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IMPORTANCE OF COMMUNICATION

The relationship between a citizen board and a community, various public agencies, and the local legislative body (city or town council or county commissioners) is critical to the board’s success in gaining local confidence. The board must address and resolve difficult issues, often issues that are troubling the local community, and emotions can run high. A key element in establishing a strong relationship between a board and the community is the ability to make informed decisions that are consistently in the best interests of the entire community. In order to make informed decisions, the board must:

• Clearly identify the issues;
• Gather input on the issues in a fair, orderly, and predictable fashion;
• Encourage input from all sides of an issue; and
• Base the decision upon adopted policy and the facts presented in an open public setting.

In carrying out these responsibilities, the board must convey to the public its impartiality, its fairness, and the process by which decisions and recommendations are made. The plan commission also must communicate to the legislative body the reasons for its recommendations. If citizen boards fulfill their responsibilities as they should, they will sometimes make decisions that are unpopular with the audience at a public meeting. Members need to ensure that those in the audience understand the board’s role, the relevant issues, and the basis for the board’s action.

These communications take several forms, including public forums, public hearings, written and oral reports, and letters or memoranda. Some boards also use radio and television as communication media. There are skills involved in each of these types of communication. The primary focus of this module is the conduct of meetings, as meetings are the most common form of communication for citizen boards.
TYPES OF MEETINGS

A board, in its normal course of operation, may find the need to conduct a variety of types of meetings, including public meetings, public hearings, public forums, work sessions, and executive sessions. Each type of meeting is discussed in this section, with explanations of the uses for each type and primary differences among them.

Public Meetings

Although the terms often are used interchangeably, there is a difference between a public “meeting” and a public “hearing.” The Indiana open door law uses the term “meeting” to apply to all gatherings of the board, whether these are for the purpose of soliciting public comment or not. All meetings are open to the public, but the public need not be invited to speak unless there is a scheduled public hearing.

Plan commissions and boards of zoning appeals may hold two types of public meetings: regular and special. Regular meetings are usually scheduled at least monthly. Sometimes the volume of planning and zoning activity in a community requires more frequent meetings. The board must maintain a permanent record of these meetings. Normally a secretary takes minutes at these meetings, and the minutes are approved by the board at the next meeting.

Occasionally a board may determine that the public would be better served by discussing a particular issue at a special meeting. A time-sensitive or controversial issue that needs to be decided before the next regular meeting and/or will involve lengthy discussion might warrant a special meeting. These special meetings may be scheduled by the board at a regular meeting or they may be called by the president or any two members of the board. If these special meetings are properly called and noticed, the board may take official action at them.

Public Hearings

The Indiana planning and zoning enabling act requires formal public “hearings” on certain matters. The board holds public hearings for the purpose of taking public comment on matters presented for official action. Public hearings are subject to legal notice requirements under Indiana law.

These hearings provide the opportunity for citizens to participate in the decision-making process by officially voicing their opinions and providing information to the board. A recording or minute notes may be made of public hearings. If these types of records are made, they must be retained under the public records law. When the law requires a public hearing, the board cannot take official action until after the hearing.

As shown in the following table, the law requires public hearings for certain matters that come before a plan commission or board of zoning appeals.

Exercise: Review the agendas for the past three meetings of your board. Is it clear which items require public hearings? If not, how could the agenda be changed?
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Matters Requiring Public Hearings in Indiana

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Public Forums

Public forums are held to gather information and encourage the exchange of ideas. Public forums tend to be informal, and often no permanent record is retained, although staff or board members present should take notes on the major issues discussed. No official action may be taken at a public forum. A public forum does not require the attendance of board members; however, in order to be fully informed about community issues, as many members as possible should attempt to be present. It is advisable to give media notice of the public forum in order to maximize participation. It is particularly important to do this if there is a chance that enough board members will attend a public forum to constitute a quorum.

