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PARTICIPATORY DEMOCRACY:
THE THEORY, THE PRACTICE, AND A MODEL FOR MISSOULA

By

John J. Torma

B.A., Creighton University, 1970

Presented in partial fulfillment of the requirements for a

Master of Science Degree in

Rural Town and Regional Planning

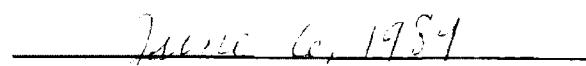
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PREFACE

Introduction

Four years of professional experience in the field of planning here in Missoula have clearly illustrated to me that politics and public participation inextricably intertwine with the practice of planning. These three elements of the governmental process, though integrally related, are not always coordinated and complementary. In fact, more often than not, they compete with and contest each other, resulting in an inefficient, unpredictable, and contentious governmental process. This dysfunctional process makes for an unsatisfying professional experience for the planner, a distasteful and damaging political experience for the elected official, an expensive and frustrating experience for the business person, and a discouraging and polarizing experience for the citizen who has cared enough to contribute to the democratic body politic.

Problem Statement

The three elements of planning, politics, and public participation are each indispensable to local government within the context of a healthy democracy. Given the empirical reality noted above, significant adjustments to the governmental structure and process must be made if planning, politics and participation are to complement each

other in the Missoula community's efforts of self-governance. It is unrealistic to think that all conflict can be removed from the political process. In fact, a conflict-free process does not necessarily indicate civic health. However, a public participation system can be fashioned such that local government can benefit from the differing interests and opinions of its active citizens.

While local government in Missoula allows for citizen input at almost every point, no mechanism adequately integrates this participation into the political process. Consequently, the timing and content of citizen input is unpredictable, reactive, and crisis-oriented. A remedy to this situation is to establish institutions within the framework of local government that provide the forum for continuous, anticipated, pro-active citizen involvement on the neighborhood level. The object of this professional paper is to demonstrate the theoretical and practical legitimacy of such participatory institutions and to develop a participatory model for Missoula's City government.

Methodology

Chapter One will briefly review the political theory that establishes the necessity of citizen participation in a healthy democracy. In Chapter Two, I will discuss the methods and mechanisms used by other communities that have successfully integrated citizen participation into their

local government. In Chapter Three, I will explore Missoula's recent experiences in the governmental activity of land-use planning and regulation to illustrate both the quantity and quality of public participation in the local governmental process and to demonstrate the need to formally establish a framework for this participation. And in the last chapter I will assemble a model for public participation in city government from the political theory and the methods successfully used by other communities, but tailor it to the specific demographics and political realities of Missoula.

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CHAPTER 1

PARTICIPATORY DEMOCRACY:

THE THEORY

The moment a people permits itself to be represented, it is no longer free.

Jean Jacques Rousseau

The majority of the plain people will day in and day out make fewer mistakes in governing themselves than any smaller body of men will make in trying to govern them.

Theodore Roosevelt

Must government be something that is done to me? Is citizenship what I vaguely remember learning in grade school along with "The Pledge of Allegiance"? What is democracy -- this amorphous patriotic concept that becomes real only on the Fourth of July and election day? Why is politics such an incomprehensibly complex activity which can only be successfully engaged in by the experts that I elect? Can I trust my elected officials to act in my best interest?

Questions such as these fuel the lively debate around our democratic form of government, a debate which began in this country with the framers of our Constitution and continues to this date. At the core of this discussion is the concept of political participation, i.e. how much, by whom, when, and for what purpose. Two competing concepts of government emerge when researching the historical answers to these

questions. The first is "government as caretaker", the social institution whose principal tasks are equal dispensation of public resources and protection of individual liberties. The second is "government as citizenship", the forum in which an active and informed citizenry act mutually to govern themselves. These competing concepts are not ones which submit themselves neatly to the usual political labels of left or right, liberal or conservative. For each concept of government claims among its supporters politicians and political theorists of many persuasions.

DEMOCRACY AS CARETAKER

The question of citizen participation was debated strongly by the authors of our constitution. Leading the proponents of participatory democracy was Thomas Jefferson, who argued that not only was democracy based on citizen participation, but a system of participation was the best guarantee of citizens' allegiance. Jefferson, in proposing his plan for a ward government, argued:

Making every citizen an acting member of the government, and in the offices nearest and most interesting to him, will attach him by his strongest feelings to the independence of his country, and its republican constitution.¹

¹As quoted by Benjamin Barber in Strong Democracy: Participatory Politics for a New Age (Berkeley: University of California Press, 1984), p. 261.

Jefferson's reasoning, however, was not adequately convincing to his peers. The more cautionary approach to democracy, as promulgated by James Madison, held sway over the constitutional convention and resulted in a form of democracy skewed more toward representation than citizen action. The majority of the Constitution's framers were distrustful of direct citizen participation in the governing process and consequently removed the unpredictable citizenry one step away from the decision-making process by instituting representative government.

While committed to the principle of self-government, the Founding Fathers were also well aware of the potential dangers that could result from citizen control. They worried about times when majorities blinded by self-interest would be willing to sacrifice the rights of others. So strong were their fears that they devoted the bulk of their energies to devising a governing machine that would not easily succumb to the demands of majorities bent on tyrannizing their fellow citizens. Little attention was devoted to a detailed description of what precisely the role of the people should be. As a result, they passed on to future generations the need to define in practical and concrete terms what roles citizens were to play.²

The experience of being oppressed or persecuted by a majority for holding unpopular religious or political beliefs was too fresh in their minds to trust the responsibilities of government directly to the populace. The result was the establishment of a governmental system

²Mary Griser Kweit and Robert W.Kweit. "Citizen Participation: Enduring Issues for the Next Century." National Civic Review, Vol. 76, No. 3, May-June 1987, p. 191.

which relegated the citizens' role to simply casting ballots for someone who would act in the political arena in their place.

This pessimistic view of citizens' capacity for responsible self-governance has been fairly dominant throughout most of our country's political history. An entire school of political scientists, espousing what has become known as the "contemporary theory of democracy", continue to promote the narrow range of political actors suggested by Madison. Joseph Schumpeter very narrowly defines democracy as "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the peoples' vote."³ Numerous peers of Schumpeter's, such as B.R. Berelson, R. Dahl, G. Sartori, and H. Eckstein, profess the virtues of a passive citizenry which does not act, but merely reacts to the initiatives of its elected leaders.⁴ Participation, then, serves the very narrow protective function of guaranteeing good government through the loss of office in popular elections. Stability, verticality, and authority are the principal elements in

³Carole Pateman. Participation and Democratic Theory. (New York: Cambridge University Press, 1970), p. 4.

⁴A more complete discussion of these theorists of "Contemporary Democracy" can be found in Carole Pateman's Participation and Democratic Theory, (New York: Cambridge University Press, 1970), pp. 1-20.

this philosophy of government and participation is seen as a direct threat. An inactive citizenry is interpreted as an implicit endorsement of government's actions. Berelson goes so far as to raise public apathy to the level of a civic virtue when he describes it as necessary in a democracy for "cushioning the shock of disagreement, adjustment, and change."⁵

This theory of politics reduces citizens simply to consumers of public goods and services. Their only active role is to place in office through popular elections the professional politicians whose responsibility it is then to make policy decisions, equitably dispense public resources, and protect the liberties of private individuals.

DEMOCRACY AS CITIZENSHIP

A second approach to democratic government is based on a vision of political organization radically different from that of the independent consumer clones described above. It is a vision built upon the premise that men and women are social beings. They have physical and emotional ties to a specific community and thus have public responsibilities commensurate to their private liberties. Democratic institutions which spring from this philosophical ground differ both in form and function from their caretaker

⁵Ibid., p.7.

counterparts. Their primary objective has to do with the overall development of the citizen as a member of a larger community. This purpose necessitates an active relationship between the citizen and the community's political structures.

The roots of this strong sense of connectedness between the citizen and the community reach back to the classical Greeks. In the Greek "polis", citizenship implied an active and personal involvement, even an emotional attachment, to the larger body of citizens. The rather virulent strain of individualism characteristic of our culture would not be recognized by the Greek patriot as a desirable condition. For both the political and emotional identity of the Greek citizen depended upon that vital bond with the civic community. It was the private person, the noncitizen, the uprooted one, who was the deviant and was to be pitied by the full citizen. The Greek term for the disconnected individual was "idiot" or "ignoramus". So devastating was the thought of separation from one's civic community that to many Greeks, as with Socrates, death was preferred to exile. The focus of freedom for the Greek was the right to participate in collective action, as opposed to our contemporary concept of freedom as the absence of individual constraint. "Isegoria", meaning literally the universal right to speak in the assembly, became synonymous with the practice of political participation and, by extension,

democracy itself. Participation in the "polis" was seen as an integral part of being human.

The man who is isolated, who is unable to share in the benefits of political association, or has no need to share because he is already self-sufficient, is not part of the polis, and therefore must be either a beast or a god.⁶

The greek concept of citizenship had strong influence on the political philosophy of Thomas Jefferson as well as on the later school of political philosophers who developed the "Classical Theory of Democracy". Best known among this group of theorists are Jean-Jacques Rousseau, John Stewart Mill, and G.D.H. Cole.⁷ For Rousseau, freedom implied a commitment to a law which one applied to oneself. His theory of participatory democracy, developed in the context of the small city-state, is laid out in his treatise Social Contract and Discourses. Rousseau sees participation as serving three basic functions:

(1) it helps the citizen realize more fully the value of his or her freedom, (2) it enables the individual citizen to more easily accept decisions that were made collectively, and (3) it increases the integration of citizens into the community by developing their sense of belonging.

Rousseau's vision of participatory democracy goes beyond the

⁶Aristotle, as quoted by Benjamin Barber in Strong Democracy: Participatory Politics for a New Age, p. 89.

⁷For a complete discussion of "Classical Democratic Theory", see Carole Pateman. Participation and Democratic Theory. pp. 21-40.

realm of government and embraces a participatory society. In this society, government plays an educative role whereby the people learn the art of active citizenship through participation in self-governance.

His ideal system is designed to develop responsible, individual social and political action through the effect of the participatory process. During this process the individual learns that the word 'each' must be applied to himself; that is to say, he finds that he has to take into account wider matters than his own immediate private interests if he is to gain cooperation from others, and he learns that the public and private interests are linked.⁸

Like Rousseau, John Stuart Mill also taught that democracy was best taught by practicing it and that the primary purpose of government was educative. Mill advanced on Rousseau's theory by stating that the real educative effect of participation occurred at the local level. Universal suffrage and the opportunity to participate in national government were meaningless if the individual had not developed the skills of participatory self-governance at the local level.

We do not learn to read or write, to ride or swim, by being merely told how to do it, but by doing it, so it is only by practicing popular government on a limited scale, that the people will ever learn how to exercise it on a larger.⁹

G.D.H. Cole took the insights of Rousseau's theory and translated them into a modern industrialized setting. Once

⁸Ibid., pp. 24-25

⁹J.S. Mill, as quoted by Carole Pateman. Ibid., p. 31.

again the principles of participatory democracy were extended beyond the realm of government into a larger participatory society. For Cole, like Rousseau, an individual was most free when he or she was cooperating with other citizens in the making of a community's laws. The subservience, however, that had become a prerequisite in the workplace of industrialized society worked at cross-purposes with the development of an active citizenry. Therefore, he postulated that the training for an active citizenry must begin in the workplace. To that end he developed "Guild Socialism", the theory of democratic participatory decision-making in the modern industrialized setting.

The purpose of government, according to the Classical Theory of Democracy, is definitely ambitious, for it sets out to educate through participation "an entire people to the point where their intellectual, emotional, and moral capacities have reached their full potential and they are joined freely and actively in a genuine community."¹⁰ How to accomplish this is not as clearly determined. For this we look to the populists and the practitioners of participatory democracy of the 1960s through the 1980s, for it is in the cauldron of the contemporary political arena that the methods for implementing participatory democracy are being continually refined.

¹⁰Ibid., p. 21.

STRONG DEMOCRACY

The decade of the 1960s saw political activism develop in this country to a level that caught politicians totally off guard. Citizens organized around neighborhood issues, community issues, state issues, national issues, and even global issues, raising their collective voices and insisting that their elected officials listen to what they had to say. A frustration with the unresponsiveness of both public and private bureaucracies prompted a previously passive citizenry to enter the political arena with a fervor unseen since the populist movement of the late 19th century. While many political observers have claimed that the 1970s and 1980s have brought with them a resurgence of political apathy, a more careful analysis of the past two decades shows that citizen participation in the political process has matured from the sensational, highly visible activism of the '60s to the methodical, long-term, committed involvement of citizens in their home-town communities across the nation.

This resurgence of active citizenship springs from a grassroots political soil which is significantly different from that of previous decades. A widespread frustration with unresponsive bureaucracies has motivated citizens to organize themselves in an attempt to force recognition from elected officials wedded to special interests. Besieged

from the private sector side by ever-expanding corporate behemoths and finding far too little protection of the public interest from professional politicians, citizens are combining their raw numbers, organizational talents, and political savvy to ensure that their agenda is heard by their elected representatives or to replace them with politicians more respectful of the democratic process. These organizations have also become very skilled at using the media to their advantage. The television, which has become as commonplace as the toaster, affords immediate access to any living room. A carefully planned political event can immediately touch the consciousness of an entire community.

The political soil has been further prepared for the resurgence of populism by the increased level of education in our society. Long gone are the days when formal knowledge was the private domain of the cleric and the king. An ever-increasing percentage of the population is becoming college educated and, as such, is reluctant to remain passive in the political decision-making process, especially when they see themselves as better informed than the politicians.

In 1985, 45% of the 20-30 year olds had some college education, compared to 28% of the same age group in 1970. But perhaps even more important is the enormous expansion of informal education arising from the media, particularly television....Education is potentially empowering.

It can increase the desire for control over one's own life.¹¹

The expectation that advanced education and hard work would guarantee financial security has been seriously undermined by the economic uncertainty of the 1970s and 1980s. Small businesses continue to fail at an alarming rate. Basic industries are moved to cheap, third world labor markets. High technology, weapons-producing industries fuel the raging national debt. And the family farm, which was once the economic and moral foundation of our society, has become an endangered species. Unlikely coalitions of agricultural groups, organized labor, students, and religious groups have often combined forces to disrupt the sale of a foreclosed farm with shouts of "No Sale!" as an attempt to influence an economy that is out of their control.

Another element which has prepared the ground for today's populism is the widespread activism which occurred in the 1960's around a host of political causes. Considerable progress was made in the areas of civil rights, feminism, the Viet Nam war, and environmental protection. However, this progress exacted a high cost; for it was accomplished in such a way that many traditional values were challenged

¹¹Frank Reissman, "The New Populism and the Empowerment Ethos", The New Populism: the Politics of Empowerment, Harry C. Boyte and Frank Reissman, eds. (Temple University Press: Philadelphia, 1986), p. 57.

or rejected, leaving considerable voids in our cultural foundations. The uprootedness caused by the liberation of the 1960s has led us to a renewed respect for family, community, tradition, faith, but in an activist mode. Contemporary populism seeks to function in the political arena as a community in control of its own destiny. Populism springs from a strong sense of community. Its practice further strengthens the community and develops its capacity for effective participatory democracy.

Democratic populism stresses the issues of popular control, popular participation, and grassroots realities. The practitioners and theorists of democratic populism stress how issues affect people in their everyday lives. They are ardently democratic. At the heart of the progressive populist vision is the value of grass roots organization, participation, and democracy....For the democratic populists, the issue is not more or less government, but who government works for and how it works. The new populists stress that government must work for the vast majority, that democracy is not an empty form. To live up to its promise, democracy requires forms for participation, new grass roots social organization, and an organized, aroused, and conscious citizenry.¹²

This "conscious citizenry" has raised its voice and created local institutions for democratic action in cities as diverse as St. Paul (MN), Birmingham (AL), Boston (MA), Seattle (WA), Portland (OR), San Antonio (TX), Columbus (OH), and many others. They have elected to state and local

¹²Michael Ansara and S.M. Miller, "Democratic Populism", The New Populism: the Politics of Empowerment, Harry C. Boyte and Frank Riessman, eds. (Philadelphia: Temple University Press, 1986), p. 145.

offices populist politicians such as Henry Cisneros (mayor of San Antonio), Raymond Flynn (mayor of Boston), and Jim Hightower (Texas secretary of Agriculture). And in Congress the expanding Populist Caucus, founded as recently as 1983, promotes participatory democracy on a national level through the efforts of congressional leaders such as Tom Harkin, Albert Gore, Paul Simon, Barbara Mikulski, Jim Weaver, Robert Wise, Gerry Sikorski, Lane Evans, Byron Dorgan, Charles Hayes, Marcy Kaptur, and Al Wheat. The form which populist politics assumes is as varied as the communities from which it arises. I will explore some contemporary examples of participatory democracy in Chapter Two of this paper.

Benjamin Barber uses the term "strong democracy" to refer to a democratic system of politics based on an active and informed citizenry.¹³ Barber describes strong democracy as a distinctively contemporary expression of participatory democracy. He defines it as:

Politics in the participatory mode where conflict is resolved in the absence of an independent ground through a participatory process of ongoing, proximate self-legislation and the creation of a political community capable of transforming dependent, private individuals into free citizens

¹³Barber's book, Strong Democracy: Participatory Politics for a New Age, establishes the philosophical foundation of a strong democracy and provides a program for implementation of strong democratic government. I strongly recommend this book for anyone interested in the art of participatory politics.

and partial and private interests into public goods.¹⁴

I believe that this concept of government holds the best hope of democracy surviving its third century in this country. The institutional model which I propose for Missoula in the final chapter of this paper springs from the theory and practice of "strong democracy" as elaborated by Barber.

