Mitigating Municipal Liability: A City Attorney's Practical Guide to Building Consensus and Improving the City's Operation

BY: JOSEPH G. LAUBER
Managing Member, Lauber Municipal Law, LLC, Lee's Summit, Missouri



Occasionally, city attorneys may be told directly, or certainly may suspect by inference, that they are known around city hall as the "no" person. For those who serve as outside counsel, this phenomenon may be amplified. If left unchecked, especially in unfavorable political contexts, these sentiments can devolve into a virtually adversarial relationship. However, with our broad knowledge of city operations and understanding of the legal consequences of each decision to be made, city attorneys are in a constructive position to assist elected officials and high-level staff to operate at the most proficient and productive levels. This article is designed to establish a practical plan to build consensus and add value to the municipal attorney-client relationship beyond citations and legal memoranda—with the added benefit that cities that are run well may very likely be exposed to less legal liability.

Several years ago I found myself in a small city's board of aldermen meeting where the city clerk (who serves as the de facto finance director, city administrator, and chief cook and bottle-washer) was summarizing the city's proposed budget for the upcoming fiscal year. She was pointing out that revenues had fallen off significantly and that the city had done all it could to eliminate costs. They were down to just two employees, had contracted out for police services, and no one had seen a pay increase for several years. Despite this, she explained, for the third year in a row the city would be forced to cash in a certificate of deposit to make ends meet—this was the last CD they had, and for the most part reflected their entire reserve fund. I was surprised that the Board did not have any questions when prompted by the clerk after receiving this news, so when the mayor began to entertain a motion to accept the budget I asked if I could interrupt to say a few words.

Within the past few months before this scene there had been a city in a nearby county that had undergone the statutory process to disincorporate. Thankfully, I have never been asked to "put a city down" in this manner, but it occurred to me in that moment this city might be only a few miles down the trail from where the nearby city met its demise. I asked the Board members if they understood the ramifications of continuing this path of emptying the city's reserves and cutting costs (and services) to the bone. They did, but what this group of handymen, farmers, and retired schoolteachers did not know was how they could do anything about it. You see, 15 or so years earlier the main highway through town was bypassed around them; businesses were closing up, and kids were leaving to find work in other places and returning home only for an occasional weekend visit, if at all. I told the Board in that moment that they had a choice to make. I could help them put the city down (disincorporate) when the time was right—but in the not too distant future. Or, I could help them do some things that might turn around their

fortunes. To their credit, the Board's unanimous decision was to fight for the life of their city.

What follows is a summary of the things we did to "build a better city" in that instance. Looking back on our experience it is clear that whether your city finds itself at the brink of financial disaster or not, the things we did are things we should have been doing all along, and are applicable to cities of every size and financial status.

1. Setting Priorities and Goals

No matter whether you still prefer the crinkle of a paper map, or you'd rather have the robotic voice of your GPS direct you, every journey needs a good map. The map of a city's success must be drawn against the backdrop of the goals and priorities the city sets. Most cities have been in existence longer than its current city staff, and our hope is that they will continue to thrive long after we are gone. An initial question city leaders should ask themselves is "what will be my legacy?" What will people remember about you or your administration once you are gone?

If you do some internet research, you will find that there are probably about a million different goal setting programs, and I feel certain that each is just effective as the next. I like one in particular because of the clever mnemonic: always set "SMART" goals.[1] For ultimate effectiveness, goals should be specific (clear and well-defined, not vague or generalized), measurable (precise outcomes), attainable (realistically possible to achieve), relevant (focused on the direction in which you wish to go), and time-bound (have a deadline).[2] For example, if your city goes into a four-hour goal setting session and comes out with the goal of "increasing revenues" for the city, have you really made progress at all? On the other hand, if your resultant goal is to increase sales tax revenues by $50,000 in the next fiscal year by putting a question on the ballot to approve a tax for an untapped tax revenue source, now you have a workable plan.

Beyond making the plan, it is important to write it down, make it "official," and stick with it. City staff and elected officials should conduct a simple survey of the goals and aspirations of the citizens and elected officials and employees, which should be reduced to a policy or resolution approved by the governing body. In fact, I recommend that you print out a copy of that resolution on parchment paper with fancy calligraphy font, frame it and it hang it in a prominent place in city hall. Additionally, you should refer to the resolution on a regular basis to ensure that you are getting those goals accomplished.

