



Interaction With Local Government

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A variety of choices are available to citizens who want to participate in decision making in their community. Many people who become involved in decision making or political action do so because they are interested in a particular issue.

Concern or interest often leads to involvement and learning by trial and error. Understanding your local government -- where to go, what to do, what you can expect -- can make interaction easier.

Following an Issue

How do you let local officials know about an issue or concern you have? The following guidelines can be helpful. They are not fool proof nor are they the only way to identify the most appropriate channels, strategies or approaches. You must find out what works for you. It's important to note that it is possible to select any approach at any time.

Background Information

Who do you contact about the issue or subject you are interested in? Find out who is responsible or has authority. You want a knowledgeable person who is cooperative and helpful. This may take a while. Don't be afraid that you will appear dumb or ignorant. If you knew what to do you wouldn't be asking questions. Be interested, but not aggressive. People may give you information "off the record". Remember to keep your sources confidential in those cases.

Staff

Find out whether the person you are dealing with has the power to act before you try to persuade him to support your case. You may have to move on to someone else. Some staff carry out policy but do not formulate it. There is often a fine line between policy making and implementing. However, staff members often are influential in persuading the officials in many cases so their role should not be overlooked.

Elected Officials

Access -- Get to know elected officials individually. Establish your credibility. But don't go overboard with contacts-- there are many demands on them already. To get their attention on an issue, use a variety of approaches, singly or in combina-

tion. Your choice should reflect your local situation and should be appropriate for the nature of your request. You may:

- write a letter;
- call them by phone (some states have toll-free access lines for officials in state houses);
- ask for a meeting;
- use an intermediary (someone who worked on the official's campaign);
- make use of the letter-to-the-editor space in your newspaper (all officials read them).

Action -- Asking elected officials how to proceed to solve your problem is usually a positive way to involve them. They often like to offer advice, show their expertise, respond to small requests or act as a go-between for citizens and agencies/staff. Only when they function in a quasi-judicial role, i.e. many land use decisions, are they expressly forbidden to have contact with proponents and opponents of the case.

Sometimes elected officials are reluctant to commit themselves in their responses. Initially an open mind on their part may be adequate. If they won't volunteer comments revealing their point of view, don't hesitate to ask directly. Then follow-up with additional questions to pinpoint their position.

Influence -- Working on appointed boards and committees gives you insight into process, access to information and a voice in policy formation. Ask to be considered for appointments either by officials who have discretionary appointment powers (mayors, county judges) or by staff in charge of keeping a file of qualified candidates. Detail your credentials and get on the list.

Here are additional strategies for taking part in your community's political process:

- get involved in the nominating and election process;
- ask questions and use a tape recorder at public meetings;
- work on the campaign of someone who shares your views;
- be a candidate yourself.

Committees

Information -- All committees (standing, citizen, ad hoc) have common features. They typically are specialized on a single issue or subject area, advisory, and the place where the real work on proposals takes place. This is especially true for the state legislature's committees.

As preliminary information, you need to know:

- which committee deals with the subject your concern relates to;
- who are the members of the committee and who is chair;
- which staff members are assigned to the committee as support;
- how often are the regular meetings, where the meetings are held and what notice provisions exist for unscheduled meetings;
- who prepares the agenda and how can you get on it; and
- are committee recommendations made directly to decision makers or is there another level of review.

If you have more time for background research, check each member's length of time in office as well as his constituency, geographic region and voting record on related or similar issues.

Action -- In your presentation to the committee, be clear about what you are asking them to do. You have a range of choices. You can:

- request a specific action;
- state the problem first;
- ask that the subject be studied; or
- explain the problem and drop it in their laps.

Most institutions move slowly and gradually. Drastic departures from policy take time. Making small changes over time increases the chance of policy maker acceptance.

Decide ahead of time what you want. You are almost always in a better position if you initiate and advocate a solution.

In technical or especially complex subjects, have some of the senior staff in the relevant department informally review your proposal. This achieves several objectives. Their trouble-shooting approach weeds out unworkable or weak areas and you end up with a stronger proposal. It also puts them on notice, thus eliminating the shock of something new. No one likes surprises. If you're lucky, they will become supportive while helping you shape the proposal. You have a better chance of getting committee approval if staff is not opposed.