Barber makes a clear distinction between strong democracy and contemporary representative democracy, which he calls "thin" democracy.¹⁵ These two expressions of democracy arise from radically different social and political assumptions. The primary purpose of "thin" democratic government is to dispense public goods and protect the rights of individuals. The methods for accomplishing this use techniques which encourage keeping people apart. The resultant environment is intended to minimize conflict and allow for the most efficient operation of government. Government becomes no more than a caretaker whose responsibility is to ensure citizens' individual rights by protecting them from each other and to provide those basic services which the market does not find profitable. Barber aptly labels this, "politics as zookeeping".

From the perspective of this political zoology, civil society is an alternative to the "jungle" --

¹⁴Ibid., p. 132.

¹⁵"Atomism wearing a mask". Barber. Ibid., p.68.

to the war of all against all that defines the state of nature. In that poor and brutish war, the beasts howl in voices made articulate by reason -- for zoos, for cages and trainers, for rules and regulations, for regular feeding times and prudent custodians. Like captured leopards, men are to be admired for their proud individuality and for their unshackled freedom, but they must be caged for their untrustworthiness and antisocial orneriness all the same. Indeed, if the individual is dangerous, the species is deadly. Liberal democracy's sturdiest cages are reserved for the People.¹⁶

Thin democracy manifests itself through three dominant dispositions -- the anarchist, the realist, and the minimalist. While all three share the common assumption that conflict is the sole justification for politics, they differ in their response to conflict. The anarchist deifies radical individualism, natural rights, and private property and promotes governmental structures which ignore or deny the existence of conflict. The realist recognizes power, law, and control as the principal value of government and responds to conflict by trying to repress it. There is much of Madison in the realist who is perpetually torn between the rights of a free people and the necessity to control them to protect those rights. The minimalist values pluralism and governmental noninterference above all and prefers to simply tolerate conflict.

Although they vary in their portraits of human nature, all three dispositions share a belief in the fundamental inability of the human beast to live at close quarters with members of its own species. All three thus seek to structure human

¹⁶Ibid., pp. 20-21.

relations by keeping men apart rather than by bringing them together.¹⁷

Strong democracy rejects this pessimistic and atomistic view of the human species. To the strong democrat, the citizen neither can nor desires to be removed from the social context in which all human discourse, including politics, occurs. Politics, then, provides the framework in which members of a community can come together to learn and participate in the art of self-government. Strong democratic theory does not naively assume the existence of community a priori. It does, however, believe in the desire for community as a basic human characteristic. Consequently, the creation of community becomes a principal objective of participatory politics, and government becomes process-oriented rather than product-oriented. The question of "how much government" becomes secondary to "who is governing whom and how". For the purpose of government is no longer the dispensation of public goods and services to disconnected individuals whose preoccupation is simply private pursuits. Government becomes the forum in which citizens committed to a common good come together to create a self-governing community. The two foundational components, then, of this mode of social being which I am calling "citizenship" are participation and community.

¹⁷Ibid., p. 21.

This understanding of what constitutes a citizen stands in stark contrast to the autonomous individualism fostered by the practice of thin democracy. Thomas Paine described these atomistic citizens as "distinct, unconnected individuals, continually meeting, crossing, uniting, opposing, and separating from each other, as accident, interest, and circumstances shall direct."¹⁸ This extremely fatalistic approach to political activity has unfortunately become characteristic of contemporary thin democracy which focuses on representation to the exclusion of meaningful citizen participation. Barber eloquently describes thin democracy's practice and effects:

In representative democracies such as the U.S., citizens define themselves as legal persons and as autonomous parties to a sovereign compact. Their civic identities tie them not to one another but to the government, first as sovereign contracting parties, second as subjects or beneficiaries. The citizen is a citizen exclusively by virtue of his relationship to the government, of which he is both author and subject. His relations with his fellow citizens are entirely private and have nothing of the civic about them. This privatization helps to explain the fearsome anomie that has bereaved the Western democracies of almost all civility and has made representative democracy so hostile to the idea of communitarian ties among citizens. It may also explain the civic climate -- the political style -- of passive distrust that has made America at once a bastion of private rights and a graveyard of public action. When the citizenry is a watchdog that waits with millennial patience for its government to make a false move but that submits passively to all other legitimate governmental activity,

¹⁸Thomas Paine, "Dissertation on First Principles of Government", Writings, N.D. Conway, ed. (New York: G.P. Putnam's Sons, 1894 - 1896), vol. 3, p. 268.

citizenship very quickly deteriorates into a latent function.¹⁹

The alternative to the solitary citizen of thin democracy is the active citizen whose political identity is rich with shared purpose. To Barber's strong democrat:

Citizenship is not necessarily the highest or best identity that an individual may assume, but it is the moral identity par excellence. For it is as citizens that the individual confronts the Other and adjusts his own life plans to the dictates of a shared world. I am a creature of need and want; we are a moral body whose existence depends on the common ordering of individual needs and wants into a single vision of the future in which all can share. The citizen does not define civic wants and needs; he develops common measures by which private wants and needs can be transformed into public goods and ends.²⁰

For the citizen imbued with this collective political consciousness, freedom bears a meaning which is extremely positive and abundant with potential. It is a freedom for rather than a freedom from. Where the thin democrat seeks freedom as the condition in which the human will is simply unhindered by external constraints, the strong democrat exercises the freedom to become involved with other citizens, to create the forum for collective action, and to develop the art of self-governance. Rousseau was speaking of this freedom in his "Discourse on Political Economy" when he wrote:

There can be no patriotism without liberty; no liberty without virtue; no virtue without

¹⁹Barber, Strong Democracy, p. 220

²⁰Ibid., p. 224.

citizens; create citizens and you will have everything you need; without them, you will have nothing but debased slaves, from the rulers of the state downwards.²¹

Barber describes the participatory process of strong democracy as consisting of three phases;

1. political talk -- common speaking and listening
2. political judgement -- public decision-making
3. political action -- public work.²²

The first phase, political talk, is the very core of strong democracy. Strong democratic talk provides the vehicle whereby we meet each other outside of the confines of our parochial self-interests to explore each others perceptions, to bargain and exchange, to reformulate issues, to create mutual objectives, and to develop new expressions of community. This political talk differs radically from the type of speech common to adversarial political interaction. In a political environment where the presupposed objective is purely to win, politicians reduce speech to a form of aggression. Listening to the other's arguments, looking for common ground, and accommodating differences demonstrates either weakness in persuasive capabilities or the lack of adequate numbers to dictate through majority rule.

²¹Jean-Jacques Rousseau, "A Discourse on Political Economy", Social Contract and Discourses, (London: Dent, 1913), p. 251.

²²Barber, Strong Democracy, p. 173.

In strong democratic talk, the art of active listening plays a role equal in importance to speaking. Since the purpose of a strong democracy is to develop active civic community, the mutualistic art of listening is essential to establishing an environment of equality. Through the repeated exercise of common political talk, the self-governing community develops the skill of public thinking and, thus, a capacity for public decision-making.

Political judgement in the context of representative or majoritarian democracy most frequently expresses itself in the statement "I want." While the "I" may represent numerous individuals, the statement still reflects the satisfaction of narrow private interests. Political judgement in a strong democracy requires that every "I want", whether issuing from an individual or a group, must seek the approval of the community whose members will be affected by the decision. Through the process of political talk, citizens learn to evaluate issues in the context of a common world and exercise public decision-making by transforming the private "I want" into "We will".

The final logical step in the strong democratic process is public work. Political action provides simultaneously the final test and the first fulfillment of the participatory community's efforts of self-government. Regardless of how much debate preceded the community's decision, it must still withstand the test of further scrutiny as the community

implements the decision. As the community begins to live with the effects of its common decision, it can take advantage of this opportunity to re-evaluate and make adjustments in both the decision and the process where deficiencies may appear.

Participation is as important in political action as in the earlier two stages of political talk and judgement. It makes little sense for members of a community to engage each other in the decision-making process and then to return to their private lives, leaving implementation entirely in the hands of the planners, the engineers, or the finance officers. While the assistance of full-time professionals is necessary, a politically active community will participate as much as possible in implementing the programs which it has co-operatively developed. Common political work is the natural culmination of the strong democratic process.

The forms which participatory democracy assume are as unique as the communities which create them. They vary with both space and time, responding to the changing needs of the people they serve. Some common elements, however, weave a unifying thread through the fabric of strong democracy in those communities where it has become an established part of civic life. The first, and perhaps most important, of these is the neighborhood assembly. The quality of a community's political action depends very largely on the type of

institutions within which the individual has to act. The neighborhood assembly provides both the opportunity and the structure for citizens to engage each other on the level where all political activity should begin -- on the common ground of shared experience. The composition of the assembly and its responsibilities are locally determined and vary considerably. Some of the more common responsibilities are deliberation on local issues, providing recommendations to regional legislative bodies, acting as ombudsman in disputes, ensuring local accountability, and in some instances legislative action on neighborhood statutes.

A neighborhood assembly must have a physical home in the midst of the people that it serves. These spaces provide a sense of permanence and local identity which are integral to strong democracy. Harry Boyte describes these spaces dedicated to local political action as "free spaces":

....places that ordinary people can often "own" in important ways, spaces grounded in the fabric of daily life with a public dimension that allows mingling with others beyond one's immediate family and friends. They are institutions that people can shape and reshape, use as alternative sources of information about the world, employ as media for connecting with others in ways more substantive than transitory encounters. When such voluntary associations are free spaces, relatively open, flexible, and controlled by a group themselves, they can furnish critical experiences in democratic sociability and become the foundation for broad social movements."²³

²³Harry C. Boyte, "Populism and Free Spaces", The New Populism: the Politics of Empowerment, (Temple University Press: Philadelphia, 1986), p. 309.

The second element common to successful participatory democratic communities is civic community education. The proponents of thin democracy, where citizen participation is limited to voting, contend that only the professionals, the ruling elite, have the information necessary for making decisions in the best interest of the entire people and, therefore, the populace should leave the decision-making to the better informed. The strong democrat responds that the problem is one of information distribution, not a lack of ability for self-governance, and she or he would agree with Thomas Jefferson who said:

I know of no safe depository of the ultimate power of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.²⁴

Civic education for democracy expresses itself in three primary forms: formal instructions in elementary through college classes, social activity through private organizations, and the educative effects of civic participation itself. In communities that have adopted participatory forms of government, education in all three spheres is used to develop a community's understanding, appreciation, and capacity for civic involvement. Unlike in most other areas of human endeavor, the discipline of participatory government has never been formulated into a

²⁴As quoted by Barber, Strong Democracy, p. xvii.

well-defined base of knowledge. However, organizations such as the Center for Community Education and Citizen Participation in Santa Barbara, CA, and the National Community Education Association in Alexandria, VA, are addressing this need and assisting communities in their civic education efforts. Public radio and public television are becoming invaluable tools in civic education and communication systems. And numerous communities (including Missoula), which have negotiated public-access cable TV as part of their cable franchise contracts, have the golden opportunity to use this particularly effective medium for civic education.

The opportunities for civic education are as numerous as the opportunities for civic participation and both are limited only by a community's collective imagination and commitment to strong democratic principles.

CHAPTER 2
PROGRESSIVE PARTICIPATORY POLITICS
OF THREE U.S. CITIES

This chapter illustrates the efforts of participatory politics as they have evolved in the last twenty-five years in the cities of Seattle (WA), Portland (OR), and St. Paul (MN). It will demonstrate the varied forms that citizen participation has taken in these communities and the levels of success achieved by each.

Seattle, WA

Seattle has a population of 497,000. Its city government consists of a 9-member council (elected at large) and a mayor. Seattle began developing participatory political institutions in response to the federal Neighborhood Development Program (NDP) of the early 1960's. In 1963, with NDP funds, the City Council established the "Seattle Development Program" (SDP) and set out to divide the city into 112 SDP planning areas.²⁵ These planning area boundaries, which remain virtually the same today, were used to evaluate the city neighborhood-by-neighborhood to

²⁵Caroline Tobin, Peter Moy and Ruth Ann Dight. Background Report: Seattle Neighborhood Planning and Assistance Study. (Seattle, WA: Seattle Planning Commission. March 1987) p.10.

determine which areas were in greatest need for federal redevelopment assistance. The NDP recommended that redevelopment plans be written for the 20 most deteriorated neighborhoods in Seattle. In 1968 twelve million dollars was secured to carry out the redevelopment proposals of the SDP: \$11.2 million for the physical redevelopment projects and the remaining \$800,000 for administrative and planning purposes. With these funds Seattle established the Office of Neighborhood Planning (ONP) in 1971 as an administrative branch of the Department of Community Development. It was through the ONP that residents first found opportunities for involvement in neighborhood planning issues.

In the late 1960s Seattle was selected to participate in the federal Model Cities Program. When Congress established Model Cities, it mandated that any city taking advantage of these funds must develop a political framework whereby the people whose neighborhoods were to be affected by this program could participate in the planning and implementation of the various Model Cities grants.

Seattle's Model Cities Program included task forces on such topics as housing, transportation, health education, business and economic development, and environmental protection and development.²⁶

From 1971 - 1976 Seattle continued this neighborhood redevelopment through the Neighborhood Improvement Program

²⁶Ibid. p. 12.

(NIP). The recently created Office of Neighborhood Planning assumed the responsibility of administering NIP and developing a participatory process for the planning and redevelopment of Seattle's Model Neighborhoods. This process had the following objectives:

- * Involve citizens in local decision-making,
- * Create or strengthen community organizations,
- * Develop trust and credibility between staff and neighborhood residents and business people,
- * Serve as information conduit between the City and the community, and
- * Identify and attempt to meet perceived neighborhood needs and priorities to assist in neighborhood revitalization or stabilization.²⁷

Through this process neighborhood residents were able to exert considerable influence on the mini-comprehensive plans for their neighborhoods. They also attained, through the implementation of these plans, a neighborhood voice in zoning and other land-use issues. The Seattle city government had not anticipated this neighborhood influence on local legislative issues as a by-product of this participatory process and it became a source of tension between the neighborhoods and city government. This process, however, continued to be used throughout the redevelopment of the 20 blighted neighborhoods that were identified in the 1960s by SDP.

Upon completion of this first phase of redevelopment, the city of Seattle established the New Neighborhood Program

²⁷Ibid. p. 13

(NNP) and targeted 50 additional neighborhoods for redevelopment. This program ran from 1976 to 1983. Neighborhood planning councils were once again involved in developing the neighborhood plans and implementation strategies, but city government carefully contained the amount of involvement that the neighborhood councils had in legislative matters. In spite of a professed participation strategy that emphasized partnership between residents and city government, this process was not given formal recognition and none of the neighborhood plans developed through NNP were officially adopted. The result of this experience was frustration for the participants and continued tension between city government and the neighborhoods.

Since its creation in 1971, the Office of Neighborhood Planning served as the principal agency that promoted and organized citizen involvement in neighborhood issues. It was relegated to the status of a third-tier bureau as an arm of the Housing and Neighborhood Development Division of the Department of Community Development. In 1987 city government elevated ONP to its own division within the Department of Community Development and renamed it the Neighborhood Assistance Division (NAD). Through NAD, Seattle has renewed its city-wide neighborhood planning process and has re-evaluated its past practices in citizen participation.

While Seattle's experience in participatory politics for the last 25 years has focused almost exclusively on target area planning of an ad hoc nature, it had the very important indirect result of creating in Seattle residents a capacity and expectation for continued involvement in local politics. Community councils have strengthened themselves through involvement in the redevelopment programs and citizens have become educated in numerous aspects of planning and city government. The recent resurgence in city efforts toward neighborhood planning and citizen participation is the result of a demand by citizen activists for a greater commitment to participatory politics and for increased access to their city's decision-making process.

On October 26, 1987, the Seattle City Council responded to this desire for increased participatory politics by adopting Resolution #27709, "Neighborhood Planning and Assistance Program". The "Objectives" statement in this resolution served as a formal recognition by City government of the value of participatory politics.

In establishing the Neighborhood Planning and Assistance Program for Seattle, the City Council seeks to achieve the following objectives:

1. To create a partnership between the City and its neighborhoods in order to provide the neighborhoods with tools and resources for planning and development which reflect their needs and values.
2. To design City plans, regulations, and programs to suit the diverse character and development patterns of the City's neighborhoods.