If the board has staff, a public forum may be planned and run by the staff rather than by members of the board. The following are examples of information-gathering public forums:

- Establishing community goals and objectives for a comprehensive plan;
- Gathering input to determine if an ordinance should be revised; or
- Soliciting input on proposed zoning ordinances.

Work Sessions

Regular meeting agendas often are devoted to matters needing immediate action, and complex projects with no immediate deadline can be difficult or impossible to complete at these meetings. A board or a board committee may find it beneficial to hold work sessions to complete specific projects. In addition, some topics may require special expertise not available on the board. Examples of work session topics include:

- Training or educational opportunities;
- Developing a new sign code;
- Reviewing or drafting a thoroughfare plan; or
- Drafting new drainage regulations.

A series of work sessions involving plan commissioners and/or other board members may be useful.

Exercise: Did your board hold any public forums during the past year? If so, were they effective? Were the topics appropriate for this type of meeting? If not, are there issues which should have been the subject of forums?
As with public forums, it is not necessary for the group to maintain official minutes of work session meetings, although the members may find it beneficial to do so. These sessions are subject to the open meeting law, so the media must be notified, and the public must be allowed to attend and observe. However, those not on the committee need not be invited to speak at these meetings.

Executive Sessions

Executive sessions for public agencies such as plan commissions and boards of zoning appeals are defined in Indiana law and permitted only for limited purposes. Executive sessions can be closed to the public when discussing the following:

- Discussing strategy with respect to the initiation of litigation or litigation that is pending or threatened;
- Receiving information about and interviewing prospective employees;
- Receiving information about an employee’s alleged misconduct and discussing the employee’s status; or
- Discussing a job performance evaluation of an individual employee.

CONDUCTING PUBLIC MEETINGS

The manner in which boards conduct public meetings and hearings speaks volumes to the community about the openness and fairness of the process and of the board’s willingness to receive and consider information before making a determination or recommendation. Public hearings should be orderly and fair and allow for a thorough discussion of the issue at hand.

Board members should be aware that all their deliberations, except executive sessions (previously discussed), are a matter of public record. For boards of zoning appeals, Indiana law prohibits outside communications; for plan commissions, it is good practice to follow the same rule. All decisions must be based upon the record created by the various parties participating in the public hearing. If board members hold outside discussions, they may glean information not available to other members and may even base their votes on information not on the record. These *ex parte* communications are contrary to the concept of due process, and they deny the affected parties a fair hearing. If commission members do receive information outside of the meeting, they should disclose this information at the beginning of the hearing. The suggestions contained in this section will assist board members in conducting open, orderly, fair, and thorough public hearings and effective public meetings.

Credit: Port Townsend Leader

**Exercise:** Review your board’s rules of procedure. What are the provisions for *ex parte* communication? Do the rules (and your practice) comply with the law and promote fair hearings?
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Tips for Effective Public Meetings

The following tips are based upon a list originally published in the “League of California Cities Pocket Guide” and reprinted in “Planning/Northwest” and in “Scanning Planning”.

1) The meeting should be conducted in a professional manner, demonstrating that the board members take their jobs seriously.

2) Individual board members should be well prepared. This preparation includes viewing sites on the agenda and reviewing materials provided by staff in the form of staff reports or related materials prior to the meeting.

3) Applicants and the public should be treated fairly.

4) Applicants and the public should understand the decision-making procedures and that the staff’s role is to provide appropriate support and information to the board and to make recommendations on petitions.

5) Copies of the meeting agenda should be available at the door. The audience should be kept informed as to which items are being heard and, where practical, the approximate time scheduled for the items on the agenda.

6) The board chair should introduce the board and staff members present, since those in the audience may not know the participants nor their respective roles and responsibilities.

7) The chair should inform the public about the meeting process, appeal procedures, and any changes to the agenda such as requests for continuances or withdrawn applications.

8) The chair should have members of the public wishing to speak sign in with their name and address prior to the meeting to maintain good records and expedite the meeting.

9) The chair should keep the meeting moving by keeping board members, applicants, the public, and the staff to the subject at hand.

