

REGULATORY ASSISTANCE PROJECT

Public Access and Participation Plans: A Starter Kit for State Agencies

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Introduction

State government agencies around the country are beginning to recognize that they need to make greater efforts to be more inclusive.¹ All citizens have the right to access government services, to meaningfully contribute to government decisions, and to share equitably in the benefits of government programs. While agencies recognize their specific mandates and work to fulfill those goals, they are also becoming aware that there is more that they can do to reach communities that may be unaware of and underserved by agency programs. This includes communities of color, indigenous communities, and low- and moderate-income communities. Consequently, it is necessary for these communities to be more meaningfully engaged as partners and stakeholders in government decision-making.

At a recent meeting where the topic of access and public participation was being discussed, one utility commissioner described her agency as “imposing,” and further characterized it as “just the opposite of accessible.” That one unvarnished observation captures the challenge facing state agencies that want to be more open and welcoming to the public. Unfortunately, it also implies that agencies interested in being more inclusive and accessible aren’t even starting from a neutral position, but instead from a position that could almost be described as unwelcoming, especially from the point of view of communities that have been historically overlooked and marginalized.

If government agencies that shape and define public access and allocate program burdens and benefits lack the direct or informed lived experience of inequity and being overburdened by injustice, then the processes and programs that agencies develop will be equally at risk of continuing to overlook the needs of those members of the public.

Left unchallenged and unchanged, we all face the increased likelihood that government policies will inadvertently perpetuate these injustices. For example, we generally agree that the energy system ought to be safe, reliable and made available at reasonable cost. But when we look more closely and ask questions like “safe and reliable for whom,” or “reasonably priced for whom,” we start to see discrepancies. Energy-burdened communities that are far more likely to experience service disconnections and related financial penalties will inevitably experience “reasonably priced” differently than others.

If government agencies lack the direct or informed lived experience of inequity, then the processes and programs that those agencies develop will be equally at risk of continuing to overlook communities’ needs.

Another example, when we measure air quality, we measure emissions at the county level. That approach fails to capture effects on tightly packed communities located along busy roadways that experience both higher than average concentrations of pollutants and, due

¹ See, e.g., Colorado Governor Jared Polis’ Equity, Diversity and Inclusion Executive Order D2020175, directing the Department of Personnel and Administration to Lead State Action on Equity, Diversity, and Inclusion for the State by creating “statewide standards of accessibility to guide agencies in ensuring State buildings, systems, vital documents, community meetings, and other communications and resources, including websites, are accessible to all Coloradans, regardless of ability or language.” See also Executive Order No. 246, North Carolina’s Transformation to a Clean, Equitable Economy, January 2022, among other things, directing cabinet agencies to develop and implement a public participation plan informed by stakeholder input by June 1, 2022.

to their location, far greater exposures to those pollutants. Improved public access and greater participation to government decision making is the first step to better understanding that such discrepancies exist and why they need to be changed.

In this document, we do not seek to solