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STRENGTHENING LEGAL AND TECHNOLOGICAL
FRAMEWORKS TO GROW CIVIC PARTICIPATION
AND PUBLIC ENGAGEMENT

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PARTICIPANTS:

Introduction:

DARRELL WEST
Vice President and Director, Governance Studies
Director, Center for Technology Innovation
The Brookings Institution

Moderator:

MATT LEIGHNINGER
Executive Director
The Deliberative Democracy Consortium

Panelists:

LISA BLOMGREN AMSLER
Keller-Runden Professor of Public Service,
School of Public and Environmental Affairs, Indiana University

MIKE HUGGINS
Principal, Public Collaboration Associates
Affiliate, ICMA-CM

KEVIN CURRY
Program Director, CfA Brigade
Code for America

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P R O C E E D I N G S

MR. WEST: So, if we could have your attention, I think we will get going. So, good morning. I'm Darrell West. Excuse me. It's a very emotional topic for me here today.

I'm vice president of Governance Studies, and director of the Center for Technology Innovation at the Brookings Institution, and I would like to welcome you to today's forum on strengthening civic participation and public engagement.

Many of our laws today predate the internet era, and so it sometimes has been hard to get people engaged. Sometimes, there are legal barriers to public engagement.

So, over the past year, the working group on legal frameworks for public participation has produced some new tools to help in this area. They have come up with a model local ordinance. They have amendments to state legislation. They've examples out on the table right outside the auditorium, if you didn't get a chance to pick up their recommendations.

But these tools are designed to create a more supportive and productive environment for public participation.

So, today, we have a distinguished panel to discuss these new tools and ways to strengthen the legal framework for public participation. So, I'd like to introduce the moderator for this session.

Matt Leighninger is the Executive Director of the Deliberative Democracy Consortium. He is a longtime advocate for ways to deepen deliberation, and engage more people in the process of decision-making.

The Consortium is an alliance of major organizations and leading scholars working in the fields of deliberation and public engagement. It represents more than 50 different foundations, nonprofit organizations, and universities, collaborating to support research and to advance democratic practices.

Over the last 16 years, Matt has worked with public engagement efforts in over 100 communities, 40 states, and 4 Canadian provinces. He lives in Canada, so -- hence the Canada interest.

He is a senior associate for Everyday Democracy, and he serves on the boards of E-Democracy.org, the National School Public Relations Association, and the Democracy Imperative.

He is the author of a terrific book entitled *the Next Form of Democracy: How Expert Rule is Giving Way to Shared Governance -- and Why Politics Will Never Be the Same*.

So, please join me in welcoming Matt Leighninger.

MR. LEIGHNINGER: Thank you, Darrell, for hosting us, and, also, for the work that you do here on governance and participation. There's a lot of things happening that people ought to be exploring a little bit further.

Thanks, also, to Anna Goodbaum, who did a lot of the logistics for today, and who has told me that there will, in fact, be an audio replay of this. So, if people want to listen to it, that'll be available on the Brookings site.

Also, thank you all for coming. I see a lot of familiar faces, people who have been part of this work for a long time, and I also see some new faces, so that's terrific, as well.

Where this all started was -- actually, it's unclear how it all started, but I guess I'd say that there's been, for a long time, among those of us who do public participation work, this general sense that the laws on public participation were occasionally a hindrance and almost never a help -- that, essentially, either because they mandate outdated formats that we know don't work very well, like your typical three-minutes-on-a-microphone public hearing, or because they seem to discourage more constructive forms of dialogue, or because they're simply unclear about what constitutes a public meeting, what constitutes a decision -- all those kinds of things -- and this lack of clarity, in particular relating to the newer types of online engagement -- that for all those reasons, the laws, really, were more of a -- occasionally a hindrance, and almost never a help.

This was, as I say, kind of a long, kind of a simmering kind of a question for us. I think what triggered this particular effort, though, was the fact that, a couple of years ago, the American Bar Association based a

resolution on civil discourse, which basically required ABA members and the Association as a whole to take up this question of strengthening civil discourse -- not just as a matter of behavior, but as a matter of law.

And so that was kind of an excuse for a number of us to really get together and look at this more closely. And Bruce Meyerson, who was the Chair of the Taskforce on Civil Discourse for the ABA, was one of the kind of leaders of our group from the very beginning.

Along the way, we kind of picked up other people from other associations who have an interest in this issue -- National League of Cities, the International City-County Management Association, the International Municipal Lawyers Association -- which is a city attorneys group -- and then, also, groups like the Policy Consensus Initiative and the International Association for Public Participation, the National Civic League, and then, also, the National Coalition for Dialogue and Deliberation.

And the Civil League is the publisher and producer of the documents that we're releasing today, and the NCDD -- Sandy Heierbacher's been very helpful as far as helping to produce that document. And Sandy, I think, coined the title, so we have to thank her for that.

So, the handout, as I think everyone probably knows, has been tweeted and emailed to death, but the full document is available at

the DDC website. And the handouts that you were able to pick up at the

beginning outside the room there are of the three-minutes-at-a-

microphone rationale piece and the model ordinance itself.

I want to also say that everybody who's worked on this -- and

there's a total of at least 50 or so people -- has done so as a volunteer.

And in fact, even more than that, some of the people I know, on those

occasions where we met face-to-face, actually paid their way to do it.

So, this comes out of a lot of commitment from people who

are passionate about this issue from a bunch of different angles.

And that mix of different angles has also been, I think, very

helpful. We've had, from the beginning, you know, conversations that

were lively because they had fierce legal scholars, and loquacious

lawyers, and curmudgeonly public officials, and devastatingly brilliant

participation practitioners.

And it was always good, because we had that mix of people

who wanted to require everything, and people who wanted to require

nothing, and all these different kinds of important questions which went

into this were kind of, you know, hashed out in these conversations. So,

that's really helpful.

What we've ended up with -- as I think you can see here -- is

a model which we assume cities will adapt as they will, but a model that

does not require public participation or any particular format, but enables

and supports what we hope will be better public participation -- partly because it includes the principles that, in the field, have emerged through IAP2, through NCCD, through Terry Amsler, through many different people who have written about this -- their principles for productive public participation.

One other thing that -- this template has already actually been used. So, the City of Oakland, earlier this year, used this model ordinance -- again, adapting it to create their budget transparency and public participation policies. We've already got a kind of victory there, as far as somebody who's actually found this to be useful.

So, let me turn it to our panelists here, to say a little bit more about this. And you have more extensive bios in the program here, so I'm not going to say too much about each of these people.

Lisa Amsler has been a leading scholar in this field for years and years, and a friend to practitioners and all kinds of people who are doing this kind of work, and has written many, many things that you can see about kind of the legal framework, in addition to other aspects of public participation.

Mike Huggins was perhaps the most innovative Public Manager in terms of public participation for years and years in Eau Claire, Wisconsin, and is now --

MR. CURRY: He was the only one.

MR. LEIGHNINGER: He was the only one -- and is now affiliated with ICMA -- a center for management strategies and the National Civil League.

And then Kevin Curry, from Code for America, leads up Brigade, which is -- Code for America is a very interesting and dynamic organization that's helping cities all over the country do new things as far as online engagement. And Brigade, in particular, is kind of an expansion of their earlier efforts that allows many more cities to be part of that work.

So, I'll start, though, with Lisa, because Lisa has been the main drafter of all of our legal language, and had to persevere through many difficult conversations, very long conference calls, and one near-death experience, and has made it this far.

So, take it away.

MS. AMSLER: Thank you, and it's wonderful to be here. And I'm going to keep this short.

First of all, what's the problem? How did we get here? And what can we do about it?

And the problem is that the default public participation model is three minutes at a microphone, with people falling asleep on the podium, unable to respond, people at the microphone unable to say what they really want to say, because they're limited to two or three minutes -- and no interaction among any of the people in the room. That's the

default.

The problems that we have seem to include things like no discussion outside the scope of the agenda, which means if somebody gets a good idea that isn't encompassed by what's been published as the official notice of the meeting -- in Arizona, if whoever is watching over -- the staff member is watching over the meeting -- if they let them go there, and it's not on the agenda, then an elected official can actually be removed from office because of provisions in the government and the Sunshine Law.

We have problems in will-making at the federal level, where you can't have a big, several-thousand person dialogue like America Speaks would sponsor, because you can't capture all the comments people are making to each other at tables of eight to ten for the rulemaking record, right?

We have problems where we've got organized disruption at the local government level because of concerns about Agenda 21, for example.

And so we had a session at the International Municipal Lawyers Association about these drafts. And the municipal lawyers raised the problem that we've got 50 different states, different versions of the sunshine laws, different versions of freedom of information laws -- all bringing their strengths and weaknesses, but creating a problem where

inhouse lawyers don't have cover when they want to authorize innovation in public engagement and a more dialogic or deliberative processes.