10) The board should use the staff as a resource.

11) To expedite routine matters (i.e., approval of minutes and regular business items) the board may use a “consent agenda” in which all items or a selected group of items may be decided in one motion.

12) Each meeting agenda should provide an opportunity for miscellaneous matters such as letters from citizens, inquiries from board members about special projects, and discussion of board activities. Reports may be presented by the chair or staff at the appropriate time in the agenda.

Exercise: Evaluate the conduct of your board meetings. Are they orderly? Do they produce the information you need to make an informed decision? Do applicants and audience members leave feeling that they were treated fairly and that their ideas and opinions were considered? What steps could be taken to improve the meetings?
Orderly Conduct

Every citizen is entitled to voice an opinion to the board with respect to a matter scheduled for public hearing. Orderly conduct is essential to allowing all persons a reasonable opportunity to present their opinions. Disorderly conduct, such as shouting out or otherwise interfering with the proceedings, is an infringement on the right of the person speaking at the time. The board is well within its rights to require each person to wait for a turn to speak. The public should not be invited nor allowed to speak at any time other than during the hearing.

A board may, by rule, establish procedures to govern the orderly conduct of a public hearing. Typically these rules:

- Require each speaker to provide his/her name and address for the record (See point 8 in Tips for Effective Public Meetings);
- Require that only one person may speak at a time;
- Require all testimony to be provided under oath (especially for boards of zoning appeals);
- Establish a time limit, either per individual or for each side of an issue;
- Establish the order in which testimony will be provided, including initial testimony, rebuttal, and staff comments;
- Provide that the chair may limit repetitious or irrelevant testimony; and
- Provide that the chair may determine discourteous, disorderly, or contemptuous conduct to be a breach of the privileges extended by the board and allow the chair to deal with such individual as is deemed fair and proper, including removal from the public hearing.

It is important that board and staff members conduct themselves professionally and not make statements or ask questions that could put the board in legal jeopardy. The transcript of a hearing can be used against, as well as for, the board. The chair should maintain a professional atmosphere for the meeting. Board and staff members should not address each other, applicants, audience members, or others by their first names, nor should they engage in extraneous conversation. If the board members address the applicant on a first-name basis or give the impression of personal relationships, the audience members can be led to believe that the hearing is not fair and impartial.
LEGAL REQUIREMENTS FOR MEETINGS

This section contains information on the Indiana Open Door Law, making a public record, and notice requirements for public hearings. These issues must be properly addressed for any official action of the board to be deemed legal.

Open Door Law

The Indiana open door law states that “it is the intent of this chapter that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed.” This law requires all meetings to be “open at all times for the purpose of permitting members of the public to observe and record them.” It also requires that a copy of the agenda be posted at the entrance to the meeting and that minutes be kept indicating:

- The date, time, and place of the meeting;
- Members present and absent;
- General substance of all matters proposed, discussed, or decided; and
- A record of all votes taken.

Minutes must be made available to the public for inspection and copying. Any gathering of a quorum of the board can be considered a meeting under the open door law. Special meetings of the board require notice to the members at least three days before the meeting and to the media at least 48 hours in advance. If there are matters to be discussed that require formal public hearings, the hearings must be advertised and notice given to interested parties as required by Indiana law. The board must notify the media of executive sessions and must state the purpose of the meeting.

Board members should be familiar with the following terms defined in the open door law:

**Public Agency** -- Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise a governing body of a public agency.

**Official Action** -- means to . . .

1) Receive information;
2) Deliberate;
3) Make recommendations;
4) Establish policy;
5) Make decisions; or
6) Take final action.

**Deliberate** -- a discussion which may reasonably be expected to result in an official action under (3), (4), (5), or (6) above.
Boards and board committees must comply with the Indiana open door law for all meetings, even if there is to be no official action taken. This compliance assures the community that the planning process is open to all citizens of the community and encourages their participation. Citizen participation is the most critical step in educating the general public about planning issues and establishing a link between the board and the public.