There may be interest groups that have either not been involved in your deliberations or that emerge late in the debate. Their cooperation may be necessary to win the policy makers' approval. This may and often does improve the final solution. Few officials go out on a limb in support of a controversial subject. Give thought in advance to bargaining strategies, compromise solutions or fall-back positions. It is well worth these strategies if you can eliminate conflicts which polarize. Frequently the prize of a polarized controversy is inaction.

For a politically acceptable, but perhaps difficult-to-achieve, proposal choose a qualified speaker with status or one who is already known and respected by committee members. For major changes in policy you may need to use

additional strategies such as lobbying committee members in advance, turning out in numbers with a crowd of affected neighbors or marshalling full-spectrum political support.

For an effective presentation remember to be brief; be organized; provide background material; and follow up to review, reinforce, answer questions and negative arguments, and determine what else needs to be done to win each individual vote.

Councils/Boards/Courts

Presentations to the full assembly of elected officials generally need careful advance preparation. Some of the points made under the "Committee" section apply here as well. You need preliminary information on the members of the body, who is the chair, who among them has influence and who prepares the agenda. A courtesy call to the chair introducing your subject is of value.

Contacting all members of the body individually should be an important part of your strategy if you are lobbying for a specific proposal. Your immediate objective may vary from time to time from introducing the issue to emphasizing your point of view, checking if there are questions you can answer and asking for their support.

The structure of the meetings at this level tends to be more formal and often follows a customary pattern. In some cases, printed agendas (available before the meeting from the support staff) are prepared listing the sequence of action. Be familiar with the rules of testimony including speaking sequence, rebuttal and possible time limits. Be aware that hearings are often tape recorded and you may have to use a microphone to speak.

Always identify yourself before speaking. Do so by stating your name and place of residence. Your questions of fact (process, documents, information) should be addressed to the chair. Questions to members of the body are unusual, but can be granted by courtesy of the presiding officer. More commonly, members of the body ask you questions.

If you plan to submit supporting documents, have enough copies for all members plus one for each key staffer. At a minimum, have one dated copy for the record.

As a rule, no comments from the audience are taken during the debate and deliberations among the policy makers. This is a matter of protocol, however, it may not be followed by smaller, less experienced or more informally operating councils.

Decisions are final unless appealed within a specified time period. You may want to find out before a hearing what procedures are followed for appeals. You need to know:

- who is eligible to appeal;
 - what is the time limit for appeal;
 - what format should be followed for filing an appeal;
- and
- what are the reasons for granting an appeal.

You also need to know what type of hearing is used for appeals. Unless it is a de novo hearing, no new information can be admitted and the merits of the case rest on the material submitted previously.

Carefully select who will represent your group. Capable speakers with credentials or community prestige or a team approach representing diverse factions of the community are good choices, depending on your situation.

Your Presentation

There are three basic types of presentations:

- **informative** -- acquaint policy makers with the issue as you see it;
- **persuasive** -- encourage policy makers to see the issue your way; and
- **dissuasive** -- appeal to policy makers to change the direction they are taking with respect to the issue.

To Inform

Presentation in this way acquaints the body with the issue or increases their level of awareness about the problem. Expect your concern to be referred to a committee for action/recommendation. Perhaps you have already talked to the presiding officer about the likely choice of committee.

Your purpose in making a presentation is to get initial, tacit authorization from all members to

use time and resources on the issue. Besides, it signals the likelihood of future action.

To Persuade

If the subject has been reviewed by staff and committee and recommendations for specific action have been made, you might use this approach. Your presentation should highlight the issue, stressing the best points and clearing up ambiguities. Address previous criticisms if you can defuse a potential "no" vote.

To Dissuade

If you undertake a presentation with the goal to dissuade a group of officials from a pending action, recognize the difficulty of success. Your decision to use a rational attack or an emotional appeal should be dictated by your strategy, your assessment of your audience and your likelihood of a favorable decision. You may want to poll members of the

body ahead of time to detect their commitments.