3. To strengthen and coordinate City departments' responses to neighborhood problems and requests for help.
4. To foster cooperation and consensus among diverse interests within neighborhoods and to encourage the constructive settlement of disputes involving neighborhood groups, prospective developers, and the City.
5. To facilitate communication between neighborhoods regarding common concerns.²⁸

Seattle has begun to implement these objectives by establishing the following citizen participation structure. The City has been divided into 12 neighborhood districts. A Community Service Center has been set up for each district and is staffed by the City. The residents and businesses of each district elect their own Neighborhood District Council from representatives of existing neighborhood and business organizations. Each District Council selects one business representative and one residential representative to serve on the City Neighborhood Council. This city-wide council of neighborhood representatives advises the City Council on neighborhood issues having city-wide impact. This entire structure is administered and facilitated by the newly established Office of Neighborhoods. The Office of Neighborhoods is an adjunct of the Executive Department and is staffed by a director, a neighborhood planner, a program coordinator, and an administrative specialist. The responsibilities of the Office of Neighborhoods include:

²⁸Seattle (WA) City Council. "Neighborhood Planning and Assistance Program." Resolution #27709. Seattle, WA: Office of Neighborhoods (October 26, 1987), Pgs. 1&2.

mediation services for land use disputes referred by developers, neighborhood organizations, or the Department of Construction and Land Use; staff support for the City Neighborhood Council; management and oversight of the Neighborhood Matching Fund; close cooperation with the Office of Long-Range Planning and the Department of Community Development in the updating of the Comprehensive Land Use Plan; close cooperation with the Community Service Centers in the development and facilitation of neighborhood organizations and leadership; cooperation with the Office of Management and Budget in the development of budget information organized by neighborhood districts; leadership and staff support for the Interdepartmental Neighborhood Coordinating Committee; maintenance of the community organization mailing list.²⁹

In the brief one and a half years since the Neighborhood Planning and Assistance Program was established, Seattle has fleshed out this basic participatory structure with efforts such as the Neighborhood Budget Priority Process, the Neighborhood Matching Fund Program, the Neighborhood Resource Center, the monthly newsletter "Seattle Neighborhood News", and the neighborhood training and assistance program. By providing the commitment, structure, and funding for these participatory efforts, the City of Seattle has enhanced its long history of participatory politics by weaving it permanently into its civic fabric.

²⁹Ibid. Attachment A, Pg. 3.

Portland, OR

"Good citizens are the riches of a city."³⁰

Portland's population is currently 420,000. City government consists of a mayor and 4 city commissioners. Each of these officials is elected at large -- the mayor for a 4-year term and the commissioners for 2-year terms. The mayor and the 4 commissioners together form the legislative body for the city. The city is not divided into wards.

The City of Portland's civic ethos, as quoted above, provides the philosophical foundation upon which Portland has built its nationally recognized system of participatory democracy. While both Seattle and Portland have utilized neighborhood involvement systems for approximately the same length of time, Portland's city government committed itself to this philosophical position from the outset, recognizing citizen participation as essential to a healthy democracy and building participatory structures into the framework of local government.

Portland, like Seattle, initiated its public involvement efforts during the Model Cities program of the late 1960's. During this early phase, neighborhood groups concerned themselves almost exclusively with zoning, land-use, and redevelopment plans. On November 26, 1975, Portland took a

³⁰"America's Hot Cities." Newsweek, Vol. 113, No. 6. February 6, 1989, p.23.

major step toward making participatory democracy a integral part of city government by adopting Ordinance #140905, "Neighborhood Associations".³¹ This ordinance established a formal structure through which citizens had regular access to the local governmental process and through which city officials could benefit from the efforts of active citizens. It set minimum standards which neighborhood organizations must meet in order to receive formal recognition and assistance from the city. And it established Portland's Office of Neighborhood Associations (ONA) -- "one of the most comprehensive public involvement systems in a large American City."³²

Through the ONA, Portland has arranged itself into a two-tiered system of neighborhood organizations. Approximately 80 neighborhood organizations have been formally recognized by the City Council. Elected representatives from these groups form six district boards. The neighborhood and district boundaries were determined by existing neighborhood organizations with the help of staff from ONA. At present, over 90% of Portland is served by these organizations, all linked to each other and to city government by the ONA.

³¹See Appendix "A" for the complete text of Ordinance #140905.

³²Bruce Clary, et al. "A Framework for Citizen Participation: Portland's Office of Neighborhood Associations." Management Information Service, Vol. 18, No. 9, September 1986, p. 1.

ONA is a division of the Department of Public Safety. Its central office is located in City Hall and staffed by a director, an information specialist, an administrative assistant, and two clerks. In addition ONA has a district office with three district coordinators in each of the six districts. While the city pays the salaries and administrative costs of the district offices, the district coordinators are appointed by the neighborhood organizations they serve. The City Council retains broad legislative control over the district offices, but otherwise allows them to handle administrative matters as they see fit.

The functions of ONA were established by Ordinance #140905 as follows:

- (1) Notify interested persons of meetings, hearings, elections and other events.
- (2) Provide for the sharing of information and maintain a list of reports, studies, data sources and other available information.
- (3) Provide referral services to individuals, neighborhood associations, city agencies and other public agencies.
- (4) Keep an up-to-date list of neighborhood associations and their principal officers.
- (5) Assist neighborhood volunteers in coordinating projects on behalf of neighborhood livability.
- (6) Encourage individuals to work with existing neighborhood associations where possible.
- (7) Assist in reproducing and mailing newsletters and other printed matter when written material is supplied by neighborhood associations.
- (8) Act as a liaison while a neighborhood association and city agencies work out processes for citizen involvement.
- (9) Assist in contacts with city agencies on behalf of neighborhood associations or other interested individuals.

- (10) Assist in educational efforts relating to citizen participation in city government.³²

The district coordinators are responsible for the continued and successful operation of this public involvement system. They serve as the conduit between city government and the citizens in the neighborhoods and as the facilitator for the various neighborhood associations. The fact that they are paid by the city yet appointed by the residents of the district has resulted in a degree of tension, since the question remains unanswered as to whom they are ultimately accountable. The city, through the Office of Neighborhood Associations, contracts for the local services with the district offices. The responsibilities are clearly delineated in the contract and the city ensures proper use of the public funding through regular audits. This unique relationship of the district coordinators binds them firmly to a strong democratic process; for it requires that they be responsive and committed to the neighborhoods they are assisting while maintaining a perspective of the larger public good.

An important innovation in Portland's participatory system is the requirement for a formal process of dissent and grievance. On any issue that a neighborhood association makes recommendation to the City Council, it must forward to

³²City of Portland Ordinance #140905, Sections 3.96.070(b)(1-10).

the council all dissenting public opinions. In addition the neighborhood association "has to adopt a written procedure which requires the reconsideration of a decision if any resident feels that it might have an adverse effect on him or her....This procedure, like the dissent standard, results in the greater representation of minority viewpoints within the neighborhood associations."³³ It extends the political process beyond simple majoritarianism to a stronger democratic system which acknowledges the rights and concerns of the minority as well.

ONA has developed five principal activities that involve extensive citizen participation: neighborhood crime prevention, code and license review, Neighborhood Need Reports, budget advisory committees, and emergency assistance.³⁴ Of these, the code and license review, the Neighborhood Need Reports, and the budget advisory committees are particularly noteworthy because of the level of citizen involvement in these areas of government that, in other cities, are jealously reserved for the government official. Portland has required by ordinance that neighborhood associations be involved in land-use review procedures. Review of a liquor license can also be

³³Clary, "A Framework for Citizen Participation: Portland's Office of Neighborhood Associations", p. 4.

³⁴Ibid., p. 4.

initiated by neighborhood associations. The ONA has become a significant part of Portland's regulatory functions.

Portland developed the Neighborhood Needs Report system in 1975 in order to better assess the needs of neighborhoods based on the intimate knowledge of the people who live there. Each May, neighborhood associations submit their Neighborhood Needs Reports to the appropriate city agency, spelling out the needs of their area and requesting assistance from the city. While the city cannot respond to every request, these reports provide to the various city departments a neighborhood perspective and information that is essential to effective service delivery. The city has been able to respond to approximately 30% of these requests in any given year.

The Budget Advisory Committees (BACs) were established to allow for meaningful citizen participation in the city's budgeting process. ONA is responsible for the selection of members to these committees. Their purpose is to review the functions of the various city departments and make recommendations to the city council on the annual budget of each department.

Predictably, some bureaus initially had major reservations about the process. However, city staff acceptance of BACs has increased dramatically as the program has evolved. Staff members have come to view the information from the reviews as useful planning information (as in the

case of the Needs Reports) and as a source of legitimacy for their budget requests.³⁵

Portland has gone a long way to offset the costs of their citizen involvement systems by developing a series of service-delivery activities that are now provided by neighborhood organizations. Faced with many of the same budgetary constraints as other cities, Portland has made excellent use of its active citizenry in this way. Some of the services provided by the neighborhood associations are:

1. Neighborhood crime watch.
2. Recycling and clean-up programs.
3. Park construction and improvement and tree plantings.
4. Male volunteers to serve as an escort service for women as part of an anti-rape program.
5. Tool lending library for home improvement.
6. Solicitation of property owners to sign forms for street improvements.
7. Distribution of literature on home rehabilitation.
8. Exterior or windshield surveys of neighborhood housing quality.
9. Preparation of neighborhood planning maps.³⁶

Through the Office of Neighborhood Associations, Portland has developed a very strong system of citizen participation. It remains a decentralized organization, serving the needs of neighborhood residents while maintaining a vision of the larger public good of the entire city. With the assistance of the ONA, Portland's citizens provide advice and recommendations to city government, identify problems on the

³⁵Ibid., p. 6.

³⁶Ibid., p. 11

neighborhood level, and help provide services that very likely would otherwise be left undone.

St. Paul, MN

Citizen participation is a process, not a structure.

St. Paul (MN) City Council³⁷

The population of St. Paul is currently 270,000. City government consists of the mayor and seven council members. St. Paul is divided into seven council districts and each council member is elected by the residents of the district he or she resides in.

The city of St. Paul, like Portland, has built its nationally recognized system of citizen participation upon the foundation of a firm policy statement recognizing the value of an active and informed citizenry in effective local government. The City Council made this formal statement in October of 1975 by adopting Council Resolution No. 266178 (cf. Footnote 37). The Council then demonstrated its commitment to this policy by immediately adopting Council Resolution No. 266179, establishing a system of

³⁷The full text of this policy statement is as follows: "Citizen Participation is a process, not a structure. The City has a responsibility to develop a process that will insure that everyone has the opportunity to communicate with city government, and further, that everyone is assured that they will be heard. This process cannot guarantee that there will always be agreement nor is it a substitution of one level of government for another or any other transfer of power." Saint Paul (MN) City Council. Resolution No. 266178. St. Paul, MN: Department of Planning and Economic Development, 1975

organizational assistance to neighborhood-based political action.³⁸ These two actions of the City Council typify the long-standing tradition of grass roots community organization which exists in St. Paul.

St. Paul first committed itself to the neighborhood planning process in the early 1960s as part of its participation in the federal "Model Cities" and, later, "Community Development Block Grant" (CDBG) programs. Through these efforts, a somewhat loose network of neighborhood organizations evolved. The initial impetus for the creation of these groups was the federal requirements of grant programs, the necessity for district comprehensive plans, and residents' desire for a voice in zoning and other land use issues. In the early 1970s the people of St. Paul recognized the need to further coordinate neighborhood efforts toward participatory government. A citizens forum took on the task of establishing a structure in which the process of citizen participation could more effectively function. The product of this task force was the two-tiered system of participatory democracy which St. Paul enjoys today.

On July 22, 1975, the City Council accepted the recommendations of the citizen task force and established 17 neighborhood planning districts (see Map 1 below). Each

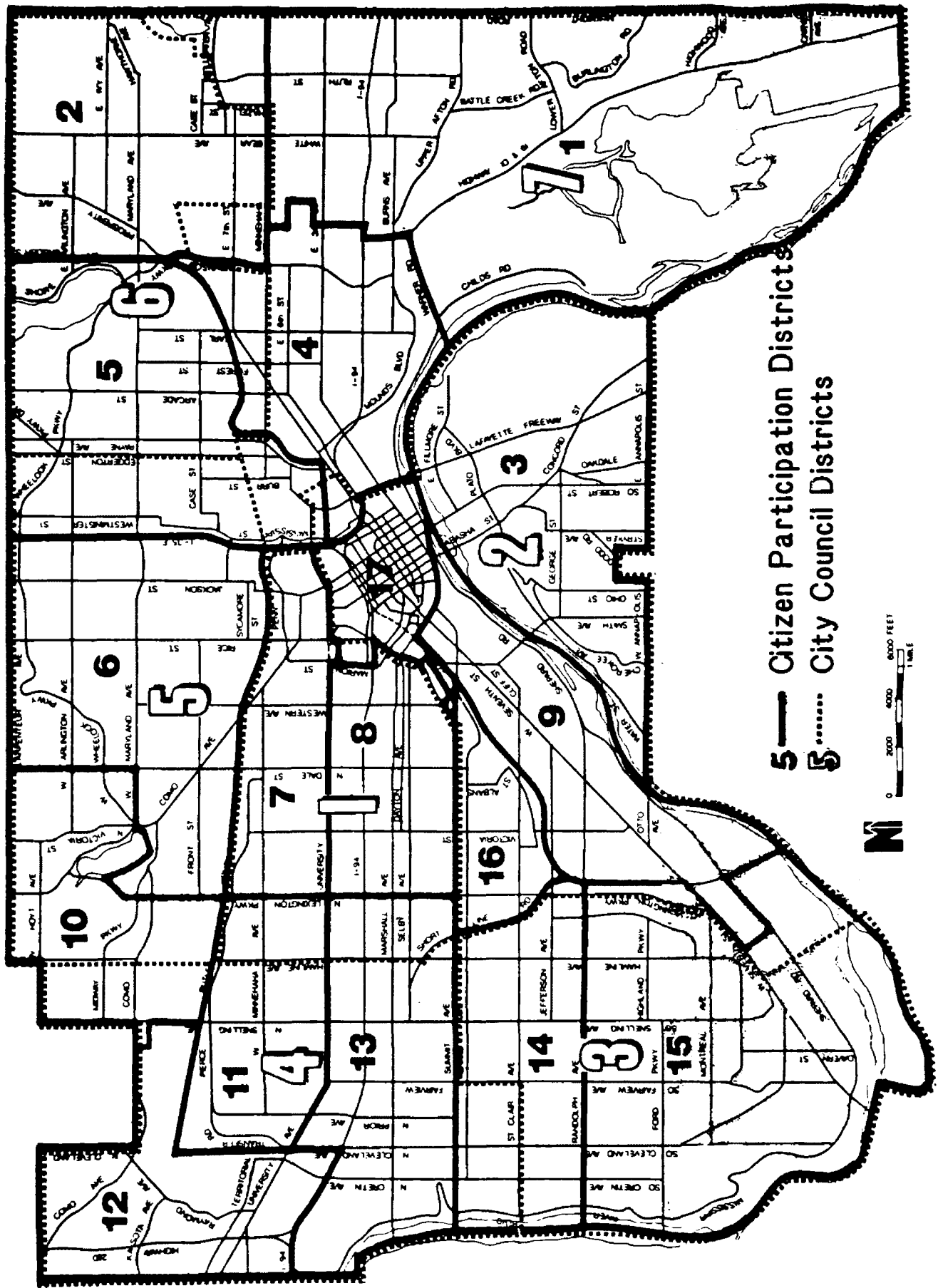
³⁸The full text of "Resolution No. 266179" is attached as Appendix C.

planning district elects its own district council, establishes its own organizational structure, and adopts its own by-laws. "Resolution No. 266179" provides general requirements to ensure that this process is "broadly based, democratic, and nonexclusionary."³⁹ But beyond this, each district has the freedom to develop a structure which most adequately serves its particular needs. In some districts, a single existing or new organization has primary responsibility for carrying out the formal citizen participation process. In other districts, a coalition of organizations has emerged to carry out the citizen participation process at the district-wide level.

The agency which carries the responsibility of facilitating citizen participation is the Division of Community Development, a branch of the Department of Planning and Economic Development. The "Citizen Participation Coordinator", a staff member of the Community Development office, acts as the organizational liaison between the 17 district offices and the City. Each planning district elects its own district council, whose members usually come from neighborhood, business, or civic organizations within the district.

³⁹Saint Paul (MN) City Council. Resolution No. 266179. St. Paul, MN: Department of Planning and Economic Development, 1975. Step 4.

St. Paul City Council and Citizen Participation Districts



— Citizen Participation Districts
- - - - - City Council Districts



The responsibilities of the district councils include:

- * Providing a nonpartisan forum for discussion of neighborhood concerns. Involvement comes from residents, business owners and operators, and agency and institutional representatives.
- * Planning for the economic, physical and social development of the district
- * Reaching consensus and taking action on issues when appropriate.
- * Initiating projects and programs.
- * Recruiting volunteers for self-help activities and for city-wide committees -- most importantly, the Capital Improvement Budget committee and task forces.
- * Serving as neighborhood advocates.
- * Maintaining a district-wide communication system with neighborhood newspapers, flyers, door knocking, newsletters.
- * Serving as a liaison between the neighborhood and city government.
- * Providing information on city projects, programs, procedures and policies.⁴⁰

In order to assist in carrying out these responsibilities, each district council hires a neighborhood organizer and a district planner, who both work out of the district's planning office. The salaries of district staff, office space, and supplies are provided for by city funds which are dispersed by the "Citizen Participation Coordinator". This money comes from Community Development Block Grants, the city's General Fund, and other city funds. The fact that the district staff are paid by the city and hired by the district councils creates tensions of accountability similar to those experienced between Portland's Office of

⁴⁰Department of Planning and Economic Development. Together -- a Better Saint Paul: The Saint Paul Citizen Participation Process. St. Paul, MN. Pg. 3.

Neighborhood Associations and their district coordinators. But in St. Paul, as well as in Portland, this tension has had the ultimate effect of improving, rather than impeding, the democratic nature of neighborhood political action.

St. Paul's current citizen participation process has three formal areas of emphasis: (1) general district planning, (2) the Early Notification System, and (3) the Unified Capital Improvement Program and Budgeting Process.