2. Internal Resources Analyses

Once you have a good plan for where you are headed, it is a best practice to check out the vehicle that will get you there. The next phase of this process is to look at how the business of the city is running from the inside. Mayors and board or councilmembers should remember that essentially they are the CEO and board of directors of a municipal corporation. While the municipal corporation is not focused on profits and shareholder dividends, we are similarly concerned about the stewardship of public funds, level of service, and constituents. Your internal analysis should consider, at a minimum, the following areas: finances and revenues; infrastructure; staffing and personnel issues; and policies and procedures.

<u>Finances and Revenues:</u>

The business of running a municipal corporation is different from the private corporate world, but there are similarities. Cities, for the most part, are not manufacturing widgets; although in some circumstances we are bringing a good to market. Instead, as a group, we are primarily a service industry—the provision of wastewater and storm water sewerage service, police and fire services, and potable water delivery services to name a few. An initial step in your financial analysis of the business you are operating should be to determine whether you are bringing in enough revenue to cover the costs of the services you are providing to your customers.

Is the revenue you have coming in for your operations sufficient to cover the costs of operating that business, including setting aside funds for proper long-term upkeep and maintenance? Or are you borrowing against time in actual debt or, just as costly, in the form of deferred maintenance? Oftentimes the answer when things get financially tight is to "wait until next year." Unfortunately, those deferred costs (A) rarely get cheaper, and (B) never go away. A city's staff and elected officials should always have a working knowledge of the city's debt level. One must be wary, however, that municipalities are usually subject to debt-limitation provisions, which may come from constitutional, statutory, or city charter provisions.[3] For example, in Missouri, unless a city has received voter approval for a higher amount, it is subject to a debt ceiling of

Continued on page 20



Joe Lauber founded Lauber Municipal Law, LLC, in 2010 and practices in the areas of general municipal law, public facility/infrastructure construction and financing, economic development law, public works contracts, annexation, land use planning and zoning, and appellate law. He oversees the operations of the firm's two offices which serve 38 cities as city attorney and dozens of other cities as special counsel. Joe personally serves as the city attorney of 8 cities. Throughout his 16-year career, Joe has dedicated his practice exclusively to the representation of governmental entities. His prior experience includes work at the region's busiest municipal bond law firm and in the public law/public finance division at one of Kansas City's largest law firms. Joe was recognized in 2019 as a Local Government Fellow by IMLA. He resides in Lee's Summit, Missouri with his wife Sheri and their two children.

5% of the total assessed value within the city's jurisdictional boundaries.[4] Do you know your "credit card" limit in case of an emergency?

Another consideration is to understand how your revenue is generated, and more importantly, whether your city is utilizing all of the available revenue sources your community will support. Property taxes are an important source of revenue, but place the burden of revenue generation squarely on your constituents. Sales taxes, while applicable to your constituents when buying "in town," are also paid by non-residents who benefit from visiting your community for school, to work, or to shop. These non-residents consume your resources; and therefore should share in the costs of making municipal services available as well. Administrative fees, which are the charges placed on constituents only when they partake of a particular service, are another effective revenue source. Pool fees, shelter house rentals, dog licenses, business licenses, and building permits are all examples of administrative fees. Are the costs of administering these services being sufficiently offset by the fees charged? Finally, grants can be excellent sources of revenue from federal and state sources; but beware of "strings" that may be attached—sometimes the cost of participating in the grant program is significant.

It is important for every city to look at each of these sources and understand how they fit into the "big picture" of the city's financial condition. In order to survive difficult times it is important to have diversified and stable funding sources. To aid in this process, a city attorney should provide the city staff and elected officials with a summary of your state's laws authorizing the city to raise revenues, and the limitations of each source. Of course, this analysis should include a discussion of limitations of revenue generation authority. These might include a constitutional[5] or statutory[6] voter approval requirement or a lid on tax rates.