So, that's the basic problem. How we got here is partly a function of the history of administrative law at the federal and state levels. The federal models are adapted by the various states, so, you know, you start back in the New Deal, and the sick chicken case -- for those lawyers in the audience, Schechter Poultry -- which was this private writing of industrial codes that the public didn't get access to, and couldn't find, and weren't published.

That gives us the Administrative Procedure Act in 1946, and there's the birth of public participation as a legal right. But it's just notice-and-comment, and it's not defined.

And there are iterations. You know, we then have the Freedom of Information Act, the Government in the Sunshine Act. We have transparency, but, again, that doesn't give us more participation, necessarily.

We then have dispute resolution -- the Administrative Dispute Resolution Act -- which gives us more dialogic processes, but it's aimed more downstream in policy enforcement, as opposed to the space we're talking about, which is upstream, and the idea of identifying problems, identifying potential solutions, making policy, implementing policies.

And so the state models -- administrative procedure acts, freedom of information acts, sunshine acts -- followed the federal, but they diverge. We've got tremendous variation.

So, in the U.S. code, more than 200 uses of public participation, not defined, is defined in some regulations. California, more than 300 uses, generally not defined in the code. Home rule acts from municipalities that give them more autonomy in terms of ordinance-making at the local government level. The home rule acts generally are silent on public participation.

So, there's where we are. That's how we got here. We've got a gap. We don't have supportive legal infrastructure for what we now know we need to do.

So, the gaps in authority -- public participation isn't defined. We don't have broad-based authority or any kind of a mandate for deliberative democracy, participatory democracy, other forms of public engagement -- and the perception that government in the sunshine laws can actually be a constraint.

What we have come up with as a first step to empower, focused at the local government level -- and, to some extent, state agency level -- to empower more creative thinking in dialogue between public officials and the public is to propose two -- well, ultimately, three, but I'll leave that to Mike -- two constructs: a public participation act at the state

level -- and we could do the same thing at the federal level, but that's not what we're here to talk about -- and a municipal ordinance so that we set the ground for whoever wants to innovate. We make it more passable for them to do so.

The structure of the public participation act is drawn in large part from the very successful federal Administrative Dispute Resolution Act of 1996. A little bit of history is worthwhile here.

In the 1980s, EPA was experimenting like mad with dispute resolution -- various forms of mediation, facilitation, negotiated rule-making. So is the Army Corps of Engineers.

The Department of Education, meanwhile, was saying, "We can't do that. We can't do mediation. We don't have authority to do so."

And so you had this collision, which resulted in a bipartisan agreement in Congress -- remember those -- amazing -- different reasons; the same conclusion -- that we needed a statute to authorize public federal agencies to do this stuff -- not to mandate it, just to let them. And the thousand flowers bloomed.

So, all the statute did was it defined the processes -- said you can use any form of administrative dispute resolution -- mediation, facilitation, fact-finding -- all these different things. You can look inside, write a policy on when and how you're going to use them. In fact, you need to write a policy. And appoint somebody inside to be your dispute

resolution specialist.

So, we've taken those three elements, and we've defined public participation. And the sneaky thing is -- the idea is, if we define it here to include all those things we want to do -- deliberative democracy, consensus building, policy dialogues, the National Issues Forum, what America Speaks does with the 21st-century town meeting -- if we include all these things in the definition, then the definition will attach to every use of public participation throughout the code.

And then we've opened the door. Then the idea is, let's define the policy process we're talking about. We're including way upstream so that it's clear. We want to start at the beginning, when people are identifying the policy problem.

Then we also include a public participation specialist. So, appoint somebody already on staff. Collateral duty assignment -- no budget implications -- just somebody needs to go get educated. They then -- in Yoda fashion -- pass on what they have learned, right -- the pyramid structure. They come home to the agency, they train everybody else. Their trainees' trainees train everybody else.

So, we disseminate knowledge about public engagement, because a lot of the folks -- I mean, I teach in a public affairs school, right? We don't require that our students learn this stuff. It's not a mandatory part of our curriculum. I would like it to be, obviously, but I'm not in the

majority yet.

So, we have the public participation specialists, and then we protect the agencies from lawsuits. So, let them experiment and innovate, but commit the decision on process to agency discretion so that they can innovate without somebody saying, "You can't do this" -- as long as they meet the minimum mandatory public participation -- like notice-and-comment.

So, the last piece of the statute is just the beginning of trying to get at the Government in the Sunshine and Freedom of Information Acts.

We know the world has changed since 1966, when those statutes were written, right? Nobody's done much with them since. So, all we do is propose a public participation meeting where you actually have in the Government in the Sunshine Act a provision allowing elected officials to meet with the public, with a very general, very open-agenda announcement that allows for innovative thinking and creativity, and let them actually interact and discuss with each other, without taking action, without a vote, but to allow public officials to engage directly with the public -- which, in some states, is actually problematic if you have a quorum there at the meeting.

And the limitations would be once we've had general agenda, public meeting, interactive process, then the results get published

or the thing gets live-streamed, for enough period of time that anyone who wasn't there can find out about it, before there's then a notice of a public meeting at which action might be taken.

But once that period of time has elapsed, the created information from interacting with the public could actually be used by elected officials -- is the basic concept.

Where am I on my 12 minutes?

MR. LEIGHNINGER: Oh, I don't know. You've only got one slide left, I think.

MS. AMSLER: Okay.

So, in addition to using the same basic concept in models, we then propose a model ordinance. And just as the public act does, it defines public participation. It defines the policy process in which people could engage. It suggests that there be a policy adopted by the local government. It suggests that local government appoint someone in-house as a public engagement or public participation, since that's the more common term of art used in this arena -- a public participation specialist.

And then it incorporates these principles that we know are principles for best practice in deliberative democracy, participatory democracy, public engagement. And they are principles that relate to inclusion, to involving people in the design of the process, to transparency, to accessibility, and to communication, so that people don't just participate

in a meeting and then never hear anything again about how their information and their input is used.

And Mike will talk more about other elements of a public participation ordinance. There's also a model policy in the materials online, and that Matt has drafted, and that incorporates information from lots of folks.

And I think, with that, I will stop.

MR. LEIGHNINGER: Great.

MR. CURRY: Actually, could I just make a quick plug for participation among the group here? We're using #participationlaw on Twitter as the hashtag. So, if you're in front of your computer and your smartphone, and you have a comment or a thought, #participationlaw is your hashtag. Please participate.

MR. LEIGHNINGER: Go ahead, Mike.

MR. HUGGINS: Just a couple of general comments.

From a local government perspective, it's very important to understand the connection from having a state statute that allows local governments to take actions, as well as what the model ordinance or what the ordinance would be at the local level. And there's a lot of variation among the states. So, from a local government perspective, many cases, we're tied to what is allowed in the state enabling statutes.

Also, as proof of the innovation, as Manager, we allowed five

minutes at --

      MR. LEIGHNINGER: With colored lights.

      MR. HUGGINS: With colored lights -- green, amber, and red.

      So, I want to speak to three points. One, from a local government perspective, what does -- and primarily looking at the municipal model ordinance -- what does it do, from a local government perspective, why it's important, from a local government perspective, and then, also, why it's important in a broader sense.

      Lisa's mentioned several of these issues, but the model ordinance at the local level does some very significant things. It establishes public participation as a public good, as something that's essential for the general health, safety, and welfare of the community. That really doesn't exist anywhere else. So, simply making that statement is an important contribution to local government. It's set standards, guidelines, principles of what good participation would be.

      And then it also addresses structural changes in local government. It provides for identifying a person -- whether that's participation specialist, or an administrator, or an officer -- that at least would be equivalent. Most local governments designate a weed officer. So, it'd be good to have somebody designated with responsibility for public participation.

Then it also sets up a number of issues -- other structural

changes -- an advisory board, made up of citizens, of members of the

community, with the requirement that that board will do a multiyear plan,

and will do an annual report to the elected official. So, it starts to embed

in the structure of local government a way to recognize, and build, and

enable creativity and participation.

So, that's what it does at the local level. Why it's important

from a local government perspective -- more and more, the issues we deal

with in local communities are wicked problems. You know, they're the

problems where we don't know all the part of the question, and we

certainly don't know all the parts of the answer; what we do know is that

the way we address those is through collaboration. The way we address

those, from a local government perspective, is building an effective

working relationship with the members of the community.

And that means that we need to have more effective ways of

interacting with the public, of having the public comment and engage,

define problems, help in identifying the solutions.

And what's important from the model ordinance perspective

is that it sets the ability for us to move from participation/engagement

that's a function of champions, individual champions, to something that is

sustained engagement, because it's embedded in how the local

government makes decisions and how local government addresses

participation.

So, that's a very important part. It's very important from a local government operation, because we need innovation. We need to find more creative ways of addressing all of these issues in some way.

