

THE RIGGINS' RULES

Fred Riggins, a former chairman of the Phoenix Planning Commission, wrote the Riggins' Rules in 1967. Although written nearly 30 years ago, these rules still hold true today. Some of the rules may seem harsh, may be redundant of the other materials provided in this handbook, and may not apply to your board or commission. These rules are a reflection of how one gentleman viewed his position as a board and commission member and have been included for your review and reflection.

- 1. Don't accept an appointment or nomination to a board or commission unless you expect to attend 99.9999 percent of the regular and special meetings, including inspection trips, briefings and public functions where your presence is expected.** If your participation falls below 85 percent during any six-month period, you should tender your resignation. You aren't doing your job. You aren't keeping well enough informed to make intelligent decisions, and you're making other people do your work for you and assume your not inconsiderable responsibilities. Your effectiveness and the regard given to your opinions by other members will be in direct relation to your attendance.
- 2. Do Create a Good Impression of City Government.** Remember that this is the first contact that many people have with the administration of their city. For some, this is the most important matter in which they have ever been involved. Many will never be back again and many will never have another such contact or experience. Your performance will create, in their minds, the picture that they will always carry with them of "the way the city is run." Make it as pleasant and comforting a picture as possible
- 3. Do Be on Time.** If the hearing is scheduled at 7:30 p.m., the gavel should descend that exact hour, and the hearing should begin. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present.
- 4. Dress Professionally.** Many people in the audience think that you're an important person. Don't disappoint them by your appearance, conduct or attitude.
- 5. Don't Mingle with Friends, Acquaintances, Applicants or Objectors in the Audience** before the meeting or during a recess period, if it can be politely avoided. You will invariably create the impression that there is something crooked going on, especially when you vote favorably on the case of the applicant with who you were seen conversing. Save your socializing and fraternizing for some other time and place.
- 6. Don't Discuss a Case** privately and as a single member of a body with an applicant or objector prior to a filing or prior to the hearing. In the event that such contact is unavoidable, be very noncommittal. Don't be too free with advice, and explain that you're only one member of the body, that you've not had an opportunity to study the matter thoroughly, that you have not seen the staff recommendation, and that you've no way of knowing what opposition may develop or what will occur at the public hearing. Even if a case (issue) looks pretty cut-and-dried to you, it's wise to be pessimistic about an applicant's chances of securing approval. If you give an applicant any encouragement/advice and they're denied, the applicant will hate you until your dying day. If you've been unable to avoid these "ex parte" contacts, you should put them on record at the hearing.

7. **Do Your Homework.** Spend any amount of time necessary to become thoroughly familiar with each matter, which is to come before you. It is grossly unfair to the applicant and to the City for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. Additionally, as a result, you'll make some horrible and disturbing decisions.
8. **Don't Indicate by Word or Action How You Intend to Vote** during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objection and comments by members of the staff. During this period your body is the judge and the jury. It's no more appropriate for you to express an opinion as to the proper decision prior to hearing all of the testimony than it would be for a judge or jury member to announce their firm conviction in the middle of a court trial regarding the guilt or innocence of a defendant. This is not clearly understood by a majority of persons sitting on public panels. It is not too difficult to phrase one's questions/comments in a manner that implies that you are seeking information rather than stating an irrefutable fact, and that your mind is closed to further argument.
9. **Don't Fail to Disqualify Yourself** if either directly or indirectly you have any financial interest in the outcome of the hearing, and let your conscience be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision. In disqualifying yourself, do not state your reasons inasmuch as the mere stating of your reasons can be construed as exerting undue influence on your fellow members. To avoid all accusations of undue influence, it's generally wise to leave the room and ask that the records show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed to the matter under discussion.
10. **Do Rotate the Seating** in some regular manner each successive meeting. This will prevent the forming of little cliques.
11. **Do be Polite and Impartial.** Be as helpful as possible to the nervous, the frightened and the uneducated. Be patient with the confused.
12. **Do be Attentive.** Those appearing before you have probably spent hours preparing and rehearsing their arguments. The least you can do is listen and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes and studying unrelated papers.
13. **Don't Interrupt a Presentation** until the question period, except for very short and necessary clarifying remarks or queries. Most applicants have arranged their remarks in logical sequence and the item about which you're concerned will probably be covered if you can force yourself to be quiet for a few minutes.
14. **Don't Permit More Than One Person** at the podium and microphone at any one time.
15. **Don't Permit a Person to Directly Question** or interrogate other persons in the audience. All questions should be addressed to the Chair and to the hearing body. Do not permit anyone to demand answers to all and sundry questions especially if it is obviously done for the purposes of harassment.

