss keep beating you.

Never, never, never give up, but do go on, move on, try a different issue or a different approach. Remember your family and friends matter more, and you matter more to them, than a civic victory or defeat. Be proud of who you are and what you stand for, whether others agree with you or not. It takes us all to make our city great.