

## City of Boulder

### Public Participation Working Group

November 14, 2016

PPWG MEETING # 3

### SUMMARY

#### In Attendance

**PPWG Attendees:** Darvin Ayre, Michael Caplan, Carol Cogswell, Sean Collins, Ann Cooper, Sandra Diaz, Lisa Harris, Marjorie Larner, Claire Riley, Brady Robinson, Bill Shrum, Kristi Russell

**Members of the Public:** Susan Balint, Neal McBurnett, Tom Bassett, Lydia Reinig, Steve Pomerance

**City Council Representative:** Lisa Morzel

**City Staff:** Amanda Nag, Patrick von Keyserling, Sandra Llanes, Susan Richstone, Kathleen Bracke, Jay Sugnet, Steve Armstead

**CDR Facilitators:** Jonathan Bartsch and Taber Ward

#### Meeting #2 Summary

##### Public Comment

**Susan Balint:** Very happy with room structure and agenda with public comment at the beginning. Concern that there is no time for opposition representation in staff decision-making process. Need an argument against presentation – i.e. similar to a dissent opinion in court. Why weren't the public's opinions included in the final decisions? Public needs more input in the processes.

**Neal McBurnett:** Sent comments to PPWG email list on Friday. Please make a note of the cut-off time for public comment on the website so people know if their comments will be read prior to the next meeting.

People don't feel heard if their interests are not represented on council. There are dire consequences of people feeling underrepresented on Council. Need a more representative voting system. Must allow voters to themselves represent what issues they care about. Read through all the comments – many of them were things that people don't feel heard, no one comes to my neighborhood.

Agree with making this meeting open and it is a good idea to have public participation at beginning and end.

City of Cambridge does proportional representation on Council. This is a good example that Boulder could use.

**Tom Bassett:** It feels great to take part in local democracy. The voices of younger generation are not included or being heard. Would like to bridge the gap between generations and can contribute by using technology to serve the community and a way to communicate with neighbors.

### **Welcome and Introductions**

All attendees state their names.

### **Agenda Review**

The group reviews the agenda and is given an opportunity to modify or comment. The agenda lists the following topics:

- Public Comment
- Introductions and Agenda Review
- Review Open Meeting Law requirements and discuss methods and ideas for internal communication among PPWG member
- City Staff presentation on public engagement process
- Break and Public Engagement
- Boulder Neighborhood Summit
- Break-out groups to discuss subcommittee/ workgroup formation around topics.
- Agenda Suggestion
- Public Comment

\*No additions or changes to the November agenda.

Jonathan asks if the group has the flexibility to stay 15 minutes longer tonight. The majority of PPWG members agree to stay longer.

### **Discussion of Open Meeting Law and PPWG Internal Communication – City Attorney’s office, Sandra Llanes presents and Q&A**

If there are 3 or more members getting together, this constitutes a “local public body” discussing public business and the meeting needs to be notices and open to the public under state law and city code.

The PPWG is a working panel and this is its own animal. We want to be transparent and comply with Open Meeting Law. Look toward the Marijuana Advisory Group as an example. The best way forward is to comply with Open Meeting Law in terms of notice, meeting notes, communication protocols and public participation.

There is some gray area with PPWG because of the way the law defines 'a public body'; could argue that it is a local public body. City Attorney Office would feel uncomfortable with not following guidance from Open Meeting Law.

### **Subcommittee Discussion**

One option is subcommittee formation to get work done. Subcommittees are focused on particular topics. The process of subcommittees is: Discussion, recommendations to bigger panel, suggestions. Write down notes and distribute amongst subcommittee first, so notes are accurate, and then provided to bigger group, and then discussed.

Email: MJ group did not do work via email. Email is like a meeting without the public present. Work should be done out in the open and transparent.

Subcommittee meetings do not need to be noticed and no final decisions can be made and larger group vets notes. Notes to facilitator then facilitator to the bigger group.

Subcommittees – we are either going to follow the Open Meeting Law or not; make transparent and air on the side of caution.

PPWG Question: How does Open Meeting Law differ if there is a whole group 15 vs. 3 people in a subcommittee? Sandra: you are making recommendations as an overall charge of the group = formal action.

PPWG Statement: We need to look at what is and what could be...rather than take time now to debate this issue. Public comment issue is similar. We need to look at this for what should be done moving forward...