And I think one of the points that I think John Nalbandian has made -- from KU Rock Chalk -- Jayhawks -- self-disclosure, right -- is there's this growing gap between what we technically -- looking at local government, what we technically can accomplish, okay? What we're able to do, and what -- so there's a gap between that and the political efficacy of local officials' ability to act.

So, we have this growing gap, which is a real problem for local government. And I think with improved ways of how we do participation and engagement, it starts to build a capacity of local elected officials to have that consensus, have that support within their community, to take action. And I think that's very important, just in terms of the quality of service that's provided.

My third point, then, has to do -- why this is important from a broader sense. As I look at local government, I'd think local government is at a watershed moment -- one of those times that occur, you know, maybe every 30, 40, 50 years, where we're really looking at what is the appropriate -- we're trying to reestablish what the appropriate role of government is in the system of governance -- and governance really

meaning local level -- how we make decisions, which is a function of

formal government, civil society, the private sector, nonprofit organizations

-- the whole constellation of stakeholders in that.

And we're really looking at, what is that role of government

going to be, in terms of what government can and should do, what others

can do? And we're at that point of trying to figure out what that is, and it's

very difficult, I think, from a local government level.

A key part of that, with whatever that role is going to be, is

reconstructing a more compelling vision of what the role of citizens -- and

by citizens, I mean community members -- of reconstructing a more

compelling vision of what their role is in that whole process -- in

government and in governance.

And I think a critical piece -- and Matt made this point a

couple of years ago in a report -- that compelling vision for citizens is

going to be something that ties to their talents, their interests, you know,

their concerns. We have to find some way to tie to that. And that means

we have to find a more effective way to engage and participate.

Finally, in terms of why this is important, in a broader sense -

- it's probably cliché to say that we're, you know, engaged in the struggle

for democracy. Maybe we're always engaged in that.

From a local government perspective, I think one of the

critical things in winning that struggle is what takes place in the local

communities. People learn what it means to be an active citizen. They learn how to do that. They learn what it means -- or they don't, I would argue -- in the context of what they do in their local communities -- of how they interact with their government, how they interact in all the workplaces, the schools, their neighborhood. They either learn how to do it, or they don't, in the context of the local communities.

And I think this participation ordinance creates a structure where they learn how. It improves their ability to learn those very important skills.

I was just thinking -- I remember reading years ago -- probably 30 years ago -- the book by Benjamin Barber on strong democracy. And he makes the point that strong democracy needs great citizens -- citizens that are effective at what they do.

And I think the model state ordinance and the model local ordinance really start to set the stage for citizens to learn what it means to have a public life, and become very effective, strong citizens in the context of their local government.

MR. LEIGHNINGER: Thank you.

I want to just say that I think it typifies my limited ability as an online engagement person that I, A, knew how to make a hashtag, but then, B, forgot to tell anybody about it. So, thank you, Kevin, for --

MR. CURRY: For remembering that part. Oh, and there's

some good stuff coming in here.

So, I thought I would just use a couple of minutes for introductions, since I'm largely new to this community, and Code for America, as an organization, is new to this space -- figure I'd just tell you a little bit about myself, why I'm up here, and why you should listen to anything I say or not, and then tell you about a couple of activities that I've been involved in for the last four or five years that really get to motivating people to participate. All right.

So, I'm a Virginian. I grew up in Virginia Beach. I went to Virginia Tech. I got a degree in history -- undergraduate degree in history and a masters degree in computer science.

Spent a lot of time working in crazy virtual reality environments. Went to work for the federal government as a contractor in the defense space. Cofounder of a company called Bridgeborn that has been in that space for about 12 years, and was reluctant to go in that area.

And that's when I started getting exposed to a lot of the internal processes of the federal government and how things work -- not so much in the participation space, but in IT procurement, and how a lot of our technologies are built, and how the government uses technology -- or fails to use technology effectively.

And so it was about 2009 when the concept of Gov 2.0 was really hitting the scene. The Gov 2.0 Summit came here to Washington,

D.C. Literally, from a tweet sent out to Tim O'Reilly about a paper called *Government Data and the Invisible Hand*, I became involved in the organizing of the Gov 2.0 Summit.

And that's when I met Jennifer Pahlka, who is Executive Director/Cofounder -- well, she's not currently the Executive Director; she's on hiatus -- the Founder of Code for America. She's now the Deputy Secretary for Technology, working for Todd Park.

And that's when she and I connected, and there was this conversation happening about Gov 2.0 and participation at the federal space. And we were looking, and having sidebar conversations, and connecting with people all around the room about, who's talking about this at the local level? Because it's at the local level, where, really, citizens touch government on a day-to-day basis -- and in really practical ways. You know, when somebody's making a plan to come tear up your road, you tend to get really involved.

And so, again, through tweeting -- and be careful what you tweet, because you might end up changing the world -- we went to all these un-conferences. We're having all of these bar camps, right? So, if you're not familiar with an un-conference, it's the idea that it's participant-driven. It's not an agenda that's set by an organizing committee who, you know, brings in speakers and sets the topics in the tracks.

All of the topics in the agenda are set by the people who

come to the event, and it's completely facilitated by moderators. So, as organizers, you're facilitators, all right?

So, we went to all these un-conferences in 2009, and I left one of them -- two of them hosted by the Sunlight Foundation, who are definitely leaders in this space -- called Transparency Camp West. And we had this big conversation about local government transparency.

It brought pretty much everybody -- 100 and some odd people -- from the event to this one session on local government transparency that I had coaxed the former head of OCTO Labs in Washington, D.C., Dmitry Kachaev, to organize.

And I was so inspired by that, I tweeted. I said, "We should have a city camp." And Jen saw that and said, "Yeah, I think we should do that. And if you're serious, I'll help you."

And, you know, it was just an idea. It was just, "We should have a city camp." I tweeted it out, you know -- no big deal. That would be the end of that.

Well, we decided, "Hey, maybe this is a good idea." So, we spent the last part of 2009 -- November, December -- one of the nice things about being a cofounder of a company is, you know, I get a little bit more leeway to take on some new projects. And my company was very supportive of me spending this time to help organize this event called City Camp. And we held it in January 23/24, 2010. And we really didn't have

any idea of what to expect, all right?

So, what is City Camp? City Camp is an un-conference for municipal innovation, and it's designed to bring together stakeholders from all across the government, from local community organizations, technologists, journalists, artists, regular, you know, ordinary citizens, to focus on the idea of innovating for their municipal governments and community service.

And this idea of innovating for municipal government -- you know, we weren't sure if anybody would be interested in that or take that seriously -- and it turned out that a lot of people were interested in that. And over 150 people came from all over the United States. They came from Canada. They came from the U.K. -- to spend two and a half days at the University of Illinois Chicago Innovation Center, with this idea of innovation for municipal government.

And it was a really successful event, beyond our wildest expectations. And when we left that, we thought, again, that would be the end of it. We did the camp. We followed other people who did events like that. We just copied what they did, did it ourselves, had a great event, and it was time to go back to work. I was going to go back to my company; Jen was going off to start Code for America.

And this strange thing happened -- is that the #citycamp -- it kept being used on Twitter. People on the forum kept engaging in the

dialogue, and people were asking, "When are you going to have another City Camp? Can you help me organize my City Camp? How do I do a City Camp?"

And we weren't really prepared for that. At first, the answer was, "No, we're not doing another one. No, I can't help you. You know, I've been on loan for a long time to do this project for my company; I need to get back to work."

But I wasn't really satisfied with that, and, you know, I was just frustrated and struggling. How can we, you know, not say no? How can we enable people to do this?

And so a friend of mine, Luke Fretwell from GovFresh, who does a lot of media covering, and blogging, and video about this space of Gov 2.0 -- he came to me with this idea -- we should turn it into an open-source brand.

And so we spent a lot of nights -- he's in California; I'm in Virginia Beach -- on Skype -- late-night working out, what is this idea of an open-source brand?

So, we came up with basic rules. We came up with four goals. We packaged it up on a website. We had a logo and color scheme. We gave information on how to start a camp, and we stuck it online.

And when we did that, it spread. It spread everywhere. I've

lost count of how many City Camps have happened, but they've happened

in South America, they've happened in Europe, in Russia, in Asia, all over

the United States. And everyone thinks that there's this organization

called City Camp, and that I'm the Executive Director and the leader, and

that's not true.

It is a community of people who are passionate about this

idea of using their technology skills to innovate for municipal government

and their community organizations.

And so this thing is thriving. It's still going on. There's still

an active community. You can check it out online.

So, then, some time goes by, and Jen and I stay in touch. I

was just a volunteer adviser for Code for America -- doing all of this stuff

as a volunteer, which is, to me, super important. You know, for me, my

professional aspirations are in business. I like to make things. I like

technology. I like doing things. And when it comes to public participation

and governance, I want to be a citizen. I want to be an active, engaged

citizen. I want to be a volunteer.