St. Paul developed most of its neighborhood plans in the 1960s and 1970s. Current efforts in neighborhood planning consist primarily of updating existing plans. Approximately two neighborhood plans are updated each year. This revision process takes from nine to eighteen months. The city encourages neighborhood groups, through the district offices, to undertake as much of the plan-revision process as possible. Funds are provided through special grants or through neighborhood fund-raising projects. Some district councils have hired private consultants for their plan revision. Most neighborhoods, however, utilize the planning staff for technical assistance, research, writing, and final production of the General District Plan (GDP). Upon completion, the GDP is approved first by the neighborhoods it serves. The City Planning Commission then reviews the plan before passing it on to the City Council for final adoption as part of the city's comprehensive plan. The GDP guides neighborhood development for the next 5-10 years.

While many cities that encourage citizen political action provide information on current issues to neighborhood organizations as a courtesy or as informal administrative policy, St. Paul has made this a formal requirement through its "Early Notification System", and in this way assures that residents and businesses are informed of issues that affect their neighborhood.⁴¹

The purpose of the Early Notification System (ENS) is to provide timely information to community organizations regarding the City's various activities that are being considered, proposed, planned or implemented. Further, the system facilitates feedback to the City regarding the neighborhoods' response and position.⁴²

The Citizen Participation Coordinator administers the ENS by maintaining a comprehensive list of city-wide and district agencies and organizations, training City staff on proper use of the system, and monitoring compliance with ENS requirements by keeping a log of notifications sent by the various government agencies. The ENS applies notification requirements to all branches of city government.

All City departments and divisions, Planning Commission, Housing and Redevelopment Authority Board, Port Authority, City Council, and Capital Improvement Budget Committee shall send meeting notices and agendas to the ENS list. This requirement may be modified to include only the District Council if the affected organizations within the District, the Agency, and the Citizen Participation Coordinator agree to such a

⁴¹The St. Paul City Council established the "Early Notification System" through Council Resolution No. 273465. This resolution is included in its entirety as Appendix D.

⁴²Ibid. See Appendix D, Pg. 2.

modification. This does not preclude notices being posted in public places when required by law.⁴³

On land use issues such as rezonings, special condition uses, variances, appeals, and change in nonconforming use:

District council presidents, district planners, and community organizers shall be notified within 2 days of an applicant's request. Affected property owners within 350 feet shall be notified at least 10 days before a public hearing. The total number of days notification to district councils must be at least 30 days.⁴⁴

For the ten years that the ENS has been formal city policy, it has played a major role in keeping St. Paul's active citizenry informed, strengthening the vital role that citizens play in the city's political life.

Most cities provide the opportunity for general public comment on their proposed budgets during a general public hearing. St. Paul, like Portland, involves its citizens in the actual formation of budget proposals. Here again St. Paul has formally structured citizen participation into the very center of local government. The "Unified Capital Improvement Program and Budgeting Process" (UCIPBP) utilizes the network of district councils to involve representatives

⁴³Ibid. Pg. 2.

⁴⁴Ibid. Pg. 5.

from throughout the city in the budgeting process.⁴⁵ The citizen involvement system for budget preparation consists of the Capital Improvement Budget (CIB) committee and three CIB task forces. The CIB committee consists of 18 members, including one member from each of the 17 planning districts. Members must be recommended by their district councils, appointed by the Mayor, and confirmed by the City Council. The three CIB task forces are the "Community Facilities Task Force" (swimming pools, libraries, parks, etc.), the "Streets and Utilities Task Force" (sidewalks, sewers, bridges, etc.), and the "Residential and Economic Development Task Force" (housing grants, commercial rehab, demolition, etc.). Members of the three CIB task forces are directly appointed by their district councils with one representative and one alternate serving on each task force.

The city's biennial budget is created and refined as it rises through this committee process. The process begins with the district councils. Each of the 17 districts submits a ranked funding proposal for its district to the appropriate CIB task forces. Each of the three task forces evaluates the proposals from the various districts and formulates city-wide recommendations on community

⁴⁵For a complete explanation of the UCIPBP, see Saint Paul Citizen's Guide and Glossary to the Unified Capital Improvement Program and Budgeting Process. Saint Paul (MN) Department of Planning and Economic Development, St. Paul, MN. January, 1985.

facilities, streets and utilities, and residential and economic development. These recommendations are then forwarded to the CIB committee, which uses all of this information to propose a budget to the City Council. In each step of this process, the committees work closely with the various city departments to keep their proposals realistic and feasible. While the task forces and the CIB committee are merely advisory bodies, approximately 95% of their budget recommendations are ultimately adopted by the City Council. The Unified Capital Improvement Program and Budgeting Process is an excellent example of how informed citizen action can be used effectively to help carry out the democratic responsibilities of local government.

Conclusion

Each of the three cities discussed in this chapter has experimented with various forms of citizen participation for 25 to 30 years. Seattle has principally used neighborhood associations in an ad hoc fashion in its target-area planning efforts. And, until recently, it has resisted efforts to expand participatory policies in city government. St. Paul and Portland, on the other hand, have formally recognized citizen participation as an essential element of the democratic process. Both of these cities have committed themselves legislatively and financially to developing opportunities for their citizens to participate in a strong

democracy. The results of this commitment for both cities have been a civic population which has become increasingly more interested in and more capable of effective democratic self-governance.⁴⁶

⁴⁶It is also interesting to note that St. Paul and Portland were recently selected by Newsweek magazine as two of the ten U.S. cities with the highest quality of life. Cf. "America's Hot Cities." Newsweek, Vol. 113, No. 6. February 6, 1989.

CHAPTER 3

POLITICAL PARTICIPATION IN MISSOULA: THE OPPORTUNITIES AND THE REALITIES

In Chapter Three, I intend to illustrate the opportunities that currently exist in Missoula for citizen involvement, the primary deficiencies of this involvement system, and four recent land-use issues which are particularly graphic examples of these problems. I will focus mainly, though not exclusively, on city issues. For, while approximately half of the urban area is outside the city limits and the question of citizen participation is equally pressing in the county, the scope of this paper requires me to narrow the focus to the city. I will also focus on participation opportunities in the land-use planning and regulation process. There are two reasons for this -- (1) my experience for the last four years as a zoning officer with the Office of Community Development and (2) the propensity for planning and zoning issues to arouse strong emotions in affected property and business owners.

Missoula is a city of approximately 33,000. The urban area, however, is double that -- 65,000. The city of Missoula is divided into six wards and each ward elects two alderpeople to represent it on the City Council for four-year terms. A mayor is elected at large and serves as the

chief administrative officer for the City. The mayor's term is also four years.

Local government in Missoula provides numerous opportunities for private citizens to be active in the governmental process by serving on volunteer citizen boards. Table 1 below lists these boards by name and by number of members on each board.

Table 1

Volunteer Citizen Boards	
Missoula, MT	
<u>NAME</u>	<u>NUMBER OF MEMBERS</u>
Animal Control Board	5
City Zoning Board of Adjustment	6
County Zoning Board of Adjustment	6
Building Code Board of Appeals	5
Cemetery Board	4
City/County Health Board	7
Water Quality Advisory Group	13
City/County Library Board	5
Gambling Commission	11
Housing Authority	5
Missoula Consolidated Planning Board	11
Open Space Advisory Committee	11
Design Review Board	7
Soil Conservation District Board	5
Police Commission	3
Parks and Recreation Board	7
Missoula Redevelopment Agency Board	5
Missoula Parking Commission	5
Public Art Committee	9
Historic Preservation Commission	9
Area Agency on Aging Board	11
 Source: City Clerk's Office, Missoula.	
Note: Number of members includes alternates.	

These boards, in total, provide approximately 150 volunteer positions. However, considerably fewer than 150 are accessible to the private citizen since many boards require that at least one position be filled by an elected or appointed government official. For instance, serving on the Gambling Commission are the mayor, city police chief, city attorney, a city alderman, a county commissioner, county attorney, and the county sheriff. Each of these boards deals with a narrow range of issues. Consequently, membership is determined largely by related professional expertise. As such, volunteer citizen boards cannot alone provide adequate opportunities for strong democratic participation.

Public notification of governmental action also affords occasions for citizen involvement. Like most states, Montana state law establishes public hearing and notification requirements for local governments. These requirements, however, are minimal and consist in most instances of a legal advertisement in the local newspaper.⁴⁷ Since very few people read legal advertisements, this device fulfills the legal requirement but accomplishes little in terms of actual notification. In an attempt to remedy this deficiency in Missoula, the City Council amended the

⁴⁷For instance, Section 76-2-303(2) of the Montana Code Annotated requires a single legal advertisement in the local newspaper 15 days prior to a public hearing regarding a zoning change or amendment.

Missoula Municipal Code in 1986 establishing the following notification requirements for all zoning changes and amendments:

- 1) Legal advertisement published twice in the official newspaper of the city stating the time and place set for the hearing of such boundary changes. The first publication of such notice shall be made not less than fifteen days before the date of such public hearing.
- 2) A conspicuous posting in three places of the property to be rezoned, stating the time and place of the hearing. The property shall be posted a minimum of 15 days prior to the hearing date.
- 3) Notification by first class mail of all owners of the property included in the rezoning request and all owners of property within 150 feet of the boundary of the property included in the rezoning request.⁴⁸

These requirements are identical with the notification requirements established by the City Zoning Board of Adjustment for variance requests. They are also very similar to the requirements in the County Zoning Resolution for all zoning-related public hearings, with the exception of a 300 ft. radius for notification of adjacent property owners instead of 150 ft.⁴⁹ For both city and county subdivision requests, all immediately adjacent property owners must be notified, and "expressed public opinion" is one of the elements which must be considered as the

⁴⁸Missoula Municipal Code. Section 19.72.010.B.

⁴⁹Section 8.06 of Resolution 76-113. Missoula County Zoning Resolution.

governing body determines whether the proposed subdivision is in the public interest.⁵⁰

The planning process in both the City and the County has used citizen participation in preparation of comprehensive and neighborhood plans. The Missoula County Comprehensive Plan (for the rural areas) and Missoula -- A Policy Guide for Urban Growth (the urban area plan) were both adopted in 1975 and established a continuing planning process for amending the comprehensive plan by formulating neighborhood plans. Since that time the following neighborhood or area plans have been adopted: Lolo (1978), Grant Creek (1980), Wye-O'Keefe (1980), Reserve Street (1980), Miller Creek (1985), the South Hills (1986), the Swan-Condon Valley (1987), and the Rattlesnake Valley (1988). Currently area plans are being worked on for the Seeley Lake area, the Southside Neighborhood, and the Clark Fork Riverfront. Committees composed of residents, businesses, and neighborhood associations were formed to work on each of these plans. These ad hoc committees dissolve once the plans are adopted.

In 1983 the County Commissioners and the City Council initiated the process of updating the county and urban area comprehensive plans. This effort involved considerable citizen participation but was aborted before producing the

⁵⁰Section 4-1(10)(B) of the Missoula City Subdivision Regulations.

intended plan update. Ten citizen task forces were organized to study and make recommendations on the following issues: environment, energy, economy, housing, transportation, public services and facilities, education, futures, rural areas, and neighborhoods. Over 950 individuals and groups participated in this effort. A draft "goals and objectives" document was produced by the steering committee based on the recommendations of the task forces and a public hearing was held on this document in March of 1985. Subsequently, rural residents from areas such as Lolo, Frenchtown, and Clinton expressed dissatisfaction with many of these goals and threatened to request annexation into adjacent counties if the plan update continued in the direction that it was going. In response, the governing bodies scuttled this process and continued amending the comprehensive plan through the adoption of neighborhood plans rather than pursuing an overall update of the comprehensive plan. It was not until 1988 that the City and the County once again took up the task of updating the Urban Area Comprehensive Plan. Paula Jacques, the long-range planner in the Office of Community Development, is the staff person responsible for this project. She has stated that one of her biggest difficulties is trying to regenerate interest or public involvement in the update process. Four years after this effort was aborted, citizens who had participated still feel considerable reluctance to invest

more of their time. This project is scheduled for completion in July of 1989.

Missoula does, indeed, offer its citizens opportunities to participate in local government through volunteer citizen boards, public hearings on issues that may involve their neighborhoods, and the planning process. From my vantage point as the "zoning officer", however, I see some serious deficiencies in citizen participation in our local governmental system. Admittedly these observations do not arise from systematic, scientific objectivity; but my position "in the middle of the fray", so to speak, affords me a perspective that is not "enjoyed" by many others.

The opportunities for involvement offered to citizens by volunteer boards are few in number and narrow in scope. These boards serve well their intended purpose. However, they are simply unavailable to most people and do not address the issue which is capable of eliciting the most sustained interest and commitment from the average person -- the neighborhood in which he or she lives.

The public hearing process and the associated notification requirements purportedly ensure concerned citizens the opportunity to communicate with their elected officials on pending governmental action. The nature and timing of this process, however, is such that it most frequently adds to the contentiousness of an already adversarial process. The 150 ft. radius of the required notification area is an

arbitrary figure which is less than the average city block. Very few land use issues have a potential for impacting only such a limited area. Also, only property owners are notified and not renters. Consequently, the renter who will live with the impacts of the proposed change is less likely to be brought into the process than an absentee landlord who lives elsewhere.

Public hearings on land use issues occur late in the development process. By the time the developer, the neighborhood, and the City's staff take their place at the public hearing, positions are firm and battle lines are drawn. The emotion-charged atmosphere of the public hearing does not lend itself well to negotiation. Communication in this context is reduced to aggression, and the clear advantage lies with the developer, consultant, or politician whose profession involves regular entry into the governmental arena. Beginning at this stage, the neighborhood is forced into a reactive and defensive position. In order to avoid this, discussions between all the players in the process ought to begin much earlier in the development process before anyone has made too great an investment of time, money, and emotions.

While the development of neighborhood plans creates opportunities for citizens to influence neighborhood issues positively, the ad hoc nature of these planning committees does not allow for sustained citizen involvement. The

efforts of citizens are encouraged during the formation of the plan; but during the implementation stage -- the time when the effects of planning are most apparent -- citizens revert to passivity and the professional politicians assume the active role. Also, when elected or appointed officials do not follow through on an adopted plan or agreed-upon process, previously active citizens become frustrated, feel betrayed, and commit their efforts to more fruitful private pursuits. This phenomenon has been very apparent to the planning staff during the current update process of the urban-area comprehensive plan.

In order to develop a stronger democratic process, local government in Missoula should make a firm commitment to developing an active citizenry by increasing opportunities for citizen participation, assisting neighborhoods in developing grassroots political organizations, broadening notification efforts to include all interested groups and individuals, promoting dialogue between parties on all sides of an issue as early as possible, and giving serious consideration to recommendations and requests from active citizen groups.

My four-year experience as a city/county zoning officer in the Office of Community Development has afforded me numerous opportunities to observe the effects of Missoula's citizen participation process. The four examples discussed in the

remainder of this chapter will illustrate the deficiencies identified above.

South Hills Rezoning

In 1985, the City Council and the County Commissioners directed the Office of Community Development to prepare a neighborhood plan for that part of Missoula known as the South Hills. The South Hills, which experienced continuous development since the early 1960s, was presenting area residents and local government with serious problems of traffic congestion, drainage, soils instability, overcrowded schools, etc. Based upon information received from South Hills residents during numerous public meetings, an area plan was formulated and adopted (in November, 1986) which recommended lowering considerably the allowable development density for the undeveloped portions of the South Hills and eliminating additional multi-family development altogether.⁵¹

The adoption of the South Hills Comprehensive Plan Amendment was not without controversy. The Planning Board did not believe that any more neighborhood plans should be adopted before the Urban Area Comprehensive Plan was updated

⁵¹The very first recommendation in the South Hills Plan, page 20, reads: "Rezone the South Hills study area to fit the 1975 Comprehensive Land Use plan as amended in this document." The recommended development densities are illustrated in the plan in Figure 12, "South Hills Development Plan".

and, therefore, refused to take action on it. They also saw this document as a result of political pressure and not sound planning policy. Their lack of ownership in the South Hills Amendment would come into sharp focus when the first rezonings based on it came before them for public hearing. The City Council, when it adopted the plan, was noncommittal in its intentions to carry out its recommendations, especially in regards to reducing allowable densities and eliminating multi-family development. Council members from other wards expressed the concern that doing so would subject their wards to more than their fair share of multi-family housing. These council members voted to adopt this plan but did not commit themselves to approving requests to down-zone South Hills property in compliance with its recommendations. The County Commissioners, in their adopted version of the South Hills Plan, did not even include a recommendation for rezoning in order to implement the lowered densities.

Instead of serving as a document to guide development in this area in a predictable and rational fashion, the South Hills Plan has increased tensions between residents, developers, and local government. The 5,800 people who live in the South Hills expect that the goals and objectives adopted as part of their plan should control future development. The Planning Board does not recognize the validity of this neighborhood plan. Neither the City

Council nor the Board of County Commissioners is committed to implementing its recommendations by changing zoning in the area. And potential developers of property in the South Hills are left in limbo between the adopted recommendations of the plan, as supported by the neighborhood, existing zoning, which is in conflict with the plan, and the uncertainty of political decision-makers.

Early in 1987, the City Council initiated the rezoning of seven multi-acre parcels of vacant land to bring them into compliance with the density designations of the South Hills comprehensive plan amendment. All of these rezonings involved reducing the number of allowable dwelling units per acre and eliminating multi-family housing as a permitted use. Four of the rezonings were protested by the property owners. No objections were raised to the other three, since the proposed zone change was not in conflict with the property owners' development plans. All seven of the rezonings received strong neighborhood support.