PPWG Question: Can we communicate online as a group? Sandra: This hasn't been addressed by the courts--so very difficult to address. Could be entering into a new area, lots of different electronic tools but this hasn't been tested in court. Just need to make sure the public is involved in that process--could become unwieldy.

PPWG: Recommendation to create a google site that anyone can get onto...all documents, everything. The bottom line is we want to know what each other knows/think. Current situation is suffocating...staff has great intent too but it is so hard to get stuff done.

PPWG: Maybe we are not meeting often enough. To me, a subcommittee is 4-5. I want to know what people are thinking in between meetings. If the whole group wants to talk, maybe we should have more meetings.

### **PPWG Proposals:**

1. Create a Google site that everyone can get on to; all comments/documents can be seen and shared.

2. Subcommittees – not advisory board but advising ourselves;

Starting solutions 1) public comments at meetings 2) individual work group to others 3) subcommittee meetings 4) public comments between monthly meetings 5) comments to work group staff

When PPWG members send emails to facilitators, the default will be that the emails get forwarded to the entire group unless indicated otherwise.

## City Presentations

Susan Richstone, Deputy Director for Planning, Department of Planning, Housing and Sustainability:

There are three general categories of projects we work on that include public engagement:

1. Planning and policy development / broad comprehensive plans
2. Development plans and review
3. Program design

Policy Development and large planning efforts such as the Comprehensive Plan, Area Plans or other planning efforts: In the case of policy development, Council is typically the decision maker and staff role is to provide information.

For the Comprehensive Plans or Area Plans: Extensive public involvement, usually offering various venues over the course of a project. Sometimes, as with the current BVCP update we have a committee of council and planning board members who advise on process and engagement.

Development plans: this is part of the regulatory process and code, e.g. Site review. The applicant has property interest with certain rights: general law, constitution and our code. Staff reviews the project based on code criteria/defined projects. Outreach is defined by the code--who we mail, etc. Public hearings are required. Staff in the review role and makes a recommendation based on defined criteria. The Planning Board is in a quasi-judicial role, and makes a decision based on criteria.

Program Design: Staff operates under city manager and council passes an ordinance (e.g. smart regs) where there is a defined set of stakeholders and also general public input. City is tasked with administrative process with public involvement component.

Q: Are there principals of engagement that you think about/mechanics decisions/processes?

A: Transparency – documenting process and website. This is very project specific. As part of the process we define the public input process.

Q: Is there something that would make the public involvement process better, easier, more effective? Is there a recommendation that would be helpful?

A: Public hearing process needs change – people are not happy with this process. How can we be effective in the process?

Q: Is there an assumption that citizens should have equal say? Citizens do not have the same role as a council member. Citizens feel frustrated that they don't have a seat at the table.

A: Folks in the community feel like they should have a stronger say. However, it depends on the nature of the project. Often, citywide goals need to be taken into account, and it isn't necessarily the voice of the adjacent property owner that needs to be considered. CGeneral Questions: What do you find that is working well and why? What is not working and the problem they are having the most and why? What would make a difference from a recommendation from the group?

[Kathleen Bracke, GO Boulder Manager – Transportation division – Great Options \(GO\) Boulder.](#)

In general there are lots of different types of outreach depending on scale. A few years ago we did a TMP update with lots of different partners and we found that different techniques worked well, i.e. interactive events/walking tours – we saw some success. We asked people what is working well and what isn't?

Pop up events and work on social media the last several years, more use with city initiatives--sometimes mixed results.

Corridor specific projects, like Canyon--joint with civic area process--more focused outreach along intersection. We also do outreach on behalf of our agency partners, i.e. some regional partners we just bring in--like RTD...to create a forum for the Boulder community to engage.

Folsom--Living Lab project along the corridor, a big learning lesson--lots of takeaways, learned a lot about the community and staff. We were updating the TMP and created the Living Lab program to test treatments throughout the city. Group rides/getting information back...test treatments in real world context about what was working/not and did it create more access/safety/etc.

On balance, it was working well to test smaller/more opportunistic locations. Always more clear in hindsight. This is a hard story to tell, hard for community and staff to go through it. We embarked using national example data. Overnight success stories were popping up and we got caught up in the national energy and hype -- if they can do it, why not try it here?