Making a Public Record

At any public hearing in which an official action is likely to occur, it is vitally important to the board that an accurate record be made of the proceedings. The minutes need not contain a verbatim transcript of the hearing.

Many boards also keep an electronic record of the hearings. This type of public record can be critical to defending the actions of a board should a legal challenge be raised against any official action. It should be noted that if the record is made, the open records law requires that it be retained permanently, unless destruction of the record is authorized by the county’s commission of public records. However, the minutes or proceedings of executive sessions are not open records available for public review.

Notice of Public Hearings

Notice of public hearings are typically provided in some combination of the following five forms:

- Published notice;
- Posting an agenda;
- Individual notice;
- Posted notice; and
- Posting on the Internet.

The Indiana planning and zoning enabling act requires that legal notice be given of all public hearings on the comprehensive plan, new zoning ordinances, amendments to zoning ordinances, and amendments to zone maps. These notices must comply with the requirements of state law. Published notice is required to be placed in a newspaper of general circulation at least one time, at least ten days prior to a public hearing.

Local radio stations often announce upcoming meetings. Many communities now also post meeting dates, agendas, staff reports, and other relevant documents on community websites and social media.

Exercise: Review your rules of procedure. Do they define “interested parties”? Do they state how notice is to be given?
Indiana law also provides for "due notice to interested parties at least ten days before the date set for the hearing. The commission shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice." Due notice as required by this section of the Indiana Code typically takes two forms:

- Individual notice mailed to affected property owners; and
- Posted notice placed on the subject property.

Individual notice is notice provided to "interested parties." The plan commission may, by rule, establish a notice requirement for the provision of notice to interested parties on a comprehensive plan, zoning ordinance, subdivision, or petition for zoning map change. In that the "interested parties" in each of these situations may be substantially different, the plan commission may establish notice requirements for each type of hearing. For example, the plan commission may determine, by rule, that published notice shall be sufficient for public hearings on a comprehensive plan or zoning ordinance, because the entire community is affected by such an action and published notice is the only reasonable method of communicating with the community as a whole. While not required by law, many communities display advertisements in the newspaper, in addition to the legal notice. Few people read the fine print of legal notices, and the public is more likely to see an advertisement.

In the case of a petition for zoning map change, subdivision plat, or other form of zoning petition, the plan commission may determine that individual notice should take the form of a written notice provided to owners of properties that are adjacent to the property subject of the hearing. The plan commission may, by rule, determine the distance from a subject property that the individual notice is to be provided. Additionally, boards of zoning appeals have the same authority to establish, by rule, notice requirements for interested parties on development standards variances, use variances, special exceptions, and administrative appeals.

"Posted notice" refers to the posting of a notice card, placard, or sign on real estate which is the subject of a petition for zoning map change, subdivision plat petition, or other form of zoning approval to inform neighbors that a zoning action is pending before the plan commission. Many communities find this method highly effective; others object to the public contribution to sign clutter.

Establishing local rules and procedures for providing notice can make it easier for the local community to find out about issues pending before the board and allow citizens adequate time to inform themselves about the issues and organize their presentation to the board.

**TYPES OF COMMUNICATIONS**

From time to time, a board will have the need to provide clear internal communications between and among members, external communications with the legislative body and various other governmental agencies, and, most importantly, communications with the general public in the form of community education. These forms of communication are discussed in this section along with suggestions to make such communications as effective as possible.
Internal Communications

For a board to communicate effectively with the community, public agencies, and the legislative body, it must first be able to communicate effectively internally in its deliberation on issues. One of the most important elements in assuring good communication among board members is an effective chair.

The chair must understand the board's rules of procedure (See Chapter 5, Rules of Procedure) and be responsible for the fair and equitable application of those rules. The chair is in a unique position to encourage productive discussion of the issues while maintaining order. The chair must be organized and must keep the discussions focused on the issues over which the board has jurisdiction.