During the public hearing before the Planning Board on these rezonings, board member Jay Raser expressed personally what the board generally felt about the South Hills Plan when he stated:

I think this whole rezoning and the comprehensive plan in the South Hills are political games played by City Council members and has nothing to do with

land use planning⁵².....Many of us on the board disagreed with that--what I referred to as a "canned" comprehensive plan in the first place. And I'm not going to be led around by the nose by the City Council. I'm appointed to this Board, not elected to this position, and I'm not going to play politics. I think it's poor land use planning to do what they're calling for in that revised comprehensive plan.⁵³

In spite of this sentiment, the Planning Board's reaction to these rezoning requests was mixed. They recommended approval of three requests, denial of two, and forwarded the remaining two to the City Council without any recommendation.

Having been rebuffed by the Planning Board, residents of the South Hills organized for the public hearing before the City Council to show their support for the rezonings and their adopted neighborhood plan. Dozens of South Hills residents attended the public hearing and were frustrated by the lack of support for these rezonings by some Council members. As the Council's reluctance to adopt these rezonings became apparent, Jim Gallipeau, a South Hills resident, expressed their frustration when he testified:

The City Council voted on the South Hills comprehensive plan 11-1 in favor of enforcing it, going through with it. Right now we're looking at a lot of people who are backing off on that plan. It appears to me that too often in the City and in the County the public has been requested to aid in planning and in 1983 this happened. A 91-page urban document got thrown out. You cannot keep

⁵²Missoula Consolidated Planning Board. "Minutes of the April 14, 1987 Meeting". Pg. 12.

⁵³Ibid. Pg. 15.

asking people to give their input and their time to further planning in this town and then throw it out as if it was never done. This council has spent at least \$10,000 on this amendment to the South Hills comprehensive plan alone. That was just the latest amendment. Your time is valuable. I don't know how many probably hundreds of hours you have spent on it yourselves working on a plan. I just don't understand why all of a sudden everybody is backing off.⁵⁴

During the City Council meeting of the following week, prior to voting on these rezonings, Council members were still split on this issue. Alderman Schommer, in arguing for these rezonings, pressed the Council to adhere to the recommendations of the South Hills Plan:

If we take these simple (zoning requests) and we start gutting the plan out here, we basically send a message to this community that we don't give a damn about planning and any kind of process and we might as well just throw plans out in the air and let's spot zone⁵⁵....I think it's important that we put out some kind of comprehensive plan and live by it. I think we're sending out a great message of confusion and distrust and the lack of caring on the part of the City to live by a comprehensive plan. We should never have passed it if we didn't plan on following it through.⁵⁶

Alderman Sampson, however, expressed the lack of commitment to this plan that was felt by other Council members when he stated:

I see no particular reason why now is the time to cut out all multi-family dwellings on the South Hills. I feel like I would be acting in bad faith

⁵⁴Missoula City Council. "Minutes of the May 11, 1987 Meeting". Missoula, MT: City Clerk's Office (1987). Pg. 17.

⁵⁵Missoula City Council. "Minutes for the May 18, 1987 Meeting". Missoula, MT: City Clerk's Office (1987). Pg. 60.

⁵⁶Ibid. Pg. 63.

if I were to vote for changing the zoning at this particular time. When we passed the comp plan, we were told that we would have the ability to act on each one of these as they came along, don't hold up the comp plan, go along with the comp plan and then you can take care of these particular problems as they come and I'm taking care of these particular problems as they come.⁵⁷

Council's final action on these rezonings was similarly inconsistent as the Planning Board's. The Council voted to approve the three rezonings that were not protested by the property owners. They also approved the protested down-zoning of property owned by a development company which has defaulted on hundreds of thousands of dollars of city SID's. On the remaining three requests, the Council deferred to the protesting property owners and refused to change the zoning.

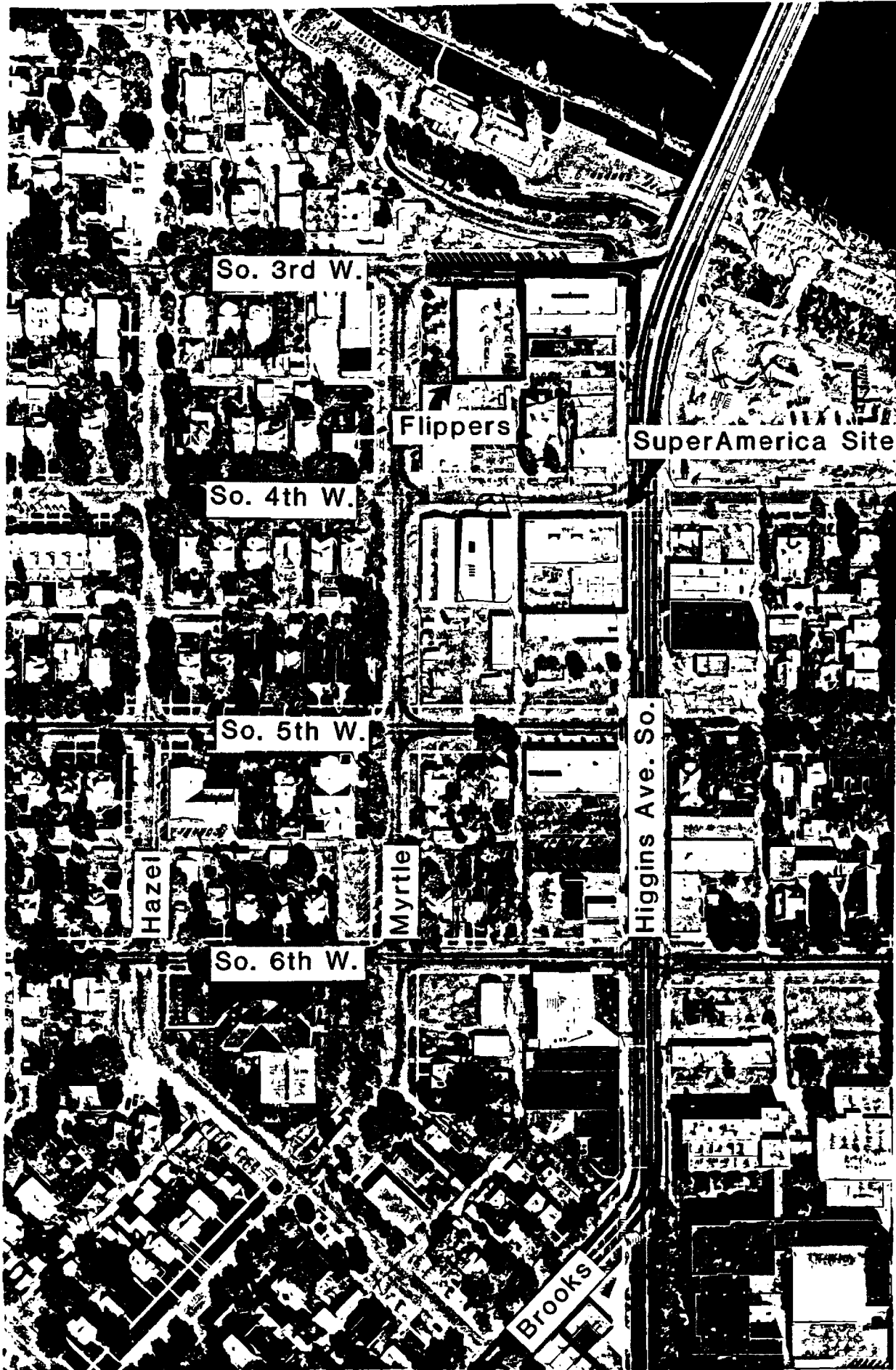
Two years have elapsed since these rezonings were heard. Having learned that there is little consensus on implementation of the South Hills plan, the Council has taken no further steps to bring the zoning of South Hills property into compliance with the adopted land use recommendations of this plan.

SuperAmerica

In April of 1987, Ashland Oil Corporation requested the City of Missoula to apply a "CG" (Commercial Gasoline Station District) overlay zoning to property located at the

⁵⁷Ibid. Pg. 59.

MAP 2: Southside Neighborhood



southwest corner of the intersection of Higgins Street and 4th Avenue West. SuperAmerica sought this overlay to allow them to redevelop the property as a gas-convenience store. This property had been zoned "C" (General Commercial) since 1932. The building that occupied the site had been used by an auto dealership for many years, then briefly as a plumbing shop, before being left vacant for its last couple of years. The developer proposed to raze the building to make room for the new convenience store.

The character of this particular part of Missoula is one of mixed use -- retail commercial and office space fronting on Higgins Avenue and Third Street West and multi- and single-family residential surrounding it. It is an older, yet well maintained, neighborhood that possesses many of Missoula's historic structures.

Upon receiving SuperAmerica's zoning request, the Office of Community Development notified all adjacent property owners within 150 feet of the proposed development. A total of 24 properties fell within this notification area, all but a few of which were commercial properties. The neighborhood organizations did not learn of this proposal until after the Planning Board's public hearing.

Prior to the public hearing before the City Council, this proposal generated a storm of protest from neighborhood residents and businesses who saw the proposed development as out of character with their neighborhood and posing

additional traffic hazards in an already congested area. Most of the commercial property in this neighborhood is developed in the pattern of downtown storefronts, i.e. the buildings are built to the property lines with only the sidewalk between the storefront and the street and no off-street parking. Consequently, the businesses are very conducive to pedestrian and bicycle traffic. Ironically the proposed SuperAmerica development would have been the only commercial property in the vicinity that fully complied with all of the zoning requirements for development in the "C" commercial zoning district, specifically in the area of setbacks, off-street parking, and landscaping. Most of the existing buildings in this older commercial district do not meet current City standards for parking, setbacks, or landscaping since their construction predated adoption of those standards. The Council was faced with a proposal that exceeded all of the City's development standards, yet was objected to by the neighborhood because it was out of character with the existing development (which did not meet those same standards).

Two neighborhood organizations are active in what has become known as the "Southside Neighborhood" -- The Southside Neighborhood Alliance and the Riverfront Neighborhood Association. These groups organized neighborhood opposition to this rezoning request and presented to the Council a petition signed by 237 residents

and businesses protesting the zoning change. Some businesses that had signed an earlier petition of support circulated by the developer withdrew their support and signed the protest petition. In an attempt to look for common ground, representatives of SuperAmerica and representatives of the neighborhood met with planning staff a week before the Council was to take action on this request. This eleventh-hour negotiation was unfruitful since so much effort had already been invested by both sides. The decision was made to have it out on the Council floor.

While issues of traffic, neighborhood character, pedestrian safety, etc. were all discussed by the Council members before voting on this rezoning, the issue mentioned by all council members who spoke was the level of involvement in this issue by the neighborhood. Half of the Council looked positively on this citizen involvement and concurred with it. Alderman Rice, in attempting to convince the other half, stated, "If you say the neighborhood is wrong, what you're saying is that the people don't matter."⁵⁸ Other council members responded to the pressure from area residents with aggravation. Alderman Potts explained his decision to abstain from casting a vote:

"I got rather disgusted with people. They hounded me all week....They just kept coming, coming,

⁵⁸Missoula City Council. "Minutes of the June 8, 1987 Meeting". Missoula, MT: City Clerk's Office (1987). Pg. 42.

coming. Finally I thought well, to kind of show my resentment..."⁵⁹

This zoning request was ultimately passed when Mayor Lovegrove cast an affirmative vote to break the Council's tie vote of 5 for, 5 against, and 2 abstentions.

The neighborhood organizations continued their opposition to the establishment of a SuperAmerica convenience store in their neighborhood by successfully petitioning to have the Council's rezoning ordinance placed on the general ballot of the November, 1987, election. However, in spite of the efforts put into this campaign by the Southside residents, the city-wide vote on this rezoning affirmed the Council's decision by a wide margin. The SuperAmerica store was built in the Fall of 1988 and has taken its place among its reluctant neighbors. While this zoning battle was lost by the neighborhood, it has had the effect of galvanizing this organization, increasing its vigilance and its desire to influence development in the neighborhood.

Flippers

The ballot issue on the SuperAmerica rezoning had not yet been resolved when the Southside neighborhood became involved in another zoning issue. On October 29, 1987, the Clark Fork Christian Center, a church in the neighborhood,

⁵⁹Donna Syvertson. "Council Approves SuperAmerica on Lovegrove's Tie-breaking Vote." Missoulian. June 10, 1987. Pg. 9.

requested that the city rezone an adjacent piece of property to remove its "CLB" (Commercial On-premises Liquor and Beer) overlay zoning.⁶⁰ This property had been used as a neighborhood bar and pool hall ("Stadium Billiards") for many years and as such was assimilated well into the neighborhood. In 1985 the ownership of the bar changed and, along with it, the nature of the business. The name was changed to "Flippers" and the focus of the business became gambling. At that time the sale of beer and wine at that location was a legal nonconforming use since the bar predated the city's adoption of the "CLB" overlay zone in 1977.

In April of 1986, the owners of Flippers requested a zoning change on their property to apply a "CLB" overlay zone. Their intent was to transfer an all-beverage liquor license to this location. This would allow them to expand to serving hard liquor as well as beer and wine. This rezoning request proceeded through the Planning Board and the City Council without any public comment opposing it. The City Council adopted the zoning staff's recommendation that the "CLB" overlay be granted subject to two conditions: (1) that Flippers pave that portion of the alley used by

⁶⁰Section 19.72.010.A of the Missoula Municipal Code stipulates that rezoning of a piece of property may be initiated by a petition signed by 35% of the property owners adjacent on any one side. In the case of Flippers, the Clark Fork Christian Center constituted 100% of the property ownership to the south of the Flippers property.

their customers and (2) that Flippers improve their parking facilities to bring them into compliance with city zoning requirements.

There are two reasons that this rezoning request elicited no opposition; the bar's history as part of the neighborhood and the notification requirements that were in place in April, 1986. As stated earlier, this property had a long history as a neighborhood bar and pool hall. As a neighborhood bar, it was frequented by local residents and was used as a neighborhood gathering place. Within a year of changing ownership in 1985, Flippers had become a 24-hour regional gambling center. The impacts of this expanding use had not yet become apparent to the city's zoning staff in April of 1986 as they processed the "CLB" zoning change request, but it was beginning to be felt by neighborhood residents and businesses.

The neighborhood, however, was not alerted to this request. The only notification required at that time either by state law or local ordinance was a legal advertisement in a local newspaper published at least 15 days prior to the public hearing. It was not until the Fall of 1986 that the City Council adopted Ordinance #2521, expanding notification requirements to include public posting of the property and 1st class letters to all adjacent property owners within 150 feet. Since no one in the neighborhood saw the legal advertisement in the newspaper, Flipper's rezoning request

slipped through the public hearing process without benefit of input from those people who would be most affected by it. The City's zoning staff and the City Council had to make their decisions on this matter without some important information concerning the increasing impacts of this business that the neighborhood would have loved to have shared with them had it been aware of the matter.

As this business changed from a neighborhood bar to "the most successful casino operation in the state of Montana",⁶¹ nearby businesses and residents began experiencing increased vandalism, traffic hazards, late night rowdiness, sexual harassment of pedestrians, litter, public urination, vomiting on the sidewalks, and other public nuisances. The disruptive effects of Flippers and its clientele helped create in the Southside Neighborhood a determination to oppose any further businesses that could compromise their quality of life. This fear played a large role in the Southside neighborhood's opposition to the introduction of a second 24-hour business in the area, i.e. SuperAmerica.

During the struggle over the SuperAmerica zoning, many neighborhood residents became much more informed of the zoning process. One of the facts learned by Southside organizers in their discussions with the zoning staff was that the rezoning of a piece of property could be initiated

⁶¹Quote from Flippers owner, Harold Bittner, in testimony before the City Council, Dec. 21, 1987.

by adjacent property owners. When they also realized that Flippers had never satisfied the conditions of their "CLB" zoning, they decided to attempt to have the "CLB" overlay removed and thus preclude the expansion of this business. The neighborhood groups discussed this possibility with the Clark Fork Christian Center and the church agreed to formally request the zoning change. Once again the neighborhood organized itself around this zoning issue. Having just been rebuffed by the city-wide vote on the SuperAmerica rezoning, the Southside Neighborhood Alliance and the Riverfront Neighborhood Association actively solicited support from area residents and businesses to help convince the Planning Board and the City Council to grant their request. Prior to the public hearing before the Planning Board on December 1, 1987, the Office of Community Development received 44 letters supporting the request, including 22-8x10 color glossy photos of "barf patties" on the sidewalks in the area. The only written testimony against the request was a letter of protest from the owner.

The Planning Board once again decided that the wishes of the neighborhood were not consistent with appropriate planning for the entire community. Prior to voting, Board members stated that this was not a land-use issue, that the neighborhood was attempting to legislate morality through zoning, and that the proper solution to the neighborhood's

problems was more effective policing of the area.⁶² The Planning Board voted unanimously to recommend denial of the rezoning request.

Three weeks later, the neighborhood presented their arguments to the City Council. The Clark Fork Christian Center was represented by Attorney Zane Sullivan; a consortium of area businesses and residents was represented by Attorney Wally Congdon. Flippers was represented by Attorney Sam Warren.