People ask me, "When are you going to run for council?" I'm

not going to run for council. I want to be an active, engaged citizen --

because what you said -- strong democracy needs strong citizens. So, we

can't just all, like, leave what we're doing to go become professionals in

government. We need to be strong citizens where we are, in the things

that we do every day.

So, stay in touch with Jen, and she calls me up with this idea, says, "Hey, we're thinking about starting a volunteer movement for Code for America. And is there any way you could come help do that?"

And so went back to my Cofounders and my Board of Directors, and said, "This is something that I really feel like I need to do. It's going to take a long time. It's going to take a couple of years to get this started. Can I do it?" And they said yes. And so we started the Code for America Brigade. All right.

So, if you don't know what Code for America is -- you know, our mission statement is that it's a new kind of public service, by the people, for the people, for the 21st century -- because that's what we're talking about here, is, we're talking about there's lots of interest in public service, public participation, and it's not enabled for the 21st century. You know, we talked back there about the Brown Law and how it's so old. It'd been written in the '60s.

And so we started this thing called the Code for America Brigade. And the Code for America Brigade is a national network of civic-minded technologists who use their skills to improve the way their governments and their community organizations use the web as a platform for participation, for innovation, and for engagement.

So, we're now a network. There are about 3,000 registered

members on the website. There are even more people who connect

through Meetup. And these are all volunteers, all across the country.

We're in 32 cities, where we have what we call Brigade Captains. These

are people who are leaders, who've signed up for a year to lead in their

city, to try to make an effective difference in their city.

So, we're trying to evoke this idea of, you know, the

volunteer fire brigade, the bucket brigade -- you know, that type of

metaphor. So, that's how we came up with the Brigade.

And what we've been doing is, as you say, standing in front

of council and advocating for open data laws. I can see now, taking this

ordinance, and putting the call out to our members, and say, you know, "If

you believe in public participation, then go to your council, and make a

statement on the record that they should enact this law."

So, anyway, that's me, that's how I got involved with this.

That's the Code for America Brigade, and we're definitely glad to be in this

conversation.

MR. LEIGHNINGER: Awesome; thank you.

We have a microphone. You have three minutes each. Go

on for nine hours; we'll all fall asleep. No, it's difficult. You know, this is a

meeting designed to launch a publication, and it's difficult, of course, in

this kind of format, to have the depth of the conversation I think we want to

have now, and we would like to have about both what the publication is,

and, also, kind of the implications -- how it can be used, adapted, the considerations that went into making it -- all those things we'd love to talk about more.

We'll try to do, over the next 45 minutes here, as much as we can. And we promise not to fall asleep. We do have a microphone, and we'd love to have both questions and, also, comments.

And then, also, after that, we're going to carve out some time at the end, because I know there's some associations who have been part of this, and who want to also help kind of continue this conversation.

So, I think -- I know ICMA, IAP2, NCCD, and I think there may be others that are represented here. I want to make sure we have some time for people to say, "Here's what we think is the next piece of work that needs to be done on this, and here's what we're going to try to do, and please join us."

But for right now, let's start with some comments and questions.

And so maybe Jim, right here, up front.

QUESTIONER: (inaudible) what do you think of surveys as a vehicle for public participation? So, recently, Silicon Valley has invested a fair amount of venture capital money and one company is (inaudible) Education, which is trying to create surveys to -- parental feedback, and teacher feedback, and student feedback.

MR. LEIGHNINGER: Yeah, got to be in the mic. Question is surveys as a method for participation.

QUESTIONER: And actually, a lot of -- I know school systems best -- are using them, but they tend to degenerate into push/pulls -- advocacy pulls. It's very hard to fill the vision as a meaningful (inaudible) very appealing in the abstract.

So, I don't know what you think of the idea in general, but then, also, how could you implement that as a new technology? It's much less expensive to do surveys. And you get all sorts of amazing things, and you get less biased feedback, too, because there's so much intimidation in a public school meeting, when they're asking for participation (inaudible).

So, anyway, there's a whole bunch of issues. It solves the intimidation problem. You have a more representative survey. But, on the hand, it's really easy to bias these things. And driving it all is the fact that the economics of doing the surveys has just dramatically changed in the last few years, so why not be taking better advantage of them? Silicon Valley certainly has that idea.

MR. LEIGHNINGER: Yep. Mike -- or who --

MR. CURRY: Well, I think surveys are an important part, and local governments use those. I think sometimes their technology's a little dated, and so it's more costly.

I think a critical thing with the surveys, though, is recognizing whether it's a survey or some other online approach how you integrate that with a face-to-face discussion. I think sometimes, there's a temptation just to rely on one mode.

But surveys, I think, are a very important way of having some way of statistically knowing what's going on, and identifying some of the issues and concerns.

MS. AMSLER: Another example -- Menlo Park, I think, used surveys as part of a combined online and in-person approach to participatory budgeting, I believe.

And what they did was, they were not simply collecting opinions -- are you satisfied? Are you unsatisfied? They were collecting information about, "Okay, we've got this much money. How would you distribute it?"

And then you can actually give a picture of what the budget would look like from the public.

MR. HUGGINS: Yeah. I guess I would say, surveys are terrific, and, like so many other participation methods, they have their own strengths and weaknesses. And I guess a weakness, when you're thinking about some of the wicked problems that local governments face is the fact that, in a survey, you don't get those people talking to each other.

You know, so you never create kind of the -- or it's harder to

create the kind of consensus you might want to actually have some kind of broadly supportive policy.

And I think part of the hope for this ordinance and this whole idea here is to create that kind of conversation about the long-term engagement plan like Mike was talking about. You know, because so often, what happens is, some kind of local leader -- or somebody says, "Yeah, we need to get participation in X," and then they pick one single thing -- let's have a survey, or, let's just have a dialogue, or, let's just have this big meeting.

You know, where in most cases, what they really need is some combination of them, because they all have their different strengths and weaknesses. And so if you have a plan, and you're not kind of lurching from one method, one app, one format to the next -- if you have some kind of, you know, structured plan for how you do engagement, and for what kind of purposes and what situations, then I think it's more likely you get that kind of good mix, as opposed to one single thing which may not meet the needs.

MR. CURRY: Some of the concerns about the dialogue -- there are technological and process fixes for that. If you use a survey tool that allows comments or that creates an email forum so people can then talk to each other afterwards -- that could potentially be fixed through technology pretty easily.

MR. HUGGINS: That's true. Absolutely.

QUESTIONER: (off mic).

MR. LEIGHNINGER: Yes. Okay, yes. And maybe go to Charlie in the back there. And say who you are -- sorry.

MR. WISOFF: I'm Charlie Wisoff. I'm a Research Assistant with the Kettering Foundation -- who researches much of this type of thing.

I have two questions about things that were mentioned during the presentations -- specific choices you made. And you can address either/or if you would like.

You mentioned that you were not focusing on federal law, and I was wondering why exactly that choice was made, considering there have been federal laws that have mandated participation. I'm thinking specifically of the Equal Opportunity Act and the maximum feasible participation requirement.

And then the second question, which is somewhat related, is about the choice not to mandate it, but to make it a possibility, and open up, rather than providing money or saying, "You should do it like this."

Thank you.

MR. LEIGHNINGER: Two little questions.

MS. AMSLER: So, you mandate something to elected officials at the local government level, and you don't fund it -- they go crazy. It won't go anywhere. And their elected state officials in the state

legislature won't pass it. So, we don't really have a choice about mandates, politically.

With respect to maximum feasible participation, I think Moynahan wrote a book on its failure as an approach. It was repealed because it was an unfunded mandate. Many federal grant programs don't allow states to spend the money that they're getting on public participation. This is an unresolved problem.

As for why we started at the local level, it seemed, at the time, that there was critical mass among the various membership organizations that were part of the team, to attack the problem there.

There was a working group that grew out of strengthening our nation's democracy, which was a conference both in 2008 and then, again, 2010, that drafted a potential Executive Order, along similar lines. And although it wasn't used, some of the thinking that went into it became part of President Obama's memorandum on open and transparent government -- the executive memorandum that was signed his first full day in office, in 2009. So, it became absorbed into the Open Government Initiative and Directive.

We do need a federal statute. And we're still working.

MR. LEIGHNINGER: Go ahead.

MR. GRANT: David Grant, Common Law Productions.

All well and good, but what about going to not just upstream,

but to the source? I notice Lisa's background in Ancient Greece, and

Matt's connection with the New Democracy Foundation in Australia.

I, like Kevin, will not put myself -- and never will put myself --

on the auction block of electoral campaigning. How about a two-legged

democracy, as in the first democracy in Ancient Greece -- which is to say,

the legislative body itself be as James Madison said -- an exact transcript

of the population at large. Then all of this is moot.