Last, if your city is operating a business enterprise (water utility, power utility, trash collection service, etc.) be sure this enterprise is covering its costs. If private companies cannot stay in the widget painting business because it costs more to operate the business and maintain the equipment than the business can bring in, why should your city's water utility be any different? Subsidizing these enterprises from the general fund is not necessarily a bad thing; however, not knowing what the level of subsidy is being provided, or worse yet, not thinking about the issue at all should be a major concern. And keep in mind that while the general fund may be used to subsidize restricted funds, the reverse is rarely true.[7] Be careful to ensure that tax revenue raised for a specific purpose (e.g., transportation or police protection) must be used only for those purposes.[8]

Infrastructure:

Once you have an understanding of how revenues are generated, it is logical to review how these funds go out in the form of costs of operations. Sanitary sewer infrastructure is a great place to start—if those systems are not running properly you can literally find yourself in deep crap! If your city does not have an inventory (map) of your sewer infrastructure, start one. Now. Your inventory should address where your lines are located, how deep, how old they are, and where your major problem areas are located. All of these things can help to save major costs in the future, especially by reducing line breaks due to construction, repairing worn out lines before they break, and even training new personnel. The costs of treating inflow and infiltration ("INI") at your sewer plant or lagoon are real and they add to your bottom line—what is your goal to reduce these costs in the next six months? Other major costs that can hit your sewer infrastructure include fines from regulatory agencies, the fact that repeated back-ups could lead to inverse condemnation claims, and as was mentioned before, deferred maintenance is a real cost. Staying in front of these issues can help to mitigate significant fines and other liability from state and federal environmental protection agencies.

Likewise, you should map your other infrastructure and prioritize its condition. You still have to pay for water that enters your system but leaks out via worn lines and meters. Meters that are not calibrated properly may allow product to flow to customers at no charge or create bad will among your citizens. Dangerous conditions in parks and on sidewalks and other pedestrian ways could lead to legal liability for personal injury claims. Non-existent or unreliable utility services might cause prospective employers to pass you by or cause younger generations to move away to a more technologically savvy community. Another benefit of this infrastructure mapping is that it can aid the city's planning efforts, and more importantly could be used to reduce the city's liability for a Religious Land Use and Institutionalized Persons Act ("RLUIPA")[9] equal terms violation. Courts have suggested that so long as requirements for exactions in the development process are applied equally, such conditions are more likely to survive RLUIPA challenges[10]—a firm understanding of the city's infrastructure needs is beneficial in establishing an exactions program that is equally administered.

Staffing and Personnel:

An internal review of your staffing and personnel resources is a must for service-oriented industries like ours. Over the years, I have seen numerous examples of a candidate running for office so they can "clean up City Hall." Most of the time, if these folks are actually elected, they realize once they are "on the inside" that city staff is generally a

> Once you have completed your internal review, it is time to look beyond the walls of city hall. . . [T]his how the outside world sees and perceives your city, whether they really know anything about it or not. And more importantly, these are some of the things every city can work on to improve the factors that drive those perceptions.

hard-working bunch, striving to do the best they can with limited budgets. It is important to look at whether the level of staffing is appropriate when gauging whether or not someone is doing a "good job." If you skimp on staff and make people do the jobs of two or three persons, you will burn them out and they will go elsewhere at their earliest opportunity. You will also end up with more costly physical injuries and bad interactions with citizens when morale deteriorates. A city that is optimally staffed may reduce its liability for worker's compensation claims.

Do the things that are needed to reduce turnover. Turnover costs money; it is expensive to constantly rebuild experience, training, and institutional knowledge when you are unable to keep employees on a long-term basis. This is in addition to the intangible cost of loss of goodwill in your community when your employees never know what they are doing because they are always new. It is also important that your city is offering competitive salary and benefits. If you are not sure about this, do a survey—call around to other cities or ask your state's municipal league for help. You should also invest in your staff's knowledge by offering training opportunities. Proper training can reduce job injuries and also reduce instances of harassment in the workplace, thus reducing liability to the city.

Also, be sure to develop strong employment policies and procedures and, more importantly, enforce them–your employees need to know what the rules are and that if others will not abide by them, that you will take the necessary action to replace them. Not doing this can lead to a pervasive "lowest common denominator" attitude. Finally, always expect and provide great customer service. This service may be external, i.e., that which is provided to your citizens, or internal, i.e., that which is provided among your staff, interdepartmentally and person-to-person. Unhappy employees are likely to become unhappy ex-employees and may increase the city's liability for hostile work environment and other employment claims.

Policies and Procedures:
A final consideration for internal resources analysis deals with the importance of developing, following, reviewing-and amending, when necessary, policies and procedures that espouse good business practices. You might have noticed all of the words in present continuous tense in the last sentence. That is because a city's policies and procedures should be living documents, constantly updated for new understanding or practical applications that were not considered at the time they were developed. Policies and procedures should not be simply kept on a shelf—these are the trails blazed by pioneers who have gone before us to save us from extra work today. We should leave them better than we find them.