The entire Council was much more receptive to the neighborhood's arguments in this issue than in the SuperAmerica request. Once they were convinced that Flippers had not made any large investments based on the previously granted "CLB" overlay, Council acknowledged that this indeed was a land-use issue and that property half a block from a residential neighborhood was not the proper location for "the most successful casino operation in the state of Montana." Alderman McLaughlin, in making his motion to approve the rezoning, spoke for many Council members when he said:

I voted to allow SuperAmerica into this area as I felt it was a compatible business with this neighborhood and still do. But I will vote to rezone this property "C" commercial as I don't believe Flippers, as it now exists, is compatible. Flippers has outgrown its location and its welcome

⁶²The entirety of the Planning Board member's comments are included on pages 38-42 of the "Minutes for December 1, 1987, Meeting", available in the Office of Community Development (Missoula).

in this neighborhood. This is not an attempt to legislate morality, but to implement the zoning process to make for a better City of Missoula. Casinos just do not belong on side streets bordering residential and small retail business outlets.⁶³

The Council then voted unanimously to approve the rezoning request.

The residents of the Southside neighborhood still await final resolution of this controversy a year and a half after they presented their request to the City. For Flippers has sued Missoula for rezoning their property and District Court has yet to make a ruling on the matter. The SuperAmerica and Flippers zoning efforts have galvanized the Southside organizations into one of the most active neighborhoods in the City. Utilizing this momentum, this neighborhood is currently working on development of a neighborhood plan, doing a historical resource inventory, and assisting in the development of the Riverfront Plan.

Lincoln Center

The final land-use/neighborhood issue that I will discuss in this chapter involves the County government, and not City Council, since it is just outside the City limits. However, I include it because it is a classic example of the conflicts between citizens and politicians when dealing with

⁶³Missoula City Council. "Minutes for December 28, 1987, Meeting." Missoula, MT: City Clerk's Office (1987). Pg. 18.

neighborhood involvement in the land-use planning and regulation process.

In December of 1988, the Office of Community Development received a request from Lincoln Associates to rezone the 1.8-acre old Lincoln School property in the Rattlesnake valley from "C-RR3" to "Planned Unit Development" (PUD) for the purpose of redeveloping this property into a neighborhood convenience shopping center. "C-RR3" is a County residential zoning district with a maximum allowable density of four dwelling units per acre. Nursing homes, day-care centers, and residential mini-warehouses are the only permitted commercial uses; and they must receive special exception approval from the County Board of Adjustment. The only structure on the property is the two-storied, 7,000 sq.ft. Lincoln School building. This building has been identified as eligible for the National Register of Historic Places. The property belongs to Missoula School District One and was last used as an elementary school in the 1981-82 school year. The school district wishes to sell the property to help pay for its expansion plans in other areas.

Lincoln Associates entered into a purchase agreement with the school district, pending the necessary zoning approvals. The Lincoln Center proposal consists of redeveloping the Lincoln School building for commercial and office space and constructing two additional 6,700 sq.ft. buildings to house

a variety of retail shops. The list of proposed uses included businesses such as convenience food market, video rentals, ski shop, bike shop, deli, pharmacy, professional & governmental offices, medical services, group meetings, and general merchandising.

The Rattlesnake Valley neighborhood has a long history of resisting commercial development. On May 16, 1955, the County Commissioners adopted citizen-initiated Zoning District #1. This zoning district prohibited any new commercial development in the Rattlesnake Valley. In 1976, when the County first adopted comprehensive zoning, Zoning District #1 was dissolved and replaced by the "C-RR3" zoning designation, which also precludes commercial development. In 1982, the County Commissioners approved Brookside Planned Unit Development, a mixed-use PUD of condominiums and a convenience shopping center. This zoning change was approved over the strong protests of Rattlesnake Valley residents. Montana state law provides that a zoning change approved by the County Commissioners shall not take effect if it is protested by 40% of the property owners within the zoning district.⁶⁴ Subsequent to the approval of the Brookside PUD, Rattlesnake residents mounted a petition drive and garnered signatures from 60% of the eligible property owners. The Brookside developers were finally able

⁶⁴Montana Code Annotated. Section 76-2-205.

to gain approval for a scaled-down project that included no commercial development.

The issue of commercial development in the Rattlesnake Valley was argued again in 1987-88 during the formulation of the Rattlesnake neighborhood plan. The Rattlesnake planning area consists of approximately 9 square miles, 1,800 households, and a population of 5,800. While the Commissioners were of the opinion that an area of this size and population should include some neighborhood commercial, the majority of Rattlesnake residents who participated in this planning process felt strongly that any commercial development was an unnecessary intrusion into the semi-rural residential character of the Valley. Residents insisted that the usual arguments for neighborhood commercial (i.e. reducing traffic, air pollution, and fuel consumption) were not legitimate in the case of the Rattlesnake Valley where the geography of the Valley necessitates that any trip to work, recreation, etc. takes the traveler through the commercial area of East Broadway and the central business district. They supported this contention with traffic count data that showed Rattlesnake residents making fewer vehicle trips per household per day (seven) than the national average (ten).

This issue of neighborhood commercial remained one of the two most contended issues during the Rattlesnake planning process. The other point of contention was the maximum

allowable number of dwelling units in the Valley. This issue was even more sharply contested than the issue of neighborhood commercial. The 1975 Comprehensive Plan recommended a limit of approximately 9,600 homes and the existing zoning in the valley would allow 7,600. Valley residents felt that both of these numbers were too high and, through negotiations with the Commissioners, were able to reduce this number to 5,500. Having been successful on the density issue, the residents were reluctant to continue to press for a total prohibition of commercial development in the plan. As a compromise, the following goal and objective were written into the Rattlesnake Plan:

GOAL TWELVE. New land use development should be compatible with and enhance the characteristics of the different neighborhoods in the Rattlesnake Valley.⁶⁵

RECOMMENDATION #6. Neighborhood commercial land uses may be encouraged in the study area. However, the City or County's final decision on whether or not the use should be allowed will be based on existing land use regulations as well as all of the following criteria:

- a. Every neighborhood commercial proposal shall include a market study to determine the need and impacts on existing neighborhood commercial.
- b. Facilities that dispense fuel and/or those which dispense alcoholic beverages (other than beer and wine for home consumption or with food) shall be prohibited.

⁶⁵Missoula County Commissioners. Rattlesnake Valley Comprehensive Plan Amendment. Missoula, MT: Rural Planning Office (1988). Pg. 34.

c. Neighborhood commercial sites should be architecturally compatible with the neighborhood in which they are located. Guidelines should be developed by the Office of Community Development which address building material, landscaping type and amount, design, color and signs for the commercial site and buildings.⁶⁶

The language in this goal and objective indicates the lack of consensus on the neighborhood commercial issue. The phrases "should be compatible with and enhance" and "may be encouraged" were politically palatable and allowed for adoption of the plan, but they did not resolve the disagreement over neighborhood commercial development in the Rattlesnake. This language, which is open to broadly different interpretation by residents, elected officials, zoning staff, and potential developers, lay waiting for the first commercial proposal, ready to rekindle this unresolved conflict. The Lincoln Center proposal provided this opportunity.

Unlike the first Flippers rezoning, lack of notification was not a problem in this case. Prior to submitting their development proposal to the OCD, Lincoln Associates met twice with Rattlesnake residents to explain their project and hear the neighborhood's response. These meetings were announced through bulk mailings to all Rattlesnake residences. The OCD notified all property owners within 300 feet of the Lincoln School property. And two additional

⁶⁶Ibid. Pg. 35.

saturation mailings were made to all Rattlesnake residents by the Rattlesnake Valley Alliance (RVA), the neighborhood group that organized the opposition to this proposal.

While the developers had made considerable effort to inform Rattlesnake residents of their plans, they were unable to convince many of them that Lincoln Center would be in the best interests of the Valley. The RVA made its first mass mailing to Valley residents in mid-December. In this mailing the RVA explained its concerns about the proposed Lincoln Center and requested that all interested persons, whether for or against, write to the OCD expressing their opinion prior to the January 3rd public hearing before the Planning Board. As a result, the OCD received 84 letters opposing the development and 1 letter of support.

The RVA felt affirmed that its concerns over the Lincoln Center proposal were indeed representative of the Valley residents' feelings. The developers, their supporters, and most of the Planning Board, however, discounted the significance of the written testimony, claiming that it truly represented only the opinions of a very vocal minority and implying that those who did not write in opposition actually supported the proposal. Mel Guerrera, the listing agent for the property, offered the following as part of his testimony before the Planning Board:

The Rattlesnake Alliance is a small group which is well organized. They are mostly negative and they fight almost every project that goes in, and as everybody has commented, most of these projects

have turned out very well and have been good additions to the area. These people have put on a well-organized letter campaign and to try to get opposition to this and of the 1,800 families, of course, those 80 letters only represent about 4.4% and of course if you count all of the people in the Rattlesnake, which I believe is 5,500, you're talking about such a small amount that it doesn't even bear consideration.⁶⁷

The Planning Board recommended approval of this project by a vote of 5-3.

In an effort to dismiss the allegation that the expressed opposition was orchestrated and not representative of Valley residents, the RVA decided to make a second mass mailing explaining the outcome of the Planning Board hearing and requesting once again that people express their opinion on Lincoln Center. This time the RVA included in their mailing a response card to make it easier for people to respond. The card was pre-addressed to the Office of Community Development to avoid any allegations that the RVA manipulated the survey results. In doing this, the RVA effectively relinquished organizational control over the opposition forces and left the expression of Valley sentiment in the hands of the residents at large.

Approximately 1,800 response cards were sent out (1 per household) and 637 were returned for a response rate of 35%. The response card was written such that it could be answered

⁶⁷Missoula Consolidated Planning Board. "Minutes of the January 3, 1989, Meeting". Missoula, MT: Office of Community Development (1989). Pg. 20.

by more than one person. A total of 1,120 people responded. The results of this survey were given to the County Commissioners at their public hearing on January 25th. The questions on the survey and the survey results are included in Table 2.⁶⁸

⁶⁸This information is on file at the Office of Community Development, County Zoning File #89-003.

TABLE 2

Lincoln Center Survey

<u>QUESTIONS</u>	<u># OF RESPONSES</u>	<u>% OF TOTAL</u>
1. YOUR overall feeling about Lincoln Associates' Proposal:		
a. The project should be either reduced or eliminated	991	89%
b. The project should be built as proposed: zoning change to commercial; the School plus two buildings (each with about twice the "footprint" of the School); 20 businesses with 84 parking spaces.	117	10%
c. No opinion; or other.	12	1%
Total	1,120	
2. IF you want the Proposal's SIZE to be reduced or eliminated:		
a. The School plus only one additional building built; parking scaled down.	152	17%
b. No additional buildings built.	694	80%
c. Other.	22	2%
Total	868	
3. IF you want the Proposal's USES to be reduced or eliminated:		
a. Uses should be limited basically to a Community Center (including a Day Care) and a suitable replacement for the "Little Store" concept.	330	35%
b. Use should be primarily as a Community Center, without retail commercial.	564	59%
c. Other.	55	6%
Total	947	

Source: County Zoning File #89-003. Missoula City/County Office of Community Development. Missoula, MT.

At the public hearing before the County Commissioners, the developers and those residents in favor of the proposal continued to assert that there was no evidence that the majority of Rattlesnake residents were opposed to the Lincoln Center project. While the Commissioners did not assent to this line of reasoning, they did express frustration that there was such strong opposition to this first proposal for neighborhood commercial development so soon after the adoption of the Rattlesnake Plan that encouraged neighborhood commercial. The Commissioners have postponed taking action on this request and, instead, have recommended that the developers scale back their proposal and resubmit it. They have also directed their rural planning staff to meet with the Rattlesnake residents and with the developers to search for any common ground between the two factions.

Pat O'Herren from the Rural Planning Office has stated that the developers, the residents, and the Commissioners all feel betrayed by the process.⁶⁹ The Commissioners feel that the residents have reneged on their consent to neighborhood commercial in the Valley as expressed in the Rattlesnake Plan. The developers feel that they have exceeded all county standards for commercial development, have complied with the Comprehensive Plan, and still cannot

⁶⁹Interview with Pat O'Herren. April 12, 1989.

build their project. And the neighborhood feels that once again their collective will and democratic rights are being violated. The Lincoln Center issue has been a very contentious and unsatisfying experience for everyone involved. The residents of the Rattlesnake have a long history of active participation in land-use issues in the Valley. Until local government establishes a more consistent system for utilizing this citizen participation, the development process in the Rattlesnake will remain unnecessarily difficult.

Conclusion

The four examples discussed in this chapter illustrate the haphazard nature of citizen participation in local government and its dysfunctional effects. The final chapter of this paper will provide a participatory model to transform citizen involvement into the strong democratic resource now being used by cities such as Seattle, Portland, and St. Paul.

CHAPTER 4

A MODEL FOR PARTICIPATORY DEMOCRACY IN THE CITY OF MISSOULA

People refuse to participate only where politics does not count -- or counts less than rival forms of private activity. They are apathetic because they are powerless, not powerless because they are apathetic.

Benjamin Barber⁷⁰

Citizen participation makes celebrities out of many ordinary people and heroes of a few. It transforms people's lives. It brings out the collective power that they have to change events large and small. It creates a collective voice for those who would otherwise go unheard. It teaches people that they can confront those who are highly placed, better educated, more powerful, or richer than themselves and win. It confirms things that people knew in their hearts to be right, although the "experts" tried to convince them that they were wrong. It teaches people that they can trust their own judgement, that they can understand complex issues, that they are entitled to have opinions, and that their opinions are valuable.

Harry Boyte⁷¹

The model for citizen participation proposed in this chapter makes the following three assumptions:

⁷⁰Benjamin Barber. Strong Democracy: Participatory Politics for a New Age. Berkeley: University of California Press (1984). Pg. 272.

⁷¹Harry C. Boyte, and Heather Booth and Steve Max. Citizen Action and the New American Populism. Philadelphia: Temple University Press (1986). Pg. 187.

- (1) Missoula's citizenry has the desire for and commitment to participatory democracy,
- (2) City government has the political will to create participatory opportunities, and
- (3) the economic resources to support this new process are available.

The first assumption has been indicated by neighborhood responses to issues such as those discussed in Chapter Three, and the desire for participation will increase as successful civic action is experienced. Elected officials' willingness to implement a participatory process can be encouraged or created by active lobbying from the electorate. The third assumption poses a more substantial problem. Missoula's stagnant economy, combined with the tax constraints of I-105, have left local government struggling to maintain existing services. To fund this proposed citizen participation program would require either shifting funds from already lean budgets or finding outside sources of money. I have chosen to assume that the financial resources to at least incrementally implement this participatory process can be found. To assume otherwise would bring this paper to a premature end. And to develop a proposal for a permanent funding mechanism would be outside the intended scope of this paper.

Resolution of Commitment to Citizen Participation

Missoula's structure for citizen participation must be built upon a strong political statement by city government recognizing the value of an active citizenry. Once this statement of the community's desire for participatory government is adopted as formal City policy, the community's creative forces can be put to work solving the organizational and fiscal problems of implementation. Lacking this philosophical commitment, all further obstacles are insurmountable. Therefore, the following policy statement is proposed for adoption by the City Council.

Resolution of Commitment to Citizen Participation

WHEREAS, the citizens of Missoula are its most valuable resource, and

WHEREAS, City government needs the involvement of its citizens, and

WHEREAS, a healthy democracy implies an active citizenry, and

WHEREAS, it is government's responsibility to provide opportunities for citizen participation;

THEREFORE BE IT RESOLVED, that the Missoula City Council adopts the following policy statement:

Citizen participation is a process, not a structure. The City has the responsibility to work with its citizens at developing (1) a communication system that guarantees all citizens will be heard and (2) a participation system that allows all citizens effective involvement in the political process. This process cannot guarantee that agreement will always be achieved nor is it a substitution of one level of government for another or any other transfer of power."

Office of Neighborhoods

The development and administration of procedures to implement this policy statement shall be the responsibility of a newly created "Office of Neighborhoods". This office shall be initially staffed by a director who shall serve as "Citizen Participation Coordinator" and by a neighborhood planner. This office should ideally be a department within the Office of Community Development. If, however, political difficulties arise from the fact that the Office of Neighborhoods is a city office within the OCD which is a joint city/county office, the Office of Neighborhoods could be made part of the organizational framework of the Executive Department (Mayor's Office).

The purpose of the Office of Neighborhoods shall be to facilitate citizen participation and promote communication between city government and all Missoula citizens. In order to accomplish this objective, the Office of Neighborhoods shall:

- (1) Work with individuals and existing neighborhood organizations to refine the proposed "Citizen Participation District" boundaries.
- (2) Keep an up-to-date list of neighborhood associations and their principal officers.
- (3) Assist unorganized neighborhoods in the formation of neighborhood associations that best suit their needs.
- (4) Ensure that all recognized neighborhood associations maintain the minimum standards established by the City Council.

