

ALL THE WORLD'S A STAGE: HOW TO CONDUCT A PRESERVATION COMMISSION MEETING

Editor's Note: Since first appearing in The Alliance Review in 1994, "How to Conduct a Preservation Commission Meeting" by preservation attorney and CAMP Counselor, James Reap, has become one of the most frequently requested articles. We are pleased to present it again by popular demand.

**THE DRAMA'S LAWS THE DRAMA'S PATRONS GIVE.
FOR WE THAT LIVE TO PLEASE, MUST PLEASE TO LIVE.**
- Samuel Johnson

If all meetings are theater, as George David Kieffer insists in his book, *The Strategy of Meetings*, then preservation commission members and their staffs must learn to be effective producers, directors, script writers, and actors to ensure their production is successful and their objectives are met. It is largely through the conduct of public meetings and hearings that a community's perception of the preservation commission is formed, and their public image will help determine their ultimate success or failure. It is also at these meetings that commissions may be most vulnerable to procedural missteps that may render their decisions, regardless of their merits, null and void when challenged in court.

Communication is essential in meetings and the "theater" can either enhance or undermine the verbal message. Everything we do communicates something—where we meet, how the room is arranged, what we wear, our tone of voice, body language, punctuality, attitude, what we give most attention to, and how we treat others. Since we can't eliminate these messages, we should turn them to our advantage. Think about the image you want to project and the impressions, such as disorganization and arbitrariness, you want to avoid. With proper preparation, active participation and attention to detail we can be effective communicators and accomplish our purposes within the requirements of the law.

Preparation

- Be familiar with your:
 - Laws, rules and procedures
 - State Constitution
 - Statutes
 - Local Ordinance
 - Commission's Bylaws
 - Rules of Procedure
 - Design Guidelines
- Take advantage of training opportunities
- Observe and critique meetings of other boards
- Evaluate your own performance in past meetings

In preparing for your role you need to be familiar with the laws, rules and procedures under which you operate. Know the relevant provisions of the state constitution and its statutes, the local ordinance, and the commission's bylaws, rules of procedure and design guidelines. Commissioners can learn from others by taking advantage of conferences and workshops on historic preservation law and commission operation. Observe and critique meetings of other boards such as planning and zoning commissions as well as other preservation commissions in other towns and cities. Commissioners can even evaluate performance by viewing a videotape of meetings and by surveying the audiences.

The Script: The Agenda

- Common items:
 - name of the group
 - title of the meeting
 - date, place, starting and ending times



Communication is essential
to hold things together.
Photo: Public Domain

- name of the chair
- items to be considered and persons responsible
- references to background materials
- Identify action items and list them first
- Identify items for discussion only
- Distribute the agenda ahead of time
- Go "on location" to view included properties

Every production needs a script, and yours is the agenda. A good agenda helps members come to the meeting prepared and stay focused. Some common elements include: the name of the group, title of the meeting, date, place, starting and ending times, the chair, items to be considered and those responsible, and references to background materials. It's helpful to identify those items that require action and those which are for discussion only. Action items are generally listed first, followed by other issues in order of their urgency. Distributing the agenda and background materials ahead of time helps participants learn their parts. Whenever possible, members should prepare by going "on location" to get a firsthand view of the properties which will be discussed in the meeting.

It's crucial to develop rules of procedure and supplement them with standardized parliamentary procedures such as *Robert's Rules of Order*. Like the agenda, the rules help the group remain in control of its own processes and eliminate confusion. Operating a meeting without them would be like playing baseball without rules. There is a danger, however, that misused parliamentary procedure can block creative thought and the interchange of ideas. The chair must make the right decision on the degree of formality required at any given time.



The room you choose can enhance communication or become a barrier.

Photo: Public Domain

Setting the Stage: Meeting Room

- Size—neither too big nor too small
- Proper lighting and sound
- Tape recording equipment
- Seating arrangement that enhances interaction

Set the stage properly. The room you choose can enhance communication or become a barrier. The space should be neither too big nor too small for the group, and everyone should be able to see and hear what's going on. Pay attention to proper lighting and sound. If possible, arrange for equipment to tape record the proceedings to ensure an adequate permanent record. Among other appropriate configurations, a semicircular arrangement for commission members facing others in attendance is conventional and promotes interaction.

