

CITIZEN EFFECTIVENESS TRAINING

The Citizen's "Tool Kit"

Presented by:

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Inspiration

Quotes

1. “Bad laws are the worst sort of tyranny.”
2. “A central test of political, legal, and economic institutions is what they do to people, what they do for people, and how people participate in them.”
3. “Always bear in mind that your own resolution to success is more important than any other thing.”
4. “Nothing can be done except little by little.”
5. “It is not so much what you believe in that matters, as the way in which you believe it and proceed to translate that belief into action.”
6. “Lache pas la patate!” (“Vous ne lachez pas la patate chaud! Don’t drop the hot potato—hang in there!”)
7. “Nothing strengthens authority so much as silence.”
8. “Those who do not do politics will be done in by politics.”
9. “Power can be taken, but not given. The process of taking is empowerment itself.”
10. “I have seen that in any great undertaking it is not enough for a man to simply depend on himself.”
11. Who coined the phrase “the tyranny of small decisions” when referring to the total harmful impacts of individual decisions and exemptions made by planning and zoning boards?
12. “Sentiment without action is the ruin of the soul.”
13. “If everyone agrees, someone isn’t thinking.”

Who Said It

- A. Lin Yutang
- B. Charles Baudelaire
- C. William Odun
- D. French proverb
- E. Edward Abbey
- F. Gloria Stenheim
- G. U.S. Catholic Bishops
- H. Cajun proverb
- I. Charles de Gaulle
- J. Lone Man (Isna-la-wica)
- K. Edmund Burk
- L. Abraham Lincoln
- M. Gen. George Patton

What's "Effective?"

- **Your formal opportunity to provide input about a project is when some type of government approval is needed (most everything).**
- ***However*, if you wait until that point to get organized, it's too late!**
- ***Instead*, we suggest building an *organization* that has *goals, strategies, and tactics*.**
- **Getting and using *information* is critical! Argue from facts, not emotion.**

Goals

- **Identify what a “win” is for you:**
 - Make it (the project) go away.**
 - Make it (the project) less harmful or annoying.**
 - Get it (the law) on the books.**
 - Make it (the law) go away.**
 - Make it (the law) stronger.**
 - Change institutionalized practices.**
 - Make a group that sticks together.**
- **Make yourself write it down (or at least say it to each other):**
 - “Our goal is to prevent xx company from re-opening an industrial plant at xx location.”**
 - “Our goal is to secure local historic preservation district status for our neighborhood.”**
 - “Our goal is the get xx developer to reduce the density of units at xx location by xx units or xx percent.”**
 - “Our goal is to get a binding element that requires xx.”**
 - “Our goal is to get Metro government to enforce binding element xx.”**

Strategies

- **Strategies are the areas you can work in to achieve your goals (within each strategic area or category there will be tasks to do):**

--Technical

--Community

--Government

--Media

--Legal

--Funding

Tactics

- **Tactics are the specific *tasks* and *activities* that you undertake in all of your strategy areas to meet your goals.**
- **There *has* to be a deadline for getting this work done.**
- **These are the “jobs” that you can give volunteers to match their time, skills, and knowledge:**
 - Research a company’s or developer’s website to find out other project or development locations and how well it complies with environmental laws.**
 - Write a letter to the editor.**
 - Write a letter to an elected official.**
 - Write a grant application for funding.**
 - Watch a construction project to see if the binding elements are being followed.**

What's "Effective?"

- **Our goal is to minimize construction and operation impacts of xx development on our neighborhood through adoption of our proposed binding elements in a final land use decision. Our strategy will be to focus on government decision makers (Planning and Design Services staff and Planning Commission) and community education, with limited technical and possibly legal assistance. Our tactics will include:**
 - Get and update a complete copy of the developer's application at Planning and Design Services and MSD;**
 - Research other land use cases to identify binding elements that we may want to propose;**
 - Get limited technical support from a consultant to help review the developer's documents and identify issues and questions;**
 - Prepare and present a neighborhood case before Planning Commission;**
 - Get five letters to the editor (with different messages) in the Courier-Journal the week before the Planning Commission action;**
 - Get limited legal support to ensure that our proposed binding elements are properly drafted (e.g., are enforceable).**

Citizen's Effectiveness Toolkit

- **Courier Journal legal notice:**
- **Pen and paper:**
 - Letters to the editor
 - Open Records Act/Freedom of Information Act
- **Flash drive:**
 - Internet research/email
- **Crayon:**
 - Their maps
 - Your graphics, photos, and maps
- **Digital recorder:**
- **Binoculars:**
- **Funnel:**
- **Building block:**
- **Dollar bill:**
 - Funding opportunities
 - Public financing
 - Campaign contributions
- **Ballot:**
 - Dos/Don'ts for 501(c)(3)s
- **“Top ten” questions (see next page)**