A well-documented, well-researched approach detailing undebatable flaws or obvious shortcomings scores points with people who are persuaded by facts. Don't forget that political "facts of life" enter into the final decision as well. It helps if those are in support of your view.

An aggressive, strong attack using emotional appeals filled with rhetoric to rally the public and to get media attention may not really persuade or dissuade policy makers. It will, however, inject controversy into the public arena and may stall action for a while. It isn't likely to win you many friends among officials, staff or the original supporters of the proposal.

Whether you try to persuade or dissuade the policy makers, an emotional appeal should be a last step after initial follow-up efforts have been made without success.

Media

No discussion of political action would be complete without a brief mention of the media's role.

The importance of using letters to the editor as an indirect way to react public officials has been mentioned. These letters also have other functions including free publicity, influence on the community's political climate, a forum for public debate, and reinforcement of other political action as in campaigning.

Meeting with the editorial board of the newspaper, testing the opportunity for a human interest feature story or being a guest on a broadcast program that deals with current events are some other methods to involve the media in the debate on public issues.

County Government

In Kentucky, a fiscal court governs each county. The fiscal court consists of a county judge/executive and three to eight magistrates. Alternatively, the county residents

may vote to have a commission form of government (KRS 67.050) made up of the county judge/executive and three commissioners instead of magistrates. County residents may also vote to merge with a city or cities to form an urban-county government (KRS Chapter 67A) or a charter county government (KRS 67.825-67.875).¹

Elected Officials

County Judge/Executive -- The county judge/executive acts as the county's chief executive and administrative official. The responsibilities include:

- member and presiding officer of the fiscal court
- authority to create, abolish or combine any county department or agency -- plans for reorganization must be submitted to fiscal court.
- authority to create, combine or abolish special districts with fiscal court approval
- preparation of county budget and oversight of county funds, financial reports and fiscal record keeping

¹ Harker & Natter, Beyond Voting -- A Citizen Guide to Participating in Local Government.

- perform marriages or authorize justices of the peace to do so
- receive petitions calling for special elections and sets dates for special elections.

Magistrates and County Commissioners -- Depending on the form of the fiscal court in a county, commissioners or magistrates serve as members of that body and conduct the business of the county. They must continue to live in the district from which they were elected during their time in office. When court is not in session, the magistrates or commissioners have no powers.

Sheriff -- The sheriff acts as a law enforcement official, collects real property taxes, provides court security and performs various other duties. He must be at least 21 years old and must have a certificate stating that he is qualified for office. The certificate must be signed by the court of appeals or circuit court judge. He also must execute bond prior to taking office.

County Clerk -- The county clerk has many responsibilities including issuing licenses, registering voters and performing other election-related duties. The county clerk stores various legal and county records and prepares county tax bills. He also may serve as clerk of the fiscal court, except in counties containing a city of the first class. The county clerk must meet the same qualifications as the sheriff before taking office.

Coroner -- The coroner investigates certain types of deaths and attempts to determine their cause. He must meet the same qualifications as the sheriff before taking office.

Jailer -- The jailer has custody of the county jail and all persons committed to it. In counties without a jail, the jailer may be responsible for transporting prisoners to jail in another county or may act as a court bailiff and superintendent of county buildings. He must meet the same qualifications as the sheriff before taking office.

Property Valuation Administrator -- The property valuation administrator assesses or estimates the value of property for taxation purposes. He must meet the same qualifications as the sheriff before taking office.

County Attorney -- The county attorney serves as the legal counsel for county government. He represents the county and county officials when they are named as parties in legal actions. The county attorney also prosecutes violation of criminal law within the jurisdiction of the district court. He must meet the same qualifications as the sheriff before taking office.

Constable -- A constable is a police officer with broad powers of arrest and with the authority to serve court

processes (warrants, summons, subpoenas) in all criminal, penal and civil cases. He must meet the same qualifications as the sheriff before taking office.

Additional Qualifications --

- 24 years of age, unless otherwise stated
- citizen of Kentucky
- resident of state 2 years prior to election
- resident of district/county 1 year prior to election

Term -- These elected officials serve 4-year terms and can be re-elected with no limit of terms served.