16. **Don't Use First Names** in addressing anyone during the course of the hearing. This includes audience, applicant, members of your particular body, even if the person concerned is your brother or your best friend. Nothing, repeat nothing, creates a more unfavorable impression than this practice. It is poor hearing manners that destroys the formality of an occasion and causes people to think that some sort of "buddy-buddy" deal is about to be consummated.
17. **Do Show Great Respect for the Chair**, and always wait to be recognized. This will set an example for applicants and others wishing to be heard. It will contribute a great deal toward the orderliness of the proceedings.
18. **Don't be Too Critical** of attorneys who sometimes give unnecessarily lengthy presentations on behalf of their clients.
Avoid the strong temptation to make matters as difficult as possible for them. They're just trying to make a living and must convince their client that they are really earning the rather substantial fee, which they feel, their service merits.
19. **Don't Indulge in Personalities**, and don't permit anyone else to do so.
20. **Don't Try to Make the Applicant or Any Other Person** appearing before you look like a fool by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it. If you must "expose" someone, do it as gently and kindly as possible.
21. **Don't Become Involved in Altercations.** Some persons come to hearings with the express purpose of causing trouble. If you answer their irrelevant ranting, you're immediately involved in a fight. Don't answer or try to defend yourself. You're there to hear testimony and make decisions based thereon, not to head up a debating society.
22. **Do Invite Interested Persons to Come Forward** where they can see when an applicant is discussing or talking from a diagram, site plan, or exhibit which is not visible to the audience.
23. **Do Not Permit People to** speak from the audience. If it's important enough for them to speak at all, it's important enough for them to be recognized, come forward, give their name and address and say what they care to, if their remarks are pertinent.
24. **Do Not Permit People to** leave the podium and microphone and approach closer to the hearing body except in unusual circumstances, usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one end of the dais with one or two members of the hearing body; the others are uncertain about what is going on. The conversation usually does not get recorded, cannot be heard by the audience, and is almost impossible to control from the Chair.
25. **Don't Become Involved in Neighborhood Quarrels** or you'll wind up as a referee. Stick to the merits of the case and rule out-of-order testimony which is irrelevant, personal, hearsay and not pertinent to the matter being heard.
26. **Don't be Vindictive** and "punish" the applicant for some real or imagined affront to you or your panel on some previous occasion, perhaps bearing no relation to the present hearing. It

must be assumed that he/she is there legally, he/she has a right to be heard, and he/she has a right to fair and impartial hearing on the merits of his/her case without reference to something which he/she might or might not have done in the past or will perhaps do in the future.

27. **Don't Try to be a Hero.** Be sympathetic, but objective. Don't get carried away with such a strong desire to help that you throw the rulebook out the window. Ninety-nine times out of a hundred you will do them some questionable service at the expense of their neighbors or the City and your kind-hearted action will come back to haunt you much sooner than anyone could have imagined. Stick to the rules.
28. **Don't Assume the Role of a fairy godmother** to those who have become involved in bad business deals or other self-imposed difficulties.
29. **Do Not Fail to Give a Reason** when making, a motion for approval or denial of an applicant's request. If you fail to do this, the applicant, any objectors, a reviewing body of higher authority or the courts may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always mention the staff recommendation.
30. **Do Not Take Staff Recommendations Lightly.** These recommendations are made after much study by professional people with years of experience in their field and are based on pertinent laws, ordinances, regulations, policies and practices developed by you and your predecessors. The recommendations of staff in possession of all of the factors will almost always produce a technically correct recommendation.

Your job is to temper this recommendation with information developed during the hearing, which was not available to the staff. It is not unusual for staff to voluntarily reverse or change the details of its recommendation during the course of a hearing. Always announce the staff recommendation prior to hearing any testimony and always make appropriate mention of it in the final decision.

31. **Don't Forget that the Staff is there to Help.** It's composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect, which is their due. Remember that their usual practice is to remain silent unless they're specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearing. Always ask staff to comment prior to a final vote.
32. **Don't Try to Answer Technical Questions** even if you're sure that you know the answer. You probably don't and will wind up looking like a fool. Refer these matters to the staff. That is one of the things they are there for. They have intimate day-by-day working experience with all pertinent ordinances and can nearly always give a timely, up-to-the-minute professional dissertation on any subject in their field.

It reinforces an important image of competency which is most helpful in assuring the public that their case has received more than a cursory glance and an arbitrary decision. Lay members of a hearing body who "explain" ordinances to the audience usually wind up their less than accurate remarks with the pretty lame comment, "that's the way I understand ' it and if I am wrong, I would appreciate it if the staff would correct me." The staff usually does

correct them and ordinarily, at some length. Don't try to show how smart you are. You're not.

33. **Don't Try to Ease Your Conscience and Toss the Applicant a Bone** by granting something less than what was asked for, something the applicant doesn't want or can't use. In all cases where it is appropriate, give the applicant what they asked for or deny it. To do otherwise will only encourage applicants to ask for the "moon and the stars" in the hope that they'll, at the worst, get the minimum requirements.
34. **Do Vote by Roll Call**, except for routine administrative matters. This is wonderful character training for each member of the body and emphasizes the "moment of truth" when he/she must look the applicant in the eye, make his own individual decision, and say "aye" or "nay" in a loud clear voice, all alone, with no one to hide behind. The alternate voting method is difficult for the secretary to record, doesn't mean anything on a tape recording, is many times quite confusing, and gives cowards an opportunity to change their minds and vote twice when they are caught in the minority.
35. **Don't Show Any Displeasure or Elation**, by word or action, over the outcome of a vote. This is very bad hearing manners and won't lead to the maintenance of a friendly cooperative spirit among members of a panel. It'll lead to the creation of little cliques whose members vote in a block and become more interested in clobbering each other than in making fair and equitable decisions.
36. **Do Discourage any Post-Mortem Remarks** by the applicant, objectors, or members after the final vote and decision is announced.
37. **Do Not Hesitate to Continue a Case or Take it Under Advisement** if more information or greater deliberation is necessary. Don't use administrative actions to avoid or delay making a decision before a hostile applicant or audience.
38. **Do Sit Down and Have a Long Soul-Searching Session with Yourself** if you find that you are consistently "out in left field," that no one seems inclined to second your profound motions, and that you're quite often a minority of one. You may be theoretically right (and probably are). But, give some thought to what is practical, possible and just. Don't be "stiff-necked" in your opinions give a little.
39. **Don't Select a Chairman on a Seniority Basis Alone** and **don't** pass the office along from member to member as a reward and honor. The nicest guy in the world, the hardest working, the most interested and your most valuable member can be indescribably horrible in the Chair. This is just one of those facts of life which is hard to explain, but, unfortunately, is all too true. As occasion presents itself, give prospective chairmen a chance to head up a sub-committee, report on special projects, and otherwise prepare themselves and demonstrate their abilities and leadership under pressure.