External Communications

External communication between the board and various agencies is important to the success of planning efforts in a community. The actions of one agency may impact the operations of other agencies. For example, if a plan commission approves a major development without considering whether the school system, road system, sewer system, drinking water system, or drainage systems are adequate, many other agencies may be substantially affected.

Plan commissions in Indiana have an advisory role on most planning and zoning issues; they make recommendations to the local legislative bodies. In some communities, members of the legislative bodies also serve as members of the plan commission. It is essential for the plan commission to establish a good working relationship with the legislative body, given that it acts as the primary advisor to that body through its power to make recommendations. A good working relationship can be obtained through several methods, including the following:

- Providing written reports on pending issues;
- Conducting joint work sessions or hearings on various issues of importance to the community; and
- Attending meetings of the other body.

Citizen groups or neighborhood organizations can provide an efficient method of communication between boards and area citizens. Citizen groups may be issue-oriented, considering a topic such as sign regulations or home-based businesses, while neighborhood organizations tend to focus on issues that affect a specific geographic area, such as a drainage problem. In both instances, the board's recognition of such groups or utilization of such groups on advisory panels, when they are legitimate representatives of the group or area, can help the board understand issues more thoroughly than would otherwise be possible. Public hearings or meetings do not always afford the opportunity for obtaining complete and accurate information.
Community Education

A well-educated and well-informed public can be a strong supporter of the efforts of a board, especially in controversial matters. Such education and information can be made available to the public only if the board remembers that the public includes all elements of the community (merchants, business leaders, developers, residents, etc.) The needs of all sectors of the community must be balanced for a community to have a healthy growth pattern and strong economic base. The board, through its use of public forums and its ability to establish citizen advisory groups with a balanced representation from the various sectors of the community, can work through controversial issues and develop an action plan that is endorsed by representatives of all sectors of the community.

Written materials should be prepared with the audience in mind. Reports and brochures should use clear, commonly understood language; they should not be filled with planning jargon. Board and staff members also should use other forms of communication when possible, particularly visual materials such as maps, slides, and videos. For many people, a picture really is worth a thousand words. As internet use continues to grow, communities should consider developing their own websites and online community calendars if they have not already done so.

Social Media

Communities who have social media accounts, whether Facebook, Twitter, Instagram, My Sidewalk, etc., need to be very careful in how they use these accounts. With all of the instant connection we have with one another, it is easy for the public to post comments about projects, staff, and the community. There are some common points for communities to remember when engaging in social media whether to post an agenda, notice a meeting, etc.

- **You must manage criticism** – There is always going to be some form of criticism, and likely it would be similar to what you would hear at a meeting. However, staff should be careful in the posting of information. You will also want to have a note on the site that states “XX Community reserves the right to remove vulgar, profane, or offensive comments and messages.”

- **Acknowledge posts** – If you want people to keep following the department, it is wise to acknowledge the post, even with a simple thank you. If you are using an online forum for public input then acknowledging a post lets people know that you are reading and monitoring posts. This also keeps people interested and following you.

- **Manage posts like you manage information for your packets** – You should manage your posts just as you would manage content going out from your department. Your public account should be all about what is happening in the department and nothing else.

- **Protect access to your account** – Access should be protected and not granted to everyone in your department. Maybe your community has social media staff. If so, provide them the information and comments to post. If not, then you should have one person posting for the planning department and all those posts should be approved prior to posting.
• **Not everyone has a social media account** – Posting notices on social media should not be the only way to notify the public about meetings. There are still many people who do not have social media accounts. Therefore, you still need to use conventional means of notice.

• **Consult with your attorney** – Social media is still new terrain. There are lawsuits that have moved forward questioning whether information documented on social media can be entered into a public hearing as evidence. Your attorney should be able to inform you of the latest case law and how it might impact how you use social media.

**SUGGESTED RESOURCES**


Planners’ Communications Guide 2.0; Section 3: Social Media. [www.planning.org/communicationsguide/section03/](http://www.planning.org/communicationsguide/section03/)