If you have a legislature which is truly representative of all

the people -- which is including those of us who will not stand for election,

those of us who are not having the time and money to be volunteering for

public participation as you're suggesting -- but, rather, are actually in that

policy-making body, using voting in the policy-making body, but not as the

legislature itself.

That would be like the jury system -- chosen at random, by

lot, through sortition. That seems to me going to the source.

MR. LEIGHNINGER: Kevin, anybody?

MR. HUGGINS: I mean, to me, kind of this -- like this

discussion about the surveys. I think representative sample models are

useful as a part of the picture -- and maybe more useful in certain settings

and certain issues than others. I don't think they're ever the whole picture

-- you know, that there's just not the popular support.

However meticulously crafted this public is, if you're only

working with this very mini-public, and there's not an opportunity for other people to participate, then it doesn't usually have the political weight, you know.

However, if you have other ways that are easy -- you mentioned how difficult it is for people to participate -- I think part of the question here is, how do we make it easier and more gratifying for people to participate? And if you have that broader base of engagement, then I think there's more support and more possibility for random sample or other kinds of sortition.

MR. CURRY: Okay, so --

MR. HUGGINS: Now you're ready? Is this what --

MR. CURRY: Yeah, yeah. Now I'm ready.

So, you talk about making it easier. And actually, I think about incentives, right? So, how do we incentive people to participate more?

So, my biggest barrier to entry is not so much the law -- but it's apathy. And so what we're trying to do is motivate people to participate where they already can. Now there are a ton of barriers to that. I don't want to go to a basement room for a meeting on a Tuesday at 2:00 in the afternoon halfway across town in order to participate. Actually, I should be able to participate online in some way.

And there are legal barriers to that, when you talk about, you

know, can more than one city councilor comment on it, and have it not be, like, a public meeting all of a sudden?

So, I don't know if we're going to be able to change the way our legislature is made up, but I would be a lot happier if we could incentivize and motivate for people to participate where they already have that ability to do so, and they're just not.

MS. AMSLER: Just one last comment -- there are some nascent models that would begin to touch on what you're talking about.

California has a grand jury system, for example, where people are selected not to be in a courtroom, but to actually look at a policy problem in a municipality, and investigate and report out.

There are kinds of consensus councils that have been used in Australia, that are embedded in Denmark, where you pick a random sample of the electorate, and they deliberate on a policy issue, and issue a report that then shapes policy in the legislature.

So, there's the beginning of this, but nothing as grand as a bigger direct democracy.

MR. LEIGHNINGER: Oregon Citizens Initiative Review is another example.

Go ahead.

MS. HEIMBROCK: Thank you. Actually, we may have a two-fer question, because I think Abby also had a question. I'm Sydney

Heimbrock. I'm with the Office of Personnel Management. And I actually

was hoping you could comment.

You've tended to focus on the legislative policy-making

process, and I was hoping you could comment on the executive policy and

program design process -- and how to enable improved participation in

that, because one of the things we're trying to do is expand the universe of

people that executive branch program leadership and managers have

access to, as they do this critical step of actually designing how policies

will be implemented -- which is, of course, how citizens experience it.

MR. LEIGHNINGER: All right.

QUESTIONER: I'll decline to --

MS. HEIMBROCK: Okay.

QUESTIONER: Thank you.

MR. LEIGHNINGER: She gives you her three minutes.

QUESTIONER: In all fairness.

MR. LEIGHNINGER: Go ahead.

MS. AMSLER: Yeah. So, the draft state statute is intended

to encompass both executive branch agencies and local government.

Because of the variation across the states, it's sort of open-ended,

because not all Freedom of Information Acts or Government in the

Sunshine Acts are written in the same way, and some may diverge, as

opposed to treating the state executive branch agencies and the local

government entity in the same way.

But the notion is, in the model state statute, that there would be a mandate for executive branch agencies. They would be given the same definition, the same open door, a mandate to develop a policy, and a mandate to appoint a public participation specialist, and then cover -- politically or from litigation -- by committing the choice of process to that agency's discretion.

So, we have been talking mostly about local government level, but the draft also covers executive branch agencies at the state government level.

MR. LEIGHNINGER: Yeah, go ahead.

MR. ALTMAN: Hi. I'm Fred Altman. I'm retired -- got a couple of questions.

The first is really naïve. The ordinance sounds like God, Mother, and apple pie, and everybody should be for it. Where is the pushback? What resistance are you running into?

And the second is, at Brookings, there's a Metropolitan Studies group, and they've come out with a book on metropolitan revolution, which indicates much of the power is now moving towards the cities. And I would think what you're talking about would really be relevant for that program. Are you already of it? And do you have any comments?

MR. LEIGHNINGER: Talk about our pushbacks, anybody?

MR. CURRY: Well, I think one of the pushbacks at the local level is that -- I would say the dominant view of most local administrators and managers is, public participation is a giant pain in the butt.

And when you do it, there are four things that can happen, and three of them are bad -- you know, that type of notion, because of their experiences.

So, I think one of the pushbacks is from a local government perspective -- from the executive or the CEO's perspective -- there's a cost of doing this. There are all sorts of potential negatives in doing so, so there's going to be at least inertia, if not resistance, to taking on yet another task in this world of declining revenues and growing demand.

So, the biggest pushback, quite frankly, I think, will come from local managers that are already juggling a dozen things -- and say, "Okay, now you want me to do this, too" type of thing.

That's why I think, from my perspective, saying that this is a public good, that participation is not just incidental to the street project, and the budget, and the parks, and all that. It's not just incidental, but it is essential good for the welfare of the community -- kind of reframes how managers can think about it.

MR. HUGGINS: Yeah, I think a weakness of this ordinance and the act -- and probably a necessary weakness -- is that it continues to treat participation as a government responsibility. And that's, I think, an

assumption we have to get beyond. Participation is a public value. It

needs to be supported by a range of organizations in the community.

If you're creating a plan -- and we're hoping that this model

ordinance, if nothing else, creates that conversation among these different

kinds of leaders -- public, nonprofit, private sector, you know, faith

community -- about participation. What kind of participation do we want?

And then, after that, how are we all going to support it -- and

from our various organizations (inaudible).

And then, after that, what should our law be, or what should

our policy be, or who's going to be the specialist, or whatever.

Because otherwise, it's true -- you're up against a level of

frustration and kind of shellshock among local officials. I mean, if you

think that the levels of public trust in public officials are low, start

interviewing public officials about their trust for their constituents. And

believe me, it's even lower.

And you can understand why. I mean, people are subjected

to an endless series of terrible formats for participation, in which people

yell at them.

So, it's understandable that this is, in fact, not an intellectual

issue for a local government; it's an emotional issue. And you have to

kind of get beyond that, and, in many cases, exemplify what good

participation could look like, before people will begin to say, "All right, I'm

going to no longer treat this as kind of something I have to do, you know, in order to just kind of satisfy the law. This is something that I could actually get something out of. And at least I can get people not to yell at me anymore."

Kevin, did you want to add to that?

MR. CURRY: Well, it's something that I struggle to understand, because, you know, they're only going to get more of the bad with the status quo. And so we present them options. The option is to have no public participation; that will go nowhere, right? That's not a democracy.

And so why hold onto this old system that you hate, when we're offering, okay, let's bring more people into the process.

The best way that I can deal with a troll on a forum is to bring him into a public space, and let him participate.

And the other thing is that, like, you know, this -- I hate that notion of us and them, when it comes -- there's no such thing called "the government," right? It's "we the people," right? So, it's ours, and so we need to make it a more positive experience, and invite, you know, just sort of normal, everyday, rational people, and make it easy for them, make it fun for them, even.

Otherwise, you're just going to get more of the status quo, where you have nothing but trolls. And we need to fix that.

MS. AMSLER: Just want to be responsive to the point about the book, which I would love to see -- and, honestly, I confess, I haven't read.

There has been a recent survey commissioned by the Irvine Foundation in California that went out both to public officials about public engagement, and, also, went out to all the civic leaders who are not in government -- two different versions of it. It's available, downloadable online. Fascinating about people's experiences.

There's also -- the Knight Foundation has been funding this notion of building platforms for collaboration across nonprofits, private sector, the government, at the local government level. We've been talking mostly about the individual participant. And although we've used the word "citizen," we mean to include residents, whether or not they have citizenship -- but to address this power shift.

You really need more collaborative governance that includes the residents, the citizens, and these other organized entities on some sort of a platform.

MS. TRIM: Hi. I'm Ashley Trim. I'm with the Davenport Institute at Pepperdine, and we worked on that Irvine Foundation survey.

And one of the things that -- I was thinking about this when the question came earlier about why not mandate -- and I think that's one of the things, is, you do have a lot of local governments that don't

necessarily have the trust in residents, but who are open to trying things.

One of the things that that survey found is that local officials are interested in increasing public participation, but not necessarily for every issue. And so I think taking down that first barrier and saying, "Okay, so for the issues that we realize the three minutes at a microphone is really not working, how can we open that door?"