The Leading Role: The Chair

- Know the rules
- Remain impartial
- Seek contributions from everyone
- Make certain minority views are expressed
- Clarify and summarize issues
- Separate facts from opinions
- Look for and diffuse emotional build-ups
- Never permit personal attacks or derogatory comments

The lead role in meetings belongs to the chair. As the production's moderator, his/her main job is to facilitate communication. To do this, the chair must know the rules and remain impartial. He/she should seek contributions from all participants, make certain

minority views are expressed, clarify and summarize issues, help separate facts from opinions and keep on the lookout for and diffuse emotional buildups. He/She should never permit personal attacks or derogatory comments.

The Curtain Rises: A Strong Opening

- Begin on time
- Start with the right attitude
- Project a sense of confidence
- Make sure you can be heard and understood
- Avoid jargon and acronyms
- Introduce key participants
- Summarize the process
- Invite audience participation
- Cover your legal requirements

When the curtain goes up, make sure you have a strong opening. Begin on time. This is the commission's first test of control and sends a message the meeting will be conducted in a businesslike manner. Start with the right attitude and project a sense of confidence. Your audience will be quick to pick up on nervousness or uncertainty. Make sure you can be heard and understood. Speak clearly and avoid using jargon and acronyms that require translation.



Set the stage by introducing
the cast of characters.
Photo: Public Domain

Set the stage by introducing the cast of characters. Summarize how the plot will unfold and invite audience participation. Be sure to cover your legal requirements for the record: note the presence of a quorum, determine if notice and advertisement requirements have been met, state the rules on conflict of interest, and approve the minutes of previous meetings. Now you're ready for the first act.

The Feature Presentation:

Considering Applications

- Allow applicants to:
 - present their case
 - rebut opposing case
- Allow others to express their views
- Hear staff presentations
- Listen carefully and ask questions
- Verify required documentation

Whether you're considering applications for designation or certificates of appropriateness, at a minimum, you must allow applicants to be heard, present their case, and rebut the opposing case. **Some states require witnesses to be sworn in and an opportunity to cross examine.** If so, these formalities must be observed. Allow others present to express their views and hear any staff presentations. Ask "experts" to describe their qualifications and take their testimony for what it is—just professional advice. Listen carefully and ask questions to make certain you understand the issues involved. Verify that all required documentation is in order.

- Discuss the application thoroughly
- Examine the facts and alternatives in terms of:
 - practicality
 - cost
 - effectiveness
 - enforceability
- Develop a consensus, then call for a vote
- Always try to achieve some consent

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- Reserve formality for times when:
 - there would be confusion without it
 - when action is needed for the record

After all views are heard, members should discuss the application thoroughly, examining the facts and alternatives in terms of practicality, cost, effectiveness and enforceability. It's here that strictly following *Robert's Rules of Order*—where the motion comes first and the discussion follows—can discourage consensus and allow a motion to pass before all issues have been considered. A more informal approach encourages collaboration and is less threatening than debate. The negotiated solution acceptable to all members may not be the first choice of any, but it should be something everyone can live with. Conflicts can often be resolved by finding common ground. Develop a consensus first, if possible, and then call for a vote. Always try to achieve some consent even if there is not unanimity. Reserve formality for times when there would be confusion without it and when action is needed for the record.

The Drama Builds

- Give reasons for your decision
- Summarize the evidence
- Recite the standards applied
- Stay clearly within your area of responsibility
- When review of applications is completed, move through the rest of your agenda

It is important for the commission to give reasons for each of its decisions, even if state law doesn't require it. Courts find it difficult to evaluate actions where no reasons are given, and they will not tolerate findings and conclusions good for any occasion. Members framing motions for approval or denial of an application (for a designation or a certificate of appropriateness) should summarize the evidence, recite the standards applied—using the language of the ordinance—and state why the commission is taking the action. In reaching decisions, always stay clearly within the area of responsibility described by your ordinance.



Avoid emotional escalation
as the drama builds.
Photo: Public Domain

When you have completed your action items, move through the remaining matters on the agenda.

The Final Curtain: Concluding the Meeting

- Summarize actions taken
- Inform participants what happens next in the process
- Thank all who have participated
- End on a positive note

As the final curtain approaches, members will have begun to turn off substantive discussion. Use the last few moments of a meeting to summarize actions taken and inform participants what happens next in the process and who must be involved. Thank all those who have participated. End like you began, on a positive note, leaving your audience with a favorable impression of the commission.

In the end, don't confuse theatre with showboating. If you watch the real meeting masters, they are smooth and subtle. It takes hard work and practice to run a good meeting, but the results in decisions sustained, good working relationships and a positive image in the community, are worth the effort.

Break a Leg!