Examples of policies each city should have in place are: reserve fund (how much "cushion" do you need for operations?); purchasing (are you making the best use of public funds? Do you have an adequate balance between efficiency in getting work completed and primary accountability for purchasing decisions? Are you adequately protected from conflicts of interest?); investment[11] (if you have idle funds are they earning you the most money possible?); economic development (are you proactive or reactive when a developer requests incentives? Do you know what you want or need?). The answer to all of these issues, and many more, can be guided effectively by a good policy and logical and practical procedures.

3. External Resources Analyses
Once you have completed your internal review, it is time to look beyond the walls of city hall and out through your community to your city limits. This is what I refer to as the external resources analysis. In a nutshell, this how the outside world sees and perceives your city, whether they really know anything about it or not. And more importantly, these are some of the things every city can work on to improve the factors that drive those perceptions.

Jurisdictional Boundaries:
The first external review topic I recommend you to address is literally "where you are"—or better yet, where you are not! Increasing the size and shape of your community's boundaries has a direct effect on your ability to collect sales tax, franchise, utility, administrative fee and fine revenues– but will also cause additional need for services. You should also think about whether your city's boundaries have been extended in the most strategic manner possible. To get at this issue some questions are appropriate: How do people come into contact with your community (are they driving to or through or passing by?) Do you have a historically strong source of potential customers flowing through your town (highway, airport, river)? Have you been bypassed, and if so, do you need to work to bring the new highway back into your

Continued on page 22

community's limits? What are nearby resources (businesses, tourist attractions, major employers)? Is it feasible to bring them into your boundaries?

If boundary adjustments are needed, your city should look for and understand strategic opportunities that are presented. Your governing body may need to discuss policy decisions including whether the city is willing to pursue voter-approved (involuntary) annexation to expand, or if it will be willing to consider only petition-initiated (voluntary) annexations.[12] You will want to have conversations with possible strategic partners to develop opportunities to collaborate. It may be necessary to work with owners of desirable property by assisting with potential sale/lease of property– even economic incentives. You also may need to work with neighboring communities to establish ground rules for targeted areas. It is important to note, however, that whatever arrangement is met may only work as a "moral obligation" because a governing body may not bind their successors in office, especially where doing so would constitute a limitation on legislative discretion.[13]

Community Business Review: An analysis of your community's businesses is another important consideration. Just as with your city's infrastructure, it is a good idea to take an inventory of the businesses operating within your jurisdictional boundaries. Every city should have a good understanding of all types of businesses, not just large industrial employers, but also the small businesses and even home occupations. Ask if there are ways to incubate these smaller businesses into larger, more successful enterprises. Are there ways to connect these businesses to create a better draw to your community?

Another consideration is whether your community's critical needs are being met. Some smaller cities are feeling the pinch that comes after losing businesses like a pharmacy or grocery store. A market study is a great tool for a city to understand both to where its sales tax dollars are leaking when residents drive out of town to conduct business, and also from where others travel to your community to shop. A market study can also help you identify the types of businesses that are best suited to your demographics. These studies can be immensely useful when developing an economic development policy as was discussed above. With the information provided in a market study your community has the best information to determine where gaps exist and what types of businesses you should be recruiting to your city.

Finally, a business inventory can also assist you in developing crucial relationships with the business leaders in your community. You need these entities to thrive to keep your employment base stable. Additionally, keeping tabs on business activity can be beneficial if problems develop that tax your city's ability to provide services. Understanding these connections can help to reduce the likelihood that businesses will over-exert your services and infrastructure, or be damaging to your systems; specifically, the city's sanitary or storm water sewers or water infrastructure.

Economic Development Status: An external analysis should also include a review of your city's economic development status. Our elected officials and city staff members should take a good, honest look at the community to determine in which direction it is heading. Is it growing? Stagnating? Constricting? Is this what you and your constituents want for the community? How does the city compare to its closest "competition" or similar-sized cities in the area?

Another thing to think about is your approach to economic development. Is the city proactively marketing the community to attract a good mix of manufacturers, service providers and retailers? Or are you sitting on the sidelines just hoping that someone will find you? Are you reactive in your approach—meaning that developers come to you with their ideas (usually seeking public money to assist their efforts), or are you proactive—meaning that your city knows what it needs and can make good business decisions about the types of businesses for which it will consider incentives. This is exactly where a well thought out economic development policy can be employed.