Appointed Official

County Treasurer -- The county treasurer is appointed by the Fiscal Court and is responsible for the financial administration of county funds under the direction of fiscal court and county judge-executive. The work is performed in accordance with governmental finance procedures set by Kentucky statutes. He also assists budget preparation and prepares and presents county financial condition reports.

Note: The county tax administrator's duties are handled through the county judge executive's and county treasurer's offices.

Term -- The county treasurer serves a 4-year term and can be reappointed.

Fiscal Court Responsibilities

The Kentucky Supreme Court has held that the fiscal court's powers are only those designated by the General Assembly. The Home Rule Statute (KRS 67.083) lists nearly every functional area within which a county might have to operate. The law outlines the 25 areas of authority for counties:

- control of animals, and abatement of public nuisances;
- regulation of public gatherings;
- public sanitation and vector (insect) control;
- provision of hospitals, ambulance service, programs for the health and welfare of the aging and juveniles, and other public health facilities and services;
- provision of corrections facilities and services, and programs for the confinement, care and rehabilitation of juvenile law offenders;
- provision of parks, nature preserves, swimming pools, recreation areas, libraries, museums and other recreational and cultural facilities and programs;
- provision of cemeteries and memorials;
- conservation, preservation and enhancement of natural resources including soils, water, air, vegetation and wildlife;
- control of floods;
- causing the repair or demolition of structures which present a hazard to public health, safety or morals or

are otherwise inimical to the welfare of residents of the county; causing the re-development of housing and related commercial, industrial and service facilities in urban or rural areas; providing education and counseling services and technical assistance to present and future residents of publicly assisted housing;

k. planning, zoning and subdivision control according to the provisions of KRS Chapter 100;

l. adoption, by reference or in full, of technical codes governing new construction, renovation or maintenance of structures intended for human occupancy;

m. regulation of commerce for the protection and convenience of the public;

n. regulation of the sale of alcoholic beverages according to the provision of KRS Chapters 241 through 244;

o. exclusive management of solid wastes by ordinance or contract or by both and disposition of abandoned vehicles;

p. provision of public buildings, including armories, necessary for the effective delivery of public services;

q. cooperation with other units of government and private agencies for the provision of public services, including but not limited to training, educational services and Cooperative Extension Service programs;

r. provision of water and sewage and garbage disposal service but not gas or electricity, including management of on site disposal systems;

s. licensing or franchising of cable television;

t. provision of streets and roads, bridges, tunnels and related facilities, elimination of grade crossings, provision of parking facilities, enforcement of traffic and parking regulations;

u. provision of police and fire protection;

v. regulation of taxis, buses and other passenger vehicles for hire;

w. provision and operation of air, rail and bus terminals, port facilities, and public transportation systems;

x. promotion of economic development of the county, directly or in cooperation with public or private agencies, including the provision of access roads, land and buildings, and promotion of tourism and conventions;

y. preservation of historic structures.

City Government

There are 435 cities in Kentucky with populations ranging from hundreds to hundreds of thousands. Each of these cities is classified in one of six classes based on size. The class then dictates the type of government the city must

have. State law requires every city have a mayor and a legislative body.

Cities from second (20,000-99,999 population) through sixth classes (999 or less) may adopt one of three basic plans of government: Mayor-Council; Commission; or City Manager. First class cities (100,000 or more) must have a mayor and a board of alderman, a variation of the mayor-council plan.

State law requires that the city's legislative body have regular meetings at least once a month. The board of alderman of a first class city is required to meet twice a month. These meetings are open to the public and subject to the open meetings law. The city legislative body takes official action through ordinance, resolution and order. Orders deal with internal matters.²

Conclusion

Keep these four important points in mind as you work toward solution of a community problem.

- Identify the issues that are part of the problem.

- Target the goal you want to accomplish and decide on specific objectives to help you reach that goal. The goal involves solving the problem and the objectives depend on the issues identified.

- Develop your plan of action based on your goal and objectives.

- Evaluate progress as you proceed with your plan of action and be ready to alter your plans as needed, but always keep the goal clearly in focus.

References

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² Harker & Natter.