The biggest lesson was tailoring the engagement for what works in Boulder. Larger cities said short planning phase and the implementation phase is. However, when you think about the level of impact and magnitude of change, it was much higher for us along Folsom. We short-

changed the front end of the planning process. We took other models and applied but they didn't fit.

It wasn't the right fit from a process standpoint. It seemed okay on paper but did not feel right. How do we allow time to help people come in and be part of process and outcome?

We learned a lot of lessons on lots of levels. We typically get some feedback on projects--10s or 100s but we were getting emails by the 1000s. We had to go to standard response because we didn't have systems set up for that.

We need to have better systems in place to receive public comment and convey data more effectively? We had mountains of data but it didn't really translate to the actual outcome/process. We need to boil down to "why" we are doing projects. Helping the community draw back to community values and core organizational values.

Q: How do things get designed from the beginning? What would help me is to understand how the original public participation was designed?

A: Transportation Master Plan: very expensive – a lot of community outreach and engagement, done in house. Use the transportation process on the front end – this worked very well.

Q: Is there a recommendation that would be helpful?

A: Interactive recommendations would be very helpful – a recommendation around ways for interactive public participation would be great. Recognizing that everyone is busy.

### **Jay Sugnet, Senior Planner in Housing**

What works well, what doesn't work well – we do planning policy work in two areas:

1. Funding – priorities are set. Large public involvement component to plan. How do we decide where to spend this money. Group providing guidance on how to spend money
2. Home ownership – portfolio of homes that buyers can purchase – process and day to day decisions. As there are changes that City needs to make in program or applicant appeals go to a public group that helps make decisions

We have a mechanism in place and people who have bought in to process that was designed and they can participate.

Q: Are you saying that we should have advisory board for more processes?

A: Having political buy-in over time can be helpful to oversee and give support

Q: How much discretion do you have to do on different projects?

A: It depend on what the decision is/what you are trying to do. It is important to be clear the beginning.

Q: Could the public engagement process change and be tweaked at each process?

A: Yes, for the most part. What I tried to describe was the day to day decisions which does not include discretion and other larger projects allow a great deal of discretion. You want to be clear about when and how the community can give input and make decisions--being up front about that and clear is important.

Q: Are you familiar with any written policy out there that has a more global sense of how it relates to public participation? Do you or other departments have specific protocols about when to use public participation and when not to...it would be helpful if we could have written policies or core values in each department or as an org to help guide your decisions.

### **Steve Armstead, Planner in OSMP**

OSMP core value is learning and adapting. Some things work and some things don't

Bigger policies and plans set the future and how we go about it and doing the open space mission – for us it is important that we engage throughout the process, continuous engagement.

How we engage is through well-informed website, workshops, emails, public hearings and integrate recommendation. Seeking ideas across the community. For the North Trail Study Area Plan, it was important to get out on the ground and get feedback from there. Get out on site – staff goes out to trailheads. Unique and worked well for us. Youth engagement with Growing Up Boulder and Junior Rangers. Family event at Foothills nature center and had questions and feedback. Relied on getting information out on a web platform for community conversation because we had heard it was hard to attend public meetings – other ways to have communication and access into the community dialogue and issues. With web platform, you can't set the stage in the same way you can at a meeting. Engagement using web platforms can get hard to manage and stray from topics.

Comes down to the 3-5 minute public testimony – this becomes the focus and can drain energy because it is so positional.

Board –hosted North TSA and members attended each workshop. What does “hosting mean”? Engaging in the process? We recognized that this was valuable to have board involved from the start of the process to the end.

Engagement for on the ground programs and changes – trail/ regulation. People may not be clear on how something might affect them. For us, important to have community process – workshop, neighborhood meeting. Example was the evaluation of voice and site tag program

(dogs off leash) – ran a year-long process to engage community and look at a range of different ideas. What feels true to the community. Look at ideas to give that feedback.

Q: Voice and site program – how did public engagement look here?