It is also important to ensure that your economic development efforts are well-balanced. So many times a community gets caught up in the new, shiny retailer to be the savior to the extent that they neglect the core of businesses that formed the backbone of the community for generations. It is critical that when you grow, you also maintain the existing businesses in your community. If you are putting new businesses on the outskirts, you should also consider how you can entice the traffic flow visiting those establishments back to your downtown area.

Earlier in this segment of the article I used the term "competition." The reason for my use of the quotations is that although your jurisdictional neighbors may be your rival on the football field or basketball court, they do not necessarily need to be your rival on economic development terms. Sometimes the whole can be greater than the sum of its parts… if your community is

"too small" on its own to attract tourists or employers or whatever it is you desire, perhaps you should band together with nearby communities to market your cumulative resources. When viewed in the aggregate, the communities may be able to achieve demographic benchmarks; and the drive times among the component areas may not be any longer than would be found in a typical metropolitan area.

Building Stock Inventory:
The final consideration for external analysis I suggest is that of your community's building stock. This issue gets to the heart of the message your community sends to the outside world based on its appearance. As the saying goes—you only have one chance to make a first impression. So you should ask yourself, when a plant manager or building site selector drives through your town for the first time, does it look like a place in which they could be excited about making an investment? Is this a place they can tell their workers that they need to live and raise their families?

It is important to have building and property maintenance regulations in place, and even more important for you to enforce them. Your community should have policies in place that support pride in ownership and investment in property maintenance. If you are not doing this, it is very easy for the lowest common denominator effect to take root. Over time it becomes more difficult for citizens to "do the right thing" if their neighbor or the house on the corner always looks terrible. Subdivision, planning, and zoning regulations should also be in place and be enforced. Subdivision regulations help to ensure that as land is developed, it is done so in a way and at a pace that makes sense from the standpoint of providing governmental services. Zoning regulations allow a potential property investor to buy with confidence that an adverse use will not pop up next door– these regulations are an important consideration of businesses looking to locate in your community. Ensuring that these regulations are being consistently and fairly enforced should lead to more effective results and may reduce litigation.

Just as was the case with your infrastructure and building stock, it is important to have an inventory of the structures in your community. What percentage of the structures are industrial? Commercial? Residential? In what condition are those properties? Are they owner-occupied or leased? What is available for sale or lease[14]…would you know if a potential investor asked you today? If you are working with the property owners in your community and they know they should communicate with you when space comes available, you will be better suited to inform the development community of these opportunities. If it is applicable to your community, do something to improve its self-image. Do not allow a self-fulfilling prophecy of "we can't do it" to take hold. Make changing the expectations of how your community appears a priority.

4. Encourage Community Involvement
I will close this discussion with the topic of encouraging community involvement. I credit my state's municipal league and a fantastic keynote address given by Peter Kageyama several years ago at the league's annual conference for my passion about this subject. In his book "For the Love of Cities,"[15] Mr. Kageyama challenges communities to do things to elicit the emotion of love for those communities. As community leaders, it is important for each of us to ask whether our communities are places that people truly want to be? Do they love where they are?

This is not a question about which you should speculate; instead ask everyone you can at every opportunity possible. Do this in person and do this in surveys. It seems sometimes that our constituents are most vocal when something is going wrong. And while it is important to address those problems, it is just as important to know what is going right, and to trumpet those successes. The stronger people feel about their community, the more likely they will be willing to invest their time in it.

If you create a place that people love, you will add to your sustainability. If they love where they grew up, young people won't be straining to get out and will even look to home to raise their own family. So you need to know what you have that will keep them coming back especially during those first formative years on their own. When you have a place that people love, it will be easier to attract business and employers, which in turn provides you with more to offer your constituents– success begets success! Be sure to celebrate your successes. It's easy to complain and pile on, but don't let the negatives define you. Provide positive reinforcement to those who are working hard in your community and encourage others to do the same. Have a yard of the month award, recognize a citizen or business of the month or year. Do resolutions to show gratitude for service or good citizenship.

Finally, provide as many opportunities as you can for your citizens to gather together and celebrate your community. Have funky parades on Halloween or Groundhog Day. Project a movie on the side of a building on your downtown square. Hold tricycle races or host

Continued on page 24

Building Consensus *cont'd from page 23*

the local band in your community gazebo. In the past when speaking on this topic I tell the very sincere story of how I picked the community in which I live to be the place at which I "settled down." In the end, it is a story of how I fell in love with my community. I close with a challenge to you in the form of a question: what are you doing that will make someone fall in love with your community today?