Suggested List of Standard Questions

- 1. Who is the developer or applicant? Is there a parent company? Who is it? If it's a partnership, who is in the partnership?**
- 2. Who is their consultant?**
- 3. What, exactly, are they proposing to build/do? Is the project being phased? If so, how and over what time period?**
- 4. Who is the contact person for the developer (get a local phone number)? Who is the contact person for the developer's consultant? Who is authorized to speak on this project and to negotiate?**
- 5. Why did you pick this site?**
- 6. What government permits or approvals are needed? Will you provide us a complete copy (including maps) of all permit or other applications?**
- 7. Would you include me in your mailing list?**
- 8. What financial incentives (and/or approvals) are you/they asking for from the city, state, or federal government?**
- ***9. Who is the technical staff person in charge of reviewing the permit (or other approval) application at the government agency? Who is her/his boss? Do you have checklist or form that you use when reviewing an application? If so, I'd like a copy (I can Open Records Act request it if you'd prefer). Is there a way I can be notified of any changes that the developer submits? Where does your agency have discretion or flexibility in setting permit conditions or approvals?**
- 10. I don't understand the terminology or acronyms you are using. Please restate what you said, in layperson terms, about what you intend to do about (fill in the blank)?**

Effective Oral Comments

- **Introduce yourself and what your interests are.**
- **State your position IMMEDIATELY. You will often have no more than 2-5 minutes in a formal public meeting to make your statement.**
- **Script (write out) your statement beforehand and time yourself reading or saying it.**
- **Examples:**
 - **“I’m against this project for the following three reasons...”**
 - **“I’m for this project because it will...”**
 - **“I’m concerned because xx has not addressed (construction impacts, public health, noise, night lights...)”**
- **Tag team with a spouse, friend, etc.**
- **Think about who you want your audience to be.**
- **Bring a sign.**
- **Bring a hard copy of your exact statement with your name and full address to submit to the sponsors of the public meeting or hearing.**

Access to Government Information

- **You have a right to records in the possession of government agencies**
 - “Records” are defined broadly (email!)
 - You cannot ask questions
 - “Draft” document and “privacy” exemption
- **State open records acts**
 - Time period for response in KY is 3 working days
 - See example requests attached (pp. 13&14)
- **Federal Freedom of Information Act (FOIA)**
 - 20 day working day response
 - See example request attached (p. 15)
- **Steps**
 - Find out who the “custodian of records” or the FOIA officer is
 - Put the request in writing (some agencies take email requests). Mark the outside of the envelope and/or fax transmittal sheet with the following: “Time-Sensitive Request”
 - Set a \$\$ limit
 - Appeal? (State Attorney General or federal agency administrative appeal)

EXAMPLE KY OPEN RECORDS ACT REQUEST

SENT VIA FAX AND REGULAR MAIL

December 11, 2003

Mr. Jack Scriber, Executive Director
Kentuckiana Regional Planning and Development Agency
11520 Commonwealth Dr.
Louisville, KY 40299

RE: Open Records Act Request

Dear Mr. Scriber:

This letter serves as an open records request pursuant to KRS 61.872 for the following records within the custody or control of the Kentuckiana Regional Planning and Development Agency (KIPDA):

1. All documentation (including, but not limited to public notices, correspondence, memoranda, email, fax, and meeting minutes) relating to the Horizon 2025 Funding Program amendment approved on June 26, 2003 (or any subsequent amendments) by and/or between the following: one or the other or both of the project sponsors of the amendment(s); KIPDA, its agents, and employees; and/or third parties, for the time period of January 1, 2003 through December 11, 2003.
2. A copy of the annual budget for KIPDA.

In closing, I look forward to KIPDA's formal response within the three working day timeframe established in the Open Records Act. If you have any questions regarding this request, please contact me at 502.583.3060.

Sincerely,

Leslie Elizabeth Barras
Associate Director and Staff Attorney

EXAMPLE KY OPEN RECORDS ACT REQUEST

FAXED AND SENT REGULAR MAIL

April 11, 2003

Mr. John Davis, Attorney
Kentucky Transportation Cabinet, District 5
977 Phillips Ln.
POB 37090
Louisville, KY 40223-7090

RE: Open Records Request; Contract Procurement KYTC Project Code 02-0723 (Jefferson County, IM 264-1, The Watterson Expressway, I-264)

Dear Mr. Davis:

This letter serves as an open records request pursuant to KRS 61.872 for the following records associated with the environmental and historic property assessment processes for the above-referenced project (Watterson Expressway repair/rehabilitation) in Jefferson County:

1. A copy of the environmental documentation that was completed for this project under the National Environmental Policy Act (e.g., Environmental Assessment/Finding of No Significant Impact).
2. A copy of the historic property documentation that was completed for this project under Section 106 of the National Historic Preservation Act. This would include any analyses or assessments of the Area of Potential Effect from the project; identification of historic properties within the APE; assessment of effects; and any mitigation for adverse effects.
3. A copy of all public notices that were issued regarding items 1. and 2. above.
4. A copy of all comments that were submitted to KYTC from the public and government agencies regarding items 1. and 2. above.

In closing, I look forward to your formal response within the three working day timeframe established in the Open Records Act.

Sincerely,

Leslie Elizabeth Barras
Associate Director

EXAMPLE FOIA REQUEST (FILED BY EMAIL)

From: Leslie Barras [lesliebarras@riverfields.org]
Sent: Friday, July 11, 2003 11:34 AM
To: FHWA HQ FOIA (foia.officer@fhwa.dot.gov)
Subject: FOIA request

Importance: High

Dear Madam/Sir:

This constitutes a Freedom of Information Act request for the list of all Kentucky projects included in Secretary Mineta's June 16, 2003 announcement of the award of \$61.7 million to the state of Kentucky in highway discretionary funds.

The press release that announces this award identifies Jim Pinkelman as the point of contact.

An email response with an electronic copy of the list is acceptable.

Thank you,
Leslie Barras
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502.583.3285 (fax)