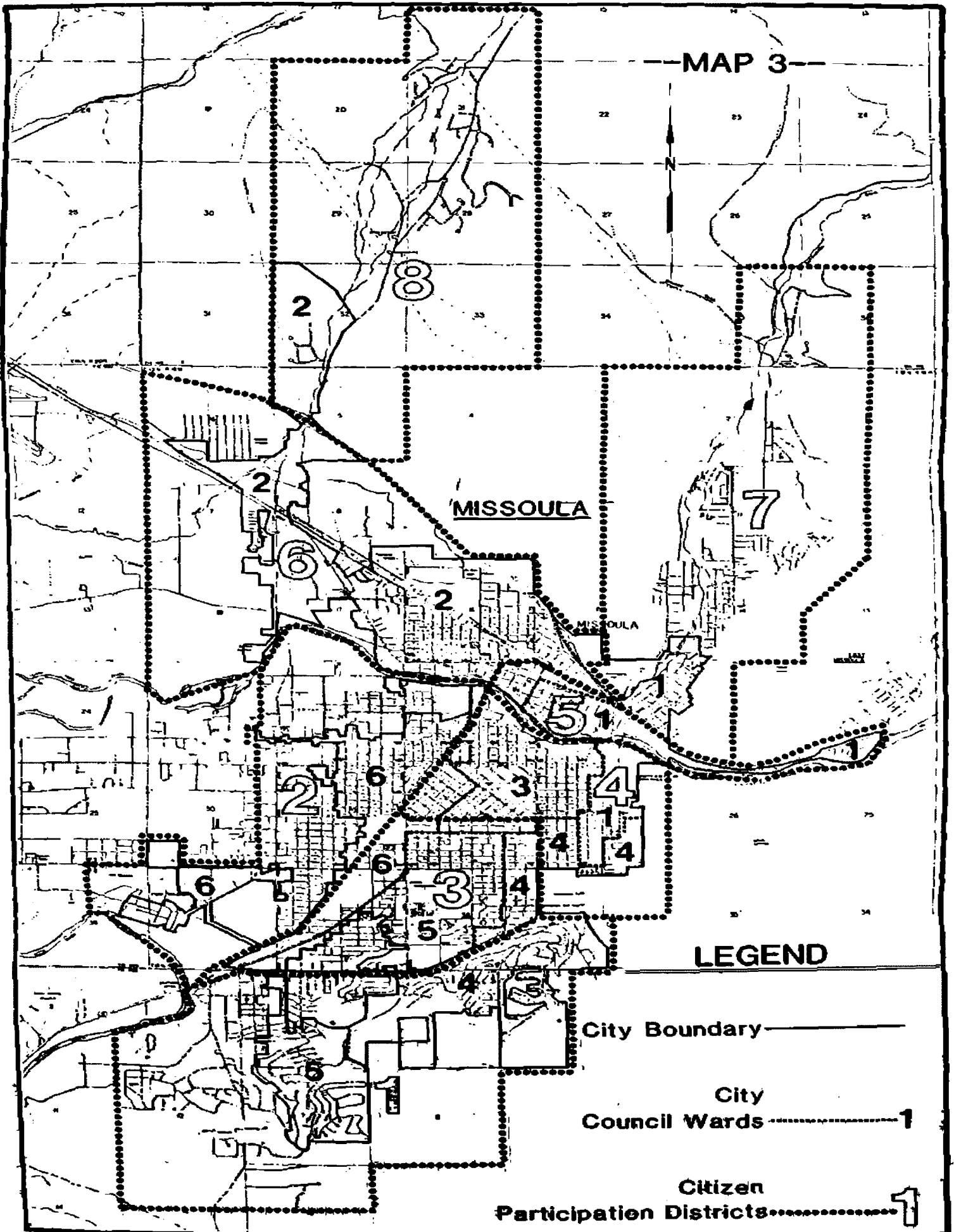
- (5) Develop and administer an early notification system to keep neighborhoods informed of city projects, development requests, ordinance amendments, and all planning activities that may affect livability of the neighborhood.
- (6) Provide staff support for the City Neighborhood Council and, as much as possible, for the Neighborhood District Councils.
- (7) Establish a "Neighborhood Resource Center" which will include key City documents, neighborhood-related books and periodicals, and community newsletters and newspapers, and which will provide a place for neighborhood participants to share information and make phone calls when doing City business.
- (8) Work with neighborhoods in the development of neighborhood-level plans which will serve as amendments to the Urban Area Comprehensive Plan.
- (9) Assist neighborhoods in securing alternative funding for neighborhood projects.
- (10) Encourage individuals to work with existing neighborhood associations where possible.
- (11) Assist neighborhood volunteers in coordinating projects on behalf of neighborhood livability.
- (12) Provide mediation services to resolve neighborhood controversies whenever possible.
- (13) Work with the City Neighborhood Council, the various City departments, and the City Council to develop a system of citizen involvement in the budget planning process.
- (14) Assist in contacts with City agencies on behalf of neighborhood associations or other interested individuals.
- (15) Promote civic education and the value of participatory democracy.

Citizen Participation Districts

While citizen participation is most importantly a process, a flexible framework must be provided in which this process can evolve. Ultimately the residents and businesses within each district will recommend district boundaries for approval by the City Council. Initially boundaries should be established to begin the process and provide the framework for discussion. In establishing the "Citizen Participation District" boundaries on the attached Map 3 below, I have made the following considerations:

1. The number of districts must remain few enough to be organizationally and administratively manageable.
2. Each district will include multiple residential and/or business organizations.
3. All property within the City limits will be included in a citizen participation district.
4. Adjacent property outside the City limits will also be included as logic and good planning dictate. This will allow neighborhood residents on both side of the City limits to participate in matters that affect the livability of their neighborhood.
5. These boundaries will change as the City grows and the character of neighborhoods change.
6. Each district should include neighborhoods that share similar problems and similar patterns of development and those development features that establish the character of the district.
7. District boundaries should consist of natural or man-made boundaries whenever possible.

Citizen Participation Districts and City Council Wards



The proposed Citizen Participation Districts are:

- District 1: South Hills, Lower Pattee Canyon, Miller Creek, and Linda Vista.
- District 2: South Reserve St., mid-Russell St., Carline Addition, Fort Missoula, Community Hospital, and Big Sky High School.
- District 3: South Russell St., Homevale Addition, the 93 Strip, Southgate Mall, Bellvue, and Sentinel High School.
- District 4: The Southside Neighborhood, the University of Montana, the University Neighborhood, South Missoula Addition, Higgins Ave. South, and Hellgate High School.
- District 5: Downtown and the River Corridor East.
- District 6: The Northside Neighborhood, the Westside Neighborhood, El Mar, Wheeler Village, Travois Village, West Broadway, North Reserve St.
- District 7: The Rattlesnake Valley.
- District 8: Grant Creek.

Recognized Neighborhood Associations

The City shall recognize and encourage neighborhood associations as the forum for grass-roots democratic action. In order to be formally recognized by the City and be eligible for assistance provided in the City's citizen participation program, neighborhood associations must meet the minimum standards established by the City Council.

(1) Minimum Standards for Neighborhood Associations

(a) Membership. The membership of a neighborhood association shall not be limited by race, creed, color, sex, national origin or income. Dues shall be collected only on a voluntary basis. The

boundaries of the neighborhood association shall be determined by the residents of the neighborhood. Disagreements on boundaries shall be mediated by the Citizen Participation Coordinator.

(b) Dissent. A neighborhood association shall follow a written procedure by which dissenting views on any issue considered by the neighborhood association shall be recorded and transmitted along with any recommendations made by the association to the City.

(c) Grievances. A neighborhood association shall follow a written procedure whereby persons may request the association to reconsider a decision which harms the person or causes some grievance.

(d) Bylaws. Each neighborhood association shall adopt a set of bylaws. A copy of each association's bylaws shall be kept on file in the Office of Neighborhoods.

(2) Functions of Neighborhood Associations Any neighborhood association meeting the above minimum standards shall be eligible to:

(a) Recommend an action, a policy, or a comprehensive plan to the city and to any city agency on any matter affecting livability of the neighborhood, including, but not limited to, land use, zoning, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality, open space and parks. When making a recommendation, a neighborhood association shall include in the recommendation a record of meetings held, including a record of attendance and result of any vote.

(b) Assist city agencies in determining priority needs of the neighborhoods.

(c) Participate in the participatory budget planning process when this process is formulated and adopted.

(d) Undertake to manage projects as may be agreed upon or contracted with public bodies.

(3) Responsibilities of Neighborhood Associations

(a) General notice and public information.

(i) All neighborhood associations shall undertake to notify affected persons, whether they be groups or individuals, of elections and planning efforts as they are about to begin.

(ii) Neighborhood Associations shall abide by the laws regulating open meetings and open access to all information not protected by the right of personal privacy.

(b) Planning.

(i) Neighborhood Associations shall include affected city agencies when engaged in planning efforts which affect neighborhood livability.

(ii) Neighborhood Associations shall cooperate with city agencies in seeking outside sources of funding for neighborhood projects affecting neighborhood livability.

Neighborhood District Councils

Each Citizen Participation District shall have a Neighborhood District Council consisting of representatives of all neighborhood organizations and business organizations within the district who wish to participate. The rules for selection to the Neighborhood District Council shall be established by the bylaws for the District Council. District Councils shall provide a forum for consideration of common concerns including physical planning, budget allocations, and service delivery and for the sharing of ideas for solutions to common problems. They shall also make recommendations to the City Council on issues which

affect the livability of neighborhoods within the district. When making such recommendations, the District Council shall follow a written procedure by which dissenting views on any issue considered shall be recorded and transmitted along with the recommendations to the city.

District Councils shall work with the Office of Neighborhoods to secure office space and a meeting place within each district. This space is intended to serve the organizational and administrative needs of the district and to enhance civic identity for the district. Whenever possible, the Office of Neighborhoods will provide organizational and administrative assistance to the Neighborhood District Councils. Neighborhood business and residential groups will continue to determine their own boundaries and will remain free to deal directly with city departments and elected officials as they have in the past.

City Neighborhood Council

Each District Council shall select one residential and one business district representative to serve on the City Neighborhood Council. In any district that does not include a commercial area, two residential representatives shall be selected. The Council shall be staffed by the Office of Neighborhoods. The City Neighborhood Council shall create a set of bylaws by which it shall be governed.

The responsibilities of the City Neighborhood Council shall include:

- (1) making recommendations to the City Council on city-wide issues that affect the livability of neighborhoods,
- (2) review and recommendations regarding City budget issues, and
- (3) advice on the development of procedures necessary for the implementation of the City's citizen participation policy.

When making such recommendations, the City Neighborhood Council shall follow a written procedure by which dissenting views on any issue considered shall be recorded and transmitted along with the recommendations to the City Council.

Conclusion

Any citizen-participation system must by nature be an organic process continually adjusting to the needs of the community that it serves. The model proposed in this paper is based on systems that have been adopted and proven effective in Seattle, Portland, and St. Paul. This system is not cast in stone, but will serve as a framework from which the Missoula civic community can evolve participatory institutions that best reflect Missoula and its particular needs. It will provide opportunities for Missoula's

citizens to exercise strong democratic talk, strong democratic judgement, and strong democratic action. The forms that participatory politics assume can be as varied as the communities that adopt them. I offer the model proposed in this paper as one such form that can help the Missoula community develop a positive civic identity and expand its potential for strong democratic self-governance.

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APPENDIX A

PORTLAND, OREGON, "NEIGHBORHOOD ASSOCIATIONS"

ORDINANCE #140905

An Ordinance repealing Chapter 3.96, Neighborhood Associations, and substituting a new chapter relating to neighborhood associations to provide greater flexibility in assisting groups organized for the purpose of promoting neighborhood livability, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Ordinance No. 137816, passed by the Council, February 7, 1974, enacted a new chapter to the code, Chapter 3.96, Neighborhood Associations, to provide for city assistance to associations meeting certain eligibility requirements, in order to assist and broaden channels of communication between the people of Portland and city officials on matters affecting neighborhood livability; that the eligibility requirements for neighborhood associations which must be met in order to gain official recognition have proved to be too rigid and inflexible; that there is a continuing need to broaden channels of communication between the people of Portland and city officials on matters affecting neighborhood livability, and that it is in the public interest to substitute a new Chapter 3.96 containing less stringent requirements for organized groups seeking to obtain city assistance in communicating with city government;

NOW, THEREFORE, Chapter 3.96, Neighborhood Association, of the Code of the City of Portland is hereby repealed.

Section 2. A new chapter is added to the code in lieu thereof, to be numbered, titled and to read as follows:

Chapter 3.96

NEIGHBORHOOD ASSOCIATIONS

3.96.010 Purpose The purpose of this chapter is to provide standards and procedures whereby organized groups of citizens seeking to communicate with city officials and city bureaus on matters concerning neighborhood livability may obtain assistance from staff in so communicating and to provide certain minimum standards for said organizations in order to insure that the broadest possible means for

citizens' organizations to communicate with city government may exist.

Nothing in this chapter shall limit the right of any person or group to participate directly in the decision making process of the city council or any city agency.

3.96.020. Definitions. As used in this chapter;

(a) "Neighborhood Association" means any group of people organized for the purpose of considering and acting upon any of a broad range of issues affecting the livability of their neighborhood.

(b) "City Agency" includes departments, bureaus, offices, boards and commissions of the city.

3.96.030. Minimum Standards. In order to be eligible to receive the city assistance provided for in this chapter, neighborhood associations must meet the following minimum standards:

(a) Membership. The membership of a neighborhood association shall not be limited by race, creed, color, sex, national origin or income. Dues shall be collected only on a voluntary basis.

(b) Dissent. A neighborhood association shall follow a written procedure by which dissenting views on any issue considered by the neighborhood association shall be recorded and transmitted along with any recommendations made by the association to the city.

(c) Grievances. A neighborhood association shall follow a written procedure whereby persons may request the association to reconsider a decision which adversely affects the person or causes some grievance.

(d) A copy of each association's bylaws shall be kept on file in the Office of Neighborhood Associations.

3.96.040 Functions of Neighborhood Associations. Any neighborhood association meeting the minimum standards of Section 3.96.030 shall be eligible to:

(1) Recommend an action, a policy, or a comprehensive plan to the city and to any city agency on any matter affecting livability of the neighborhood, including, but not limited to, land use, zoning, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality, open space and parks;

- (a) When making a recommendation a neighborhood association shall include in the recommendation a record of meetings held including a record of attendance and result of any vote.
- (2) Assist city agencies in determining priority needs of the neighborhoods;
- (3) Review items for inclusion in the city budget and make recommendations relating to budget items for neighborhood improvement;
- (4) Undertake to manage projects as may be agreed upon or contracted with public bodies.

3.96.050. Responsibilities of Neighborhood Associations.

- (a) General notice and public information.
 - (1) All neighborhood associations shall undertake to notify affected persons, whether they be groups or individuals, of elections and planning efforts as they are about to begin.
 - (2) Neighborhood Associations shall abide by the laws regulating open meetings and open access to all information not protected by the right of personal privacy.
- (b) Planning.
 - (1) Neighborhood Associations shall include affected city agencies when engaged in planning efforts which affect neighborhood livability.
 - (2) Neighborhood Associations shall cooperate with city agencies in seeking outside sources of funding for neighborhood projects affecting neighborhood livability.

3.96.060. Responsibility of City Agencies.

- (a) General Notice and Public Information.
 - (1) City agencies shall undertake to notify all neighborhood associations affected by planning efforts that are about to begin.

- (2) Notice of pending policy decisions affecting neighborhood livability shall be given 30 days prior to decisions by city agencies to the neighborhood associations affected. If waiting the 30 days may injure the public health or safety, or would result in a significant financial loss to the city or to the public, the provision for 30 days notice shall not apply, but as much notice as possible shall be given.

(b) Planning.

- (1) City agencies shall include neighborhood associations in all planning efforts which affect neighborhood livability.
- (2) Comprehensive plans recommended to the city or to a city agency by a neighborhood association shall be the subject of a public hearing within a reasonable time. Any changes which are proposed by the city or by a city agency shall be sent to the affected neighborhood association for consideration and for a response before final action is taken. City agencies shall cooperate with neighborhood associations in seeking outside sources of funding for neighborhood projects.

3.96.070. Office of Neighborhood Associations.

(a) There is hereby established an Office of Neighborhood Associations, which shall consist of a City Coordinator and such other employees as the Council may provide.

(b) Functions. In order to facilitate citizen participation and improve communications, the Office of Neighborhood Associations shall assist Neighborhood Associations, or individuals, when requested as follows:

- (1) Notify interested persons of meetings, hearings, elections and other events.
- (2) Provide for the sharing of information and maintain a list of reports, studies, data sources and other available information.
- (3) Provide referral services to individuals, neighborhood associations, city agencies and other public agencies.

- (4) Keep an up-to-date list of neighborhood associations and their principal officers.
- (5) Assist neighborhood volunteers in coordinating projects on behalf of neighborhood livability.
- (6) Encourage individuals to work with existing neighborhood associations where possible.
- (7) Assist in reproducing and mailing newsletters and other printed matter when written material is supplied by neighborhood associations.
- (8) Act as a liaison while a neighborhood association and city agencies work out processes for citizen involvement.
- (9) Assist in contacts with city agencies on behalf of neighborhood associations or other interested individuals.
- (10) Assist in educational efforts relating to citizen participation in city government.

(c) Administrative Functions. Administrative functions of the Office of Neighborhood Associations are the responsibility of the Commissioner-in-Charge. The disbursements of the funds of any district office which may be established with city funding, the hiring and firing of staff in the district offices, and similar matters, shall be acted upon only after consultation between the respective neighborhood associations and the city with the neighborhood associations affected by such decisions and the approval of the Commissioner-in-Charge. Accounting procedures to be used shall be approved by the city.

3.96.080. Neighborhood Association. Any neighborhood association meeting the minimum standards of Section 3.96.030 may request assistance from the Office of Neighborhood Associations. The neighborhood association shall also be eligible to perform all acts authorized under this chapter and shall be included on the up-to-date list of neighborhood associations maintained by the Office of Neighborhood Associations.