You might be wondering about the community about which I spoke at the beginning of this article. I am happy to report that they are doing very well and achieving their goals on a regular basis. Since our discussion nearly five years ago they have annexed land to bring the bypassed highway back within city limits, they obtained voter approval for a fire protection sales tax to offset costs that were previously being covered out of the general fund, they hold regular live music events, they have adopted their first ever zoning code, a new restaurant has opened in town, and the local convenience store and gas station has decided to relocate and expand. Their financial reserves are growing again and things are really looking up!

Conclusion

Municipal attorneys are in a unique position to understand the legal implications of their city's diverse activities. They can and should use this knowledge in assisting city officials to avoid potential liabilities and enable their communities to flourish.

Notes

1. Adapted from Mindtools.com, *Golden Rules of Goal Setting- Five Rules to Set Yourself Up for Success*, (http://www.mindtools.com/pages/article/newHTE_90.htm; last visited June 27. 2019).
2. *Id.*
3. *See* McQuillin, Eugene, 15 McQuillin Mun. Corp. § 41:2 (3d ed.).
4. *See* Mo. Const. art. VI, § 26(b).
5. *See, e.g.*, Cal. Const. art. XIII C, § 2(requiring local government general taxes to be put to majority vote, while special taxes require 2/3 majority voter approval); Mo. Const. X, § 22(a) (requiring majority vote of qualified voters before creating a new tax, or increasing the current levy).
6. *See, e.g.,* Kan. Stat. Ann. § 79-2925c (placing a tax lid on city or county property taxes in excess of the five rolling year CPI, unless approved by a majority of qualified voters).
7. Note that transfer of funds is not always permitted. *See* McQuillin, Eugene, 15 McQuillin Mun. Corp. § 39:63 (3d ed.); *but see* Town of Thornton v. Winterhoff, 406 Ill. 113, 92 N.E. 2d 163 (1950) (holding that borrowing from one fund into another is not by itself illegal, provided that funds are returned in time to be available when a demand for such funds is made).
8. *Id.*
9. 42 U.S.C. §§ 2000cc- 200cc-5 (2000).
10. *See, e.g.*, River of Life Kingdom Ministries v. Village of Hazelcrest, 611 F.3d 367, 372 (7th Cir. 2010).
11. Authority for municipal investment of idle funds varies, and if available is often restricted by constitutional or statutory provisions. *See, e.g.,* McQuillin, Eugene, 15 McQuillin Mun. Corp. § 39:19 (3d ed.).
12. Annexation authority and procedures vary widely from state to state. *See, e.g.,* McQuillin, Eugene, 2 McQuillin Mun. Corp. § 7:15 (3d ed.).
13. *See, e.g.,* Tunica County v. Town of Tunica, 227 So. 3d 1007 (Miss. 2017).
14. Including an inventory of surplus land available for religious uses to assist applicants with researching available locations before they invest in land acquisition or design activities may also be beneficial in mitigating risk for RLUIPA claims. *See,* Seeman, Evan J. and Peloso, John, *Avoiding and Defending Against RLUIPA Claims*, Resource ID w-002-9215 (Thompson Reuters 2017).
15. Peter Kageyama, For The Love Of Cities (2011). **M.**

Ethical Issues *cont'd from page 15*

Comment 1 to Rule 2.1 guides us to "sustain the client's morale" and message the advice "in as acceptable a form as honesty permits."[45]

Attorneys should not limit their counsel to "[p]urely technical legal advice," "especially where practical considerations, such as cost or effects on other people, are predominant."[46] However, attorneys should be sure to explain when their caution or hesitancy about a new idea is based on legal concerns or other considerations. If you think a decision is a bad policy decision, but is otherwise legal, you may share your concerns, but should ensure it is clear that you are not challenging the legality of a decision and will accept it.[47]

Conclusion

Working in an evolving, adaptive organization is exciting and challenging. I have seen first-hand how empowering employees to experiment and tackle emerging issues can yield positive outcomes for the organization and its employees. I am also fortunate to work for an organization that values all voices, including those that may advise caution. Helping your local government use the tools it needs to succeed in the 21st Century, while at the same time abiding by your ethical duty to the organization, can be very rewarding if you can find the right balance.