And one of the ways that I was sort of bringing people into the room -- my question, sort of as a followup on that is, as you're moving into the online area, and having more online engagement on the one hand, and then trying to connect that with face-to-face interaction and meetings, and you're drawing probably two very different audiences into the city hall, versus the online -- is, are there ways -- and this might be moving ahead to sort of next steps, so sorry if I'm getting ahead of us -- but are there ways of integrating those comments so that the people who are engaging online and the people who are coming to the face-to-face are engaging with each other, as well as just both presenting their viewpoints to the governing officials?

MR. LEIGHNINGER: Go ahead.

MR. HUGGINS: Well, I think a critical thing about the local ordinance -- the short answer is no. I don't know that there's a, you know, clearer "here's the cookbook" approach to it -- although there are ways that it works.

But I think the critical thing is allowing local governments the ability to move in that direction and to figure it out, as opposed to feeling like they're stopped, that the law is keeping them from doing that.

MR. LEIGHNINGER: Yeah. I think one of our principles is that the potential, the combination of online and face-to-face -- which I think all of us who are practitioners are really interested in -- the problem has been, for a variety of reasons, that those two types of innovation have mostly kind of developed along separate paths.

And so I think as a field, this is a big question that Sandy and IAP -- a lot of us who work in this are trying to kind of figure out. I know you are, as well -- of kind of, how do you create more models that include the best of both?

And I think there's some emerging, and as part of this thing that Carol and I have been involved in -- the national dialogue on mental health -- we're hatching a whole new one, which is for tax-supported dialogue among young people. But that's a tremendous source of possibility.

I also want to say just -- the earlier part of your comment -- I think that it's true that there is an appetite for this. And, in fact, when Bill Barnes from NLC, back there, did a survey a couple of years ago of local officials about public engagement, one of the questions asked was, what are the biggest barriers to you doing this -- or do more public

participation?

And I think I was expecting the answer to be cost -- or at least, you know, staff time to be the top answer. And it was, like, sixth. I mean, it was down near the bottom. And the thing that was at the top was training -- or lack of funding, lack of understanding of what the models are, what the possibilities are, and how do we actually use them?

Yeah. Do you want to go? Then we'll go to Carolyn.

MS. AMSLER: Yeah, just one last thing. There's a great book out of MIT Press in 2012 on connected democracy that looks at combining online and in-person engagement, and talks about the importance of authentic democratic intention and, also, evaluation and research built into the design.

And this is just a plug for anyone in the room in position to fund that work -- we need it.

MR. LEIGHNINGER: We'll be passing the hat.

DR. LUKENSMEYER: Carolyn Lukensmeyer, the National Institute for Civil Discourse.

First of all, congratulations. I know how much work has gone into this, and this is a real milestone.

Just something that's occurred to me, given just who you are as a panel, as a possible, very definable project as a next step that could both mean something to a community and be researched.

Mike is a city official who's understood the importance of this forever. We all agree that an empowered citizenry is what we want.

You have all spoken about most of the face-to-face participation innovation has kind of grown up separately from the online, which is mostly focused on transparency and improved services -- whereas the other side is a lot focused on decision-making, on policy and budgets.

What a fantastic thing to do -- find one, two, three communities that adopt the piece of legislation, has a couple of enlightened public officials who know how to use it, and connect it to some communities where you have Brigades that are already operating -- so that we actually could be in a community where the public entity calls for this, has some history relative to face-to-face participation, brings in a whole different layer of it with citizens who want to connect that way.

And that, I think, is what would take forward the kind of question about, how do we actually end up with an empowered citizenry that crosses generations, that crosses the digital divide, and deals not just with transparency and services, or not just with policy and budget decisions, but really could be a holistic approach.

MR. LEIGHNINGER: Terrific. And let me just -- partly because I want to make sure we get some things in -- that's a terrific idea for a way to move forward with this. I know there's some others, and I

know there are some organizations or associations in the room that have interests in carrying this forward.

So, I just want to kind of put an opening for Sandy, and I know Doug -- there's Doug -- and I know Mike, on behalf of ICMA, to say a little bit more about the interests of your associations, and kind of going forward -- those kinds of ideas are other ways one could kind of take this work forward.

And so we need a mic. Either of you want to talk, or --

MR. SARNO: Hi. Doug Sarno -- I'm here representing IAP2.

And, first of all, I just want to say, great; we fully support everything you're doing. I love the principle-centered nature of the governance piece you're putting together -- because that's really what's missing for a lot of this. You all mentioned it, and we've been fighting this for years, in terms of, what's the real intent? Are we just trying to check a box and move along, or are we really trying to engage people in substantive, you know, decision-making?

Our focus is on process. I think Mike hit the nail on the head. This is all about good governance. It's all about good decision-making. How do we build the right processes? How do we pull the tools and the technology into those things -- not make them replacements for a good process, but build into -- process how that works.

And so we stand ready to support this process in any way

you want. We'd like to bring to bear our -- we got resources all over the

country, strong practitioners all over the country that would love to

volunteer, and get engaged, and get involved. So, whatever's next, we'd

like to be part of it. We'd love to support it.

MR. LEIGHNINGER: Awesome.

MS. HEIERBACHER: Okay, I'll go next. I'm Sandy

Heierbacher with NCDD, which is the National Coalition for Dialogue and

Deliberation.

And I represent a couple thousand people, mostly in the

U.S., who are innovators in this kind of space -- so lots of facilitators. At

least three of you four are members of NCDD, so we'll have to get you

afterwards, but --

QUESTIONER: (off mic).

MS. HEIERBACHER: But I guess wanted to say that -- and

we're part of the working group, and really proud to be part of it -- super

supportive of it and excited about what is possible.

I guess I just wanted to say that we represent a community

of professionals who are underutilized by government, and this is an

opportunity to make that change. I'm sorry; that just came into my head at

that moment.

But they work outside of government, and despite

government, you know. And we need to have them work in collaboration

with government. Some of our members have actually worked with local government to change their policies already.

So, one of the things we've like to do is see who has done that. You know, Portland's public engagement policies, and Austin's, and others -- and how does this blend in with what innovations have been happening in those communities?

But I'm ready to really push this with our members, and see lots of people use it. And I also would like to just make sure that it rolls out in a way that is energizing and motivates public officials to embrace public participation. And I think it's great that there's no mandate. This isn't even about, this is a set of principles and set ordinances that you have to pass. It's not about that; it's about having a conversation in your community to figure out what's best for your town or your city.

So, yeah, kudos. I'm really excited -- and that's it for me.

MR. LEIGHNINGER: Excellent. Hear from Mike, and then back to Chris, maybe, in the back.

Mr. HUGGINS: Just very briefly, for ICMA -- the city/county management association -- just launched a fourth area of leading practice. They established a Center for Management Strategies. Here, a couple of years ago, a former Manager, Cheryl Hilbert, is Director of that -- and just launched the civic engagement component of that here, officially, really, with their conference.

They've identified a number of service providers, one of which is IAP2. And really looking at the issue of how to work with local managers to build that structure -- you know, how to find different ways, from the manager's perspective and the charges they have -- how do they build that participation in there?

So, that's just really rolling out now with ICMA. And one of the challenges will be, you know, with its 9,000, 10,000 members of, to a certain extent, people that are trained to be problem solvers, and you solve your problems by kind of controlling the problem, and move away from controlling the outcomes to trusting the process.

And I think that's where it's going to be very critical to draw in practitioners -- you know, NCDD and IAP2 -- and get them in relationships with local managers.

MR. LEIGHNINGER: Great. There, in the back -- sorry.

And then you -- sorry.

QUESTIONER: Hi. I'm Chris Burendess with Netilus. And I've also recently done some work with America Speaks, which I'll touch on.

To me, this is a lot like talking about exercise. We know we should do it, and we're all here exercise enthusiasts, right? But there are two things about that.

One is, there are different kinds of exercise. There are

different kinds of participation, different methods, process, different outcomes.

And two, you still need incentives.

So, 14 years ago, after having been in shape, but not really much, I started running three times a week, because I wanted to keep up with my nephew when I was skiing, okay? That was a real, tangible thing that got me off my duff.

Recently, I started yoga, which is very different. My running doesn't help me at all, because I can't bend anymore. Okay.

So, going now to the public good and what this has to do with public participation -- and motivation, as well -- recently, working with America Speaks, I had a chance to talk to some of their former clients -- design firms that had retained them for participation work in formal conversations that essentially went like this:

"Gosh, you guys, you're happy with us. You dropped a lot of money on us. What'd you get?" And in one case, the answer was, "Well, we were researching various design alternatives for a small area plan. We had four design tracks we were pursuing. Thanks to the participation process, we could drop two of them -- saving $150,000 in a month and a half of design time."