If a Neighborhood Association violates minimum standards of Section 3.96.030, a person of that neighborhood or the Commissioner-in-charge may request the Office of Neighborhood Associations to suspend any assistance to the Neighborhood Association. The Office of Neighborhood

Associations shall be responsible for initiating a mediation process immediately, and mediation efforts shall continue for thirty (30) days. If at the end of thirty (30) days, a satisfactory resolution of the problem has not been reached, then the Commissioner-in-Charge will issue a decision.

3.96.090. Appeals. Any recommendation or action of the Office of Neighborhood Associations is subject to the approval of the Commissioner responsible for the office. Any person directly affected by these actions may appeal to the City Council by filing a written notice thereof with the city auditor within 14 days after receiving written notification of the Commissioner's decision.

Section 3. The Council declares that an emergency exists because the Office of Neighborhood Associations is presently funded through December 31, 1975, only, and the Council desires that this ordinance revising the functions of the Office, become effective so that the Council may consider the level of funding for this program prior to the end of the calendar year. Therefore, this ordinance shall be in force and effect from and after its passage.

Passed by the Council, November 26, 1975.

Commissioner Jordan
November 18, 1975
EB:ast

Mayor of the City of Portland

Attest:

EC:mk
November 21, 1975

Auditor of the City of Portland

APPENDIX B

City of St. Paul

Council Resolution No. 266178

WHEREAS, the City Council fully supports the goal of improved citizen participation for the City of St. Paul, and

WHEREAS, the City Council has been able to reach fundamental agreement on a policy statement for the definition of citizen participation, and

WHEREAS, there is a need to adopt a citizen participation policy statement and definition,

THEREFORE BE IT RESOLVED, that the City Council does hereby adopt the following policy statement:

"Citizen Participation is a process, not a structure. The City has a responsibility to develop a process that will insure that everyone has the opportunity to communicate with city government, and further, that everyone is assured that they will be heard. This process cannot guarantee that there will always be agreement nor is it a substitution of one level of government for another or any other transfer of power."

Adopted by Council: 7 In Favor 0 Against

Date: Oct. 9, 1975

APPENDIX C

City of St. Paul

Council Resolution No. 266179

WHEREAS, the City Council fully supports the goal of improved citizen participation in the City of St. Paul, and

WHEREAS, the City Council adopted the boundaries of July 22 as amended delineating seventeen neighborhoods in the city, and

WHEREAS, the City of St. Paul has directed the Office of the Mayor to use these districts singularly or in combination as a basis for citizen input for community development programs, and

WHEREAS, the City Council has requested the Office of the Mayor to initiate an early warning communications system between the city and the neighborhoods, and

WHEREAS, the citizen participation component of the general district planning process may be found to be inadequate in some districts,

THEREFORE BE IT RESOLVED, that the Office of the Mayor is authorized to take steps to create or improve the citizen participation process when one or both of the following circumstances exist:

1. The district planning teams recognize the need for increased citizen participation in order to expeditiously bring about the completion of the general district planning process. In this case the Office of the Mayor would begin the citizen participation process by initiating whatever steps necessary to make the planning process viable.
2. The neighborhood itself may recognize the need for a broader based citizen component and request that the Office of the Mayor implement the necessary steps to strengthen the citizen participation process.

The guidelines and steps for this purpose are attached to this resolution and shall be considered a part thereof.

Adopted by the Council: 7 In Favor 0 Against
 Date: Oct. 9, 1975

**STEPS TO THE ESTABLISHMENT OF A
CITIZEN PARTICIPATION PROCESS**

There are some areas where difficulties are arising with the general planning process because there is no clear organization or combination of organizations that speak for residents of an area. Since planning cannot take place in a vacuum, this not only hampers the plans to be developed but will probably make the legitimacy of these plans open to question when the implementation phase begins.

In these cases it would seem more logical to emphasize the development of a citizen participation process prior to the completion of the district planning process. Unfortunately, the action of the City Council of July 22, 1975, which delineated seventeen neighborhood districts, directed to the Office of the Mayor to use these districts singularly or in combination as a basis for citizen input for community development programs, allowed the initiation of an early warning communication system, and the initiation of a general district planning process, did not give the administration the authority to proceed on the development of citizen participation components where necessary. Therefore, it is necessary to provide the administration with the authority and guidelines for this process.

The citizen participation process outlined in these guidelines may be activated in one of two ways:

- (1) The city planning team may recognize the need for increased citizen participation in order to promptly bring about the completion of the general district planning process. In this case the administration shall begin the citizen participation process using whatever steps necessary to make the planning process viable.
- (2) The neighborhood itself may recognize the need for a broader based citizen component and request that the administration implement the necessary steps to bolster the citizen participation process.

The steps and guidelines are as follows:

Step 1. The city shall develop an inventory of community groups and organizations. This inventory shall identify all existing groups, institutions, organizations, clubs, individuals, social service agencies, churches, labor unions, fraternal organizations, and business associations.

Step 2. The city shall initiate contact with groups and individuals within the district and describe to them the citizen participation process and its relationship to community development activities and other programs. In addition to meetings with groups and individuals, the city should use, wherever possible, existing resources within the area such as community newspapers, church bulletins, or community bulletin boards in order to assure broad dissemination of information relating to the program.

Step 3. Refine designated boundaries. The citizen organizations in the districts should first make every effort to reach agreement among themselves on the boundaries. If there is a dispute, citizen groups should be given a maximum of 45 days to resolve the matter.

City Planning Staff should be requested to analyze the disputed area, taking into consideration such things as natural or man-made boundaries and other appropriate planning criteria. Planning staff should then make their analysis available to the community groups, as well as to appropriate City officials.

If the community groups are unable to reach agreement on the boundaries, the City Council, or an appropriate subcommittee thereof, should schedule a public meeting with advance notice to all interested parties. After hearing the facts of the situation and making use of the planning department analysis, the final decision should be made by the full City Council. Door-to-door survey within the disputed area to elicit the opinion of the residents should be considered. There may well be areas in which a survey could be used and reasonably valid results obtained. (Step 3 represents policy already approved by City Council.)

Step 4. The City shall establish a working committee to develop structure, by-laws, and functions of the district organization. All meetings of the working committee shall be open meetings. Each district shall determine the structure for the process of citizen participation. This may involve the creation of a new organization, recognition of an existing group, or a cooperative arrangement among existing groups. However, this structure shall be one that will ensure that the

process is broadly based, democratic and nonexclusionary.

The by-laws governing the process shall include: the purpose of the organization; the method of election or selection of officers; membership qualifications; duties of officers; the manner of conducting meetings; a regular meeting schedule; boundaries; and an affirmative action plan.

- Step 5. Public hearings in the neighborhood on the proposed structure and by-laws shall be held. Prior to the hearing there shall be ample public notice and ample time for groups in the community to discuss the proposal at their regular meetings. The city shall provide groups and individuals with adequate materials and resources to describe and explain the process.
- Step 6. Following the above hearings, the working committee shall refine the proposed structure and make whatever changes necessary in the proposal.
- Step 7. A public hearing in the neighborhood on the revised structure shall be held.
- Step 8. The proposed structure is presented to the Mayor and City Council. The proposal is reviewed by City staff and staff makes recommendation to the Mayor and City Council.
- Step 9. The City Council holds a public hearing on the proposed structure of the community organization. City Council approves, rejects, or modifies the proposal.
- Step 10. The neighborhood implements structure and organization and integrates it with the district planning process. If it is desired, the City shall assist the neighborhood in conducting any elections or community conventions required. The City shall also assist the working committee in notifying the residents and distributing election or convention materials.

APPENDIX D

City of St. Paul

Council Resolution No. 273465

RESOLVED, That the Council of the City of St. Paul does hereby approve and adopt the "Early Notification Policy", a copy of which is attached hereto and incorporated herein by reference.

Adopted by Council: 5 In Favor 0 Against

Date: Aug. 14, 1979

PURPOSE OF EARLY NOTIFICATION SYSTEM

The purpose of the Early Notification System (ENS) is to provide timely information to community organizations regarding the City's various activities that are being considered, proposed, planned or implemented. Further, the system facilitates feedback to the City regarding the neighborhoods' response and position. As a matter of practical application regarding use of the ENS, persons using this communications system should note that District Councils generally meet within the first two weeks of each month. Therefore, notifications should be received by the districts prior to these regular meeting dates.

The ENS list does not preclude notices that are required by law.

In order for the ENS to operate effectively, the following policies and procedures will be used.

POLICY

1. The ENS list is comprised of two sections. One section is by district. The second section is an All list comprised of City Departments, divisions, city-wide agencies and organizations. For procedures on how to use these sections, refer to "Procedures" item 1.

2. Each communication will designate a contact person by name and phone number. The district(s) affected shall also be indicated in correspondence.

3. A log recording date sent and date action to be taken, topic, sender, and recipient will be kept by each division or department using the ENS. See "Procedures" item 2 for additional information on the ENS log (example attached).

4. Send a copy of the ENS log to the Citizen Participation Coordinator on a quarterly basis (March 31, June 30, September 30, December 31). This log will be used for monitoring purposes.

5. The ENS list will be revised bi-monthly. Each department and division will receive changes in the ENS list from the Citizen Participation Coordinator.

6. All requests for such changes on the ENS list (additions, deletions, or address changes) shall be referred to the Citizen Participation Coordinator for final approval. See "Procedures" item 3 for information regarding who is included in the ENS list.

7. All City departments and divisions, Planning Commission, Housing and Redevelopment Authority Board, Port Authority, City Council, and CIB Committee shall send meeting notices and agendas to the ENS list. This requirement may be modified to include only the District Council if the affected organizations within the District, the Agency, and the Citizen Participation Coordinator agree to such a modification. This does not preclude notices being posted in public places when required by law.

8. All other Committees, Commissions, Boards and Task Forces not mentioned above shall send meeting notices and other appropriate communications affecting neighborhoods at the request of organizations or the Citizen Participation Coordinator. Any new Committees, Commissions, Boards or Task Forces shall notify the ENS list of their formation and functions.

9. Meetings scheduled by City Committees, Commissions and City Council Committees that are not regularly scheduled must send notice of the meeting and the agenda to the ENS list to be received at least three days in advance. A Community Organizer or person designated by the district organization may attend a meeting and request that an issue be held over for discussion at the next scheduled meeting if it is determined a specific issue may be a controversial matter in the neighborhood. This requirement may be

modified to include only the District Council if the affected organization within the District, the Agency, and the Citizen Participation Coordinator agree to such a modification.

10. The Department of Finance and Management Services and the Division of License and Permit Administration shall continue to notify the affected district in writing 45 days in advance of public hearings on tavern license applications and transfers and liquor license applications and transfers. They shall add to this 45-day notification, sauna and game room applications and transfers, pool hall applications and transfers, junk dealer license applications, renewals, and transfers, and second-hand motor vehicle parts dealer license applications, renewals, and transfers. Affected districts shall also be notified of license revocation hearings pertaining to the above-listed licenses.

11. The Fire Prevention Division of the St. Paul Fire Department will notify affected districts of licenses denied a business on the basis of violation of the Fire Code. Affected districts will also be notified of any significant variances granted by the Fire Department pertaining to the Fire Code.

12. The Division of Planning shall send notification on zoning as required in the "Procedures" item 6.

13. The City shall also utilize the neighborhood newspapers and the St. Paul Public Libraries as a source of communication with the neighborhoods. Refer to the "Procedures" section, item 10, for further information.

14. Notification of projects that pertain to only 1 or 2 districts should be sent to those affected districts only.

15. Carefully limit technical terms used in notifications.

16. All development ads, street vacations, special assessments, and any public policies affecting neighborhoods must have a 45-day notification. Notification is the responsibility of the appropriate City department or division.

17. Districts shall be notified on a systematic basis (at least quarterly) of all public lands available for redevelopment and shall also be notified of the current status of such land. Notification is a responsibility of the Renewal Division.

18. Notification regarding the Unified Capital Improvement Program and Budgeting Process shall be implemented as prescribed by the Citizen's Guide.

19. Public Policy directly affecting neighborhoods must be communicated through the ENS at least 45 days prior to its implementation.

20. The Planning Division shall transmit at least Plan Briefs of all City plans of a City-wide nature to the ENS.

21. The Policies and Procedures require notification to affected districts only in cases of the Zoning Division, License Division, and Housing and Building Code Division. Any City-wide organizations on the "All" list may request that District Councils notify their organizations of these neighborhoods' specific issues. A list of City-wide organizations and agencies is included on the ENS list. A copy of the ENS list is available on request from the Citizen Participation Coordinator.

PROCEDURES

1. Send a copy of every notice which uses any part of the ENS list to the Citizen Participation Coordinator. List "carbon copy" (cc) on all communications sent. For example, if a communication is sent to only selected districts, then list the districts, or if a notification is sent to the ENS, "cc ENS". Notice that some labels say "see another district for mailing label." In some cases, a name (usually an elected official) may apply to several districts. The label will refer to the appropriate district for an address. When referring to an activity or project in a specific district, identify the district by number. Each City department, division, committee and commission is responsible for their respective mailings.

2. Each department or division using the ENS is also responsible for maintaining files on information recorded in the ENS log. An example of the log format is attached.

3. Representation on the ENS list shall be limited to community organizers by district, 2 persons from each district council, 2 persons from each community organization within a district, neighborhood newspapers, district planners, and State elected officials representing the district. Persons representing district councils or organizations on the ENS list are selected by the respective organization.

4. Cooperation by City departments, divisions, and agencies for publication of public information is required.

5. The appropriate chairperson or department head should be familiar with communications sent through the ENS, including content and persons responsible for the specific content.

6. (a). Rezoning - Within two days of a rezoning request application, the district council president, community organizer and district planner shall be notified. Affected property owners within 350 feet, as per state law, shall be notified at least 10 days in advance of a public hearing. The total number of days notification to district councils must be at least 30 days.

(b). Determination of Similar Use (DSU) - explanation of a DSU -- This occurs when a restricted use of a site is a similar use to one already permitted in a zoning district. For example, it is requested that a cabinet maker's shop is determined to be a similar use to an interior decorator's shop. Within 2 days of a DSU request application, the district council president, community organizer, and district planner shall be notified. Affected property owners within 350 feet must also be notified at least 10 days in advance of a public hearing. In addition to the notice, a summary of the procedures used for DSU's will be sent out. The results of the DSU will be mailed to the community organizer, district council president, and the district planner. The total number of days notification to district councils must be at least 30 days.

(c). Special Condition Use, Variances and Appeals and Change in Nonconforming Use - District council presidents, district planners, and community organizers shall be notified within 2 days of an applicant's request. Affected property owners within 350 feet shall be notified at least 10 days before a public hearing. The total number of days notification to district councils must be at least 30 days.

(d). 40-Acre Study - At least 30 days before a public hearing is held notification will be sent to the affected district(s).

7. The Division of Housing and Building Code Enforcement shall notify 30 days in advance the district affected of any public hearing concerning condemnations or demolitions. The process shall be:

(a). When application for condemnation or demolition is made, The Housing and Building Code Division

will notify the affected district of that division's intent to request a public hearing from the City Council. The requested public hearing will not be held until at least four weeks from the date the request is made. Organizations and interested persons may contact the City Clerk's Office for the exact date of hearing established by the City Council. The letter of intent to the affected district will also provide the stated district affected, a contact [person and phone number and also a brief explanation of why the request was made.

(b). In the case of permit holders for commercial construction and rehabilitation, the Housing and Building Code Division will provide a district map and contact list. The permit holder will be requested to contact the affected district.

(c). Affected districts shall be notified of permits for demolition when such permits are issued to the private sector. These permits do not require a public hearing.

(d). Board of Appeals - Affected districts and property owners within 350 feet of property owner(s) requesting a code variance shall be notified 45 days in advance of a public hearing requesting a code variance.

8. The Department of Finance and Management Services shall notify districts when tax forfeited and surplus properties become available for reuse.

9. Legal notices requiring notification to property owners must, by state law and city ordinance, be addressed to the owner of record. If a district council chooses to notify tenants of proposed Zoning Division, Housing and Building Code Division, and Licensing Division issues, such notification is the responsibility of the district council.

10. City departments will be given a list of neighborhood newspapers and their printing deadlines. For documents that do not need to be sent to the entire ENS list, place the document on file with the Central Library and provide 11 copies for circulation to branch libraries. Notify the ENS list that the complete document is filed with the central and branch libraries.

11. Do not make any assumptions regarding a district's prior knowledge of a project. Neither should the written ENS be regarded as the only source of communication with a neighborhood. Develop a verbal communication system with at least the community organizer.

12. If a City department wishes to go to a neighborhood on any issue, contact the community organizer to set a date, time and place. A list of community organizers may be obtained from the Citizen Participation Coordinator.

13. Emphasize the positive aspects of what City government is proposing. In every case possible, do more than simply notify: explain reasons behind a project, activity or change. Neighborhoods' advice should be sought. A neighborhood's input is a resource available to City government.

14. There is often a lengthy time lapse between the time notices are dated and the time they are received. Both inter-office and the U.S. Post Office timing must be considered in sending advance notification.

15. Persons making an ENS mailing should notify the Citizen Participation Coordinator so that mailings can be consolidated whenever possible.

16. The Citizen Participation Coordinator is responsible for training City staff on how to use the ENS system.

LOG OF EARLY NOTIFICATION SYSTEM MAILINGS

DATE SENT	DATE ACTION TO BE TAKEN	TOPIC AND/OR ATTACHMENTS	SENDER	RECEIVER (SPECIFY)	FILED