A: public open houses, consistent feedback as we went through different ideas, traditional process  
Q: Were people happy? A: Still learning, just a year into the program, we think the solution addresses the interests of the process. Taking the time to have the incremental steps to learn and shape – time consuming – important not to rush the process and see how ideas are incorporated into a process

Q: Would it be helpful to have a one-year later follow up to see how things are working? A: I think this is hit and miss – we will with Voice and Site from monitoring and consider modifications. We haven't gone back and looked at trail changes with community to understand is this what we have all envisioned?  
Q: Would this make the public feel more empowered if it didn't feel like a done deal? A: Feedback loop could be helpful – process and substance.

Q: Same people all the time to public meetings?

A: YES – we have well-entrenched stakeholders. Challenge of how to keep reaching out broadly to see if they have an interest. Weekday vs. Weekend community meetings. People value face to face conversations and people can engage in the dialogue.

Q: How does a citizen understand how these Plans come together and why relevant and how they can get involved in the plan?

Q: Need a bridge between community and city – who is the right person and be engaged with both. Create groups and engage with both. Engage more diverse, not the usual suspects – have you seen a place where this has worked:

A: City of Golden and Portland – there are citizen classes where people can get this knowledge – a citizen crash course in 9-10 weeks. Activist training. Easily understood. People with different levels of understanding.

Q: This seems like a political process?

A: Oftentimes it is political – Staff need to be transparent. There is an intersection but it is critical that we stick to the process – dynamic between political and public process?

Q: What's not working and challenges? Does staff have anything to share re: building trust?

A: We try to make things really clear and transparent. It is hard to manage a LOT of feedback. Very difficult to make sure that there is a connection between feedback and outcomes. Biggest challenge is people not understanding why a certain decision was made.

## Proposed PPWG Sub-committee/Issues Discussion

1. Agenda/Framework
2. Collecting Input
  - a. Issues/options
  - b. Framework and Problem statements
3. "I don't feel heard"
  - a. What is not working
4. Demographics
  - a. Recording
  - b. Tracking
  - c. Are the participants reflective of community
5. System and Structure of Community Engagement
  - a. Scope and scale of change
  - b. Role definition
  - c. Level of Impact
  - d. Template for engagement
  - e. How to think about systems work
6. Education
  - a. Two and three-way
  - b. City and Staff
  - c. Public
  - d. "Wicked Problems"
7. Best Practices
  - a. Who is doing this well
  - b. Examples applied to Boulder
  - c. Cities/counties/agencies/private sector
8. Compliance with Open Meeting Laws
  - a. Public Comment
  - b. Internal communication strategies
  - c. Technology

9. Public Outreach

- a. Include Boards and Commissions
- b. Broad definition of public
- c. Questionnaires with targeted questions
- d. Action Items and Feedback on Draft Recommendations

10. META- focus

- a. Outreach and engage public
- b. Build system and create existing change
- c. This sub-group's charge may change each meeting based on what the group was "chewing on" that month.

11. Parking Lot of Ideas of additional ideas mentioned at previous meetings:

- a. Technology
- b. Principles of Good Public Participation
- c. PPWG Vision
- d. Process Advisory Committee

**Subcommittee formation:**

The first subcommittee was formed and approved by the entire PPWG. This subcommittee will research and propose ways for the PPWG members to communicate as a group and engage with public comment in between meetings while remaining in compliance with Open Meeting Laws and being transparent and open to the community members and public.

Initial subcommittee members are Michael Caplan, Brady Robinson and Sean Collins.

The group also asked for an additional PPWG Meeting prior to the December 12th PPWG meeting. Facilitators will send out a doodle poll to schedule this meeting.

**Public Comment:**

**Susan Balint:** PPWG is doing a good job.

What is happening, failure of transparency shows up in staff recommendations; not a mechanism why thoughts are being rejected; EIR/EA's group that discusses all the options, more neutral, do nothing and weight; not look at cumulative effects; purpose driven for an end goal versus an process

City doesn't recognize organizing principles – don't have a mechanism to do; address how impact were summarized and consequences; let's think outside the box.

Take NEPA/EA as a starting point – elements best; don't set up first public meeting with ideas; brainstorming; include all of the negative impacts of decision making, provide opportunity to expression dissent. Shows with idea and develop a framework.

Problem of public participation and being more inclusive, dealing with staff who don't understand.

Bridging gap and suggest that the work I've been doing fits in well to the work of the PPWG; I'd like to work with a group, technology is not only the solution; contribute to this community and group.

**Tom Bassett:** I really want to help and be part of the technical solution to these problems.