Okay, that's fun. Another was one a similar kind of thing where a PR person approached the firm and said, "We want to work more

with you, because we find when we use you or similar processes to build larger projects" -- they'd work with universities and so forth -- "we find that the project goes better after it's built, because we have more community goodwill."

Not quite as tangible, but my question to you -- but this is background -- is, what kinds of concrete incentives do you see for cities, localities to actually do this stuff?

In other words, what is the counterpart of my being able to outski my newphew? That really motivates people.

MR. LEIGHNINGER: Awesome.

QUESTIONER: One thing -- and it gets very important in all of this -- is that when the ordinary person, the everyday person participates, they see some connection from that in the outcome. It doesn't have to be exactly the decision they want, but they have to see that connection.

Same way with exercise. I mean, when you run three times a week or you exercise, you see some change. You see some result. I think in the participation part with local government, people that are very reluctant to participate because they've been there before, talking; nothing's happened -- they want to get some sense that their time spent is having an outcome.

The real core to the principles, the values I think we see in

participation. And that's the challenge I think that local government has --

is, how do you work with the members of the community so they're

working on something they really care about, and they see some impact --

they see some type of action? Doesn't have to be a big one, but they

have to see some type of change that took place.

And that, to me, is probably the bottom line for local

government being more effective in this.

MS. AMSLER: And you need to document it. So, the

problem is, we don't have funding for public engagement, let alone

research and documentation of what happens as a result of public

engagement.

I mean, it's an under-researched area, and human nature

and the training of the people commissioning these processes is such that

they need that kind of documentation for political cover.

I mean, my background -- first got into empirical work in

collaboration with the United States Postal Service, which was adopting a

mediation program for the first time, for employment disputes. And started

in '94. In '97, we're presenting the first pilot data to the Postmaster

General and the Management Committee.

They're all MBAs, and what they want is numbers. And we

had some numbers. And the Postmaster General, Marvin Runyon, at the

end of the meeting, said, "Sounds like a good program" -- which was in 25

cities at that point -- "Think we should go national. I want a plan on my desk by Monday."

But it was because there were some tangible, objective evidence that they could use. And I don't know how we get people to fund this.

Mr. HUGGINS: Well, we do have some numbers. I mean, you know, it's been a weakness, but we have, over time, accumulated some. And even though I'm actually not a researcher -- I just play one on TV -- I did, a couple of years ago -- or last year, I think -- I went through a whole bunch of different evaluations of public (inaudible) processes, and picked out some numbers.

And so as a result of participation in this project, 76 percent of the people contacted their member of Congress, or, you know, 25 percent or more action ideas are people's sense of empower -- you know. So, it just kind of picked out numbers.

And, you know, it wasn't that hard to kind of come up with a bunch of numbers, from the small, minority of efforts which actually have this research, but as -- it became a fairly compelling picture. And it's actually on the DDC site, if you want -- it's called *Deliberation by the Numbers* -- but more of that kind of cross -- you know, taking more advantage of the research we do have and the numbers we do have, because I think probably it's a good idea.

MS. AMSLER: But, also, building it in at the place where the engagements happen.

MR. HUGGINS: Yes, that's true. That's true.

MR. CURRY: So, she's been waiting very patiently, right?

MR. LEIGHNINGER: Oh, I'm sorry. Kevin, did -- and you're next.

MR. CURRY: On tangible outcomes, I suspect that there might be many thousands of tangible outcomes that, when you get down to it, are the result of better public participation. So, I want there to be a realtime mobile bus app in Hampton Roads, because I know Hampton Roads Transit has that information. So, I need a participation process to enact that. I want it to be easier for small businesses -- you know, us to contract with the government.

So, there's this outcome that I'm after, for which having that greater, better public participation -- I want to be involved in how this street that runs through my neighborhood is designed. You know, is there going to be a bike lane?

So, there are thousands of tangible outcomes, I think, that are the result of better participation.

QUESTIONER: Thank you. My name is (inaudible), and I'm a surgeon scientist, but on a sabbatical this year, and looking to transition into health policy and public engagement.

So, my question is from the healthcare perspective. I mean, the people whose voice most need to be heard, but who don't even know that they actually have a voice -- do you have any experience or any suggestions on how to implement their engagement?

You know, that's the best way to capture a broader population base. And, also, in terms of incentivization -- you know, not just them, but, also, the public official -- can there be cloud-source funding, or venture capital, or something used? Maybe, like, oh, you come for half-an-hour face-to-face, you'll get a $20 gift card from Safeway or something like that. That might be more of an incentive, you know, for a poor person to participate in.

I'm just wondering --

MR. HUGGINS: I think, first of all, to begin with, the notion you have to actively seek out, you have to actively recruit people to participate in -- I think there are ways that have worked to incentivize that, but, many times, there's the tendency -- here's a meeting; come if you want -- and it pays no attention to whether people have access, whether they need childcare, whether they're working the night shift, or whatever.

So, I think when you do it at the local level, you really have to look at people that typically don't participate. Why don't they? And then actively seek those out.

Incentives -- you know, it may be online, it may be face-to-

face, it may be whatever, but I think many times, government doesn't do

that. We just -- here's the meeting; here's the time. Anybody can come.

Oh, didn't show up -- okay, guess they don't care.

MR. CURRY: You have to go where people are.

MR. HUGGINS: You have to go where they are.

MR. CURRY: Maybe the biggest incentive, I think, is people

like to have fun. People like to see each other, meet friends, you know,

eat food, enjoy music, and we -- in this country, in particular -- have kind of

pooled all the political stuff -- all the political life has to happen way over

here, and community life only happens over here.

I mean, we could go more into this, but people really want

more community life, as well. People want more community connection.

And when you talk about health -- I mean, that's a really interesting kind of

area of research. I didn't really know much about it until recently, but it is,

in fact, true that, when it comes to measures of health, social

connectedness is incredibly important -- as I'm sure you know?

I didn't realize that, apparently, kind of the top three causes

of premature death -- number three is obesity, number two is smoking,

number one is loneliness, you know.

And so we need to be thinking about participation and talking

about participation -- these more holistic ways, and the other kinds of --

talk about numbers and impacts -- those types of goals and things that

one can accomplish, in addition to, yes, I was able to effect the fact that

there's a new bike lane" -- you know, those kinds of things -- which is a tall

order, because it's a really huge scale here.

But once you kind of -- if we can advocate more on those

terms, and go where people are, and create these settings in their both

community life and political life, then you can have a much broader base

of people, diversity of people involved. And the benefits, of course, will

also be greater.

QUESTIONER: And crowd-source funding? I mean, can we

use that? Is there a law for or against it?

MR. LEIGHNINGER: Crowd-sourced funding -- I'm looking

at you, Kevin.

MR. CURRY: Well, and my answer is yes. I heard her say,

"Is there a law why you can't?" And so I may be operating in a space of

blissful ignorance here, but, you know, my answers to those questions is,

"Yes, and just do it." Right?

So, we tend to go out and do things, and then we run into

barriers. We either try to find a way around them, or we take them down.

But, yeah, do it; definitely. Give it a try; innovate.

MS. AMSLER: From the legal standpoint, it's probably

easier to have the donations go into the community foundation than it is to

have them go into government, because of this question of bribe versus

donation.

But the other piece of bringing people in is, we typically talk about separation between church and state, but faith-based communities have been working in California with local government in the area of public engagement -- and that's a good place to find people in their own community.

MR. LEIGHNINGER: Absolutely. Right there, in the middle -- trying to figure out whose hand has been up the longest -- I'm not sure I could keep track.

QUESTIONER: Hello. I'm Alvarina. I'm actually from Singapore, so I traveled half across the world to come here -- really.

And one of the real reasons why I was here is because there is a Singapore management university who's going to collaborate with Brookings Institute, to form (inaudible).

And I was so excited, because I'm coming from a citizen's perspective. I own a company where we help organizations create meaningful impacts.

And what I'm curious about at the moment is that I'm from the world where the government's throwing money literally for active participation -- and we've got lots of grounds. We've got lots of funding and lots of incentives.

A lot of times, people are interested, but they don't know how

to access these funds. And I'm also noticing a good problem to have, where we have lots of mini, I guess, associations, or drives, or visions, but not one consolidated effort to really publicize what all of these many groups are doing. So, then it's like a lot of people are doing the same things sometimes.

So, my question is, is there a technological framework to actually help that right from the beginning. And I'm seeing Singapore as starting from the beginning at that point in time. That's one question.

The second question, as well as because of all of this funding, and because I'm just one of those crazy people who wants to change the world -- I'm also very interested in getting connected to or know more about associations in the United States who are already doing this as part of their work in the association organization.

So, thank you.

MR. CURRY: There was a City Camp in Singapore, actually, last year. So, there might be a community of people that you can connect to.

You know, in my experience, when you have lots of people around the country doing the same thing, and you have this overlap -- there's not so much a technological solution to that as an organizational one.

So, when we started the Brigades, there were civic

innovation labs all over the country. They're, you know, what we call civic

hackers or civic-minded technologists who like to work around the process

to solve things.

There were groups all over the country doing that, and it was

when we provided an organization through Code for America, that

connected them all together, that's when the real change and the real

leveling up happened. It wasn't really so much a technological solution; it

was, "Hey, we're going to stand on the mountain, and we're going to hold

up the light, and provide everybody"--and we told them, you know,

"Celebrate your local identity. You don't need to change who you are in

order to be a part of this network. We want to recognize the thing that

you're doing, where you live, and your contribution."

So, you know, be inclusive. Put up a big tent -- whatever

metaphor you want to use, but allow all those groups to come together

through one maybe meta organization. That's how the Brigade's been

successful in the United States and now, internationally.

MR. LEIGHNINGER: And it's a combination, then, of the

face-to-face and the online networking.

But I think another thing that's intriguing about this whole

question is mapping -- you know, in terms of online tools. I mean, the fact

that we have this capacity now through these cell phones with GPS stuff

built into them -- you know, the first, you know, set of this kind of mapping

tools or things like SeeClickFix will allow people to kind of identify potholes or graffiti, and there's a way of kind of funneling complaints to the right part of city government.

Then the next generation -- things like Public Stuff, I guess, and other groups like that -- allows people to find other problem solvers. You know, who else wants to help clean up the vacant lot of the corner of 6th and Main? You know, and then I think there's a level above that, where you may be able to kind of allow people to kind of stake their claim on particular kinds of projects, issues, things that they're doing that they want help with -- that may be beyond just the simple kind of problem solving, kind of street-cleanup kind of deal.

So, I think there's a lot of potential there for cities to kind of explore this -- to use those kinds of online tools that are pretty accessible now, that allow people to do a bunch of things, and really connect spatially with each other, and the problem and the challenges they see in their communities.

One other quick thing -- coming from across the world -- I mean, the other thing I think it's important for Americans to know is that there's an enormous amount of work that's happening in other countries, particularly in the Global South, on these issues.

And in fact, we may well be behind the curve. We think of ourselves as kind of the democratic, you know, ideal somehow, but, in

fact, I think Brazil and India, to name two, are ahead of us when it comes to democratic innovation -- not just participatory budgeting, but other kinds of things, as well. And especially with the legal infrastructure -- I mean, just your glimpse of Singapore may -- with just a little glimpse of, I think, a much more supportive infrastructure, sounds like, than what we have here.

So, we've got a lot to learn from other countries.

We've only got time for, like, one or two more, but I'm not sure who's had their hand up the longest. Maybe you in the back -- okay, yeah.

MS. van NOPPEN: Hi. My name is Aden van Noppen, and I'm with the White House Council on Strong Cities, Strong Communities. So, we work in distressed cities around the country. So, these are places where the biggest thing on the municipality's mind is saving money. And the fact that they're in serious financial distress -- and often cases, in real sort of crisis mode.

So, in those cities, I feel like it's all that much more important to have really meaningful public participation processes -- and especially sort of inclusive participation processes.

But making the argument is really hard. These aren't cities where there's necessarily money on the table to hire somebody and city hall to carry out this kind of work. So, making the argument around money

that's saved through these processes and sort of -- it's that much more efficient to engage the community, because you're going to have solutions that make more sense for the community. You're not as likely to waste money on things that are completely, like, sort of disconnected from the realities on the ground -- especially with real neighborhood-based sorts of interventions.

So, in terms of the incentives for cities to do this type of thing, is there work that's been done to document that specifically, to show that, for example, if you're trying to address public safety in a certain community, it makes a lot more sense to have the community members tell you where they need more streetlights, or what the actual intervention should look like -- which parks are actually the most dangerous -- and how that should be addressed.

So, anyway, I'm just wondering if that's been documented, either globally or in the U.S. We're trying to make this argument to the cities where we work, but it's hard unless we can really make it in that kind of financial savings type of, like --

MR. HUGGINS: Talk to Denise Ross in New Orleans about blight status. So, I mean, there's a perfect example of a city you're talking about -- the City of New Orleans has lots of blighted properties.

It was a dataset and a responsibility owned by the Sheriff's Department, just because they were considered public safety issues. And

they open that up. You know, there's a fellowship team that went down there, and they worked for Denise on this project.

And they opened that up. They made that date more accessible. They made it more attractive, even. It was available through smartphones. You can start making comments on it -- and they invited the public to get engaged in this conversation on blighted properties. What do we do with our blighted properties?

So, if you want to look for stories, and examples, and people to talk to, that's a good one -- Denise Ross in New Orleans.

MS. AMSLER: Yeah. And another place to look is the work of Archon Fung, who's at the Kennedy School at Harvard, and has done extensive work on community policing in Chicago.

MR. CURRY: Yeah. I mean, there's definitely a need for more and more of this. I already spend most of my waking hours writing stuff like that. So, I'm not sure how much more I can -- but, yes, I mean, we need more of this.

And part of it is not simply -- there's the argument about savings on government services, you know, or because of policies that are better-supported, or because information gathered from the community helps to make the policy smarter.

There's also the argument about contributions the community can make. And I think we're seeing more and more of that,

certainly in the online realm. I mean, you mentioned kind of like the bus schedule app in Hampton, you know.

From what I can tell, a whole lot of the bus schedule apps that are springing up in every city all over the country are being done by people outside government -- you know, all kinds of people who have, you know, at least a little bit of technological skill, doing these things that allow people to better able acces government services, will give improvements, those kinds of things.

So, there's lots of kind of the tech-related contributions that people are making, and, also, the good old-fashioned, you know, ways in which people contribute to problem solving. Pete Peterson, from Ashley Trim's organization, has written a great one about Hawaii.

But there's a lot of, you know, inspiring examples like that, which illustrate not only why this is beneficial as far as government services and savings in that sense, but, also, contributions that people can make.

QUESTIONER: What about self-interest for a public official -- getting reelected (inaudible).

MR. CURRY: Sure, it's very interesting. Yes, yes. What was it -- Brazilian public officials who have done participatory budgeting are 30 percent more likely to be reelected -- you know, there's some interesting data about these kinds of things on that -- but, again, not

enough -- but interesting data on that sense, as well.

MR. LEIGHNINGER: When are you kicking us out, Darrell?

Can we take another couple, or --

One more. All right. Right there -- you've been waiting

patiently.

DR. KULL: I'm Steven Kull, from the Program for Public

Consultation and Voice of the People.

We've developed a method we call policy-making

simulations, where we try to put people in the shoes of the policy-maker.

They get a briefing. They hear pro and con arguments, and we work with

Congressional staffers to participate in developing that, so that

everybody's really satisfied, all sides are heard; they're subjective.

So, both sides of the aisle get to weigh in -- and then we do

these with a representative sample so that people get to really hear -- but

with a national sample.

And we're working now to try to actually create legislation, to

create the National Academy for Public Consultation that will then have a

standing panel called the Citizen Cabinet, with a few hundred in every

Congressional district.

And we've been trying to sell this idea on the Hill. And it's

interesting that we've had about 16 meetings on the Hill, and we've had a

very positive response -- invariably positive.

And the thing that we find that they really like is the idea that the people -- you know, they get so much input that they find very rare and very -- you know, it's like, "Give me this. I want that. Don't do this." And it doesn't add up, you know. "Cut the deficit. Don't raise taxes. Don't cut spending." And it's like, what do you do with that, right?

So, the idea that people would be inside the policy-makers' shoes, and would have to create a budget, would have to deal with tradeoffs, have to take into account the pro and con arguments, so that they're dealing with scored options along the way.

That, they find really appealing. And they like the idea that if people come at them with that kind of raw opinion, they go, "Well, go do this process," you know, where you're -- go through the simulation. Get yourself in my shoes, and then get back to me.

They love that idea -- and that they would also be able to hear from their constituents -- a representative sample of their constituents in that way.

So, you know, there we are. You know, Congress moves really slow, but legislation has been written, and things are moving along.

And so I was really struck by that feeling that, you know, a lot of policy-makers don't like the idea of public engagement because of that rawness, but if you let them participate in developing the structure -- you know, their experience gets on the table, as well. Then they have a

really different response.

MR. HUGGINS: Yeah. I think having public officials, public employees be part of the conversations, rather than separate from them and waiting for the results -- absolutely, for all the reasons you mentioned -- and then the emotional reason -- because they get something out of giving people a chance to, as you say, walk a mile in their shoes.

And there's something that's very gratifying and compelling to me -- and more so, in my experience, than the numbers you might give them. It's those chances to help people realize the job that they do, the tough decisions they get faced with -- all those kinds of things.

MR. LEIGHNINGER: So, I know we're wrapping up here. Did you have any final -- okay. Thanks, everybody. Obviously, this conversation will continue. And thank you for being here today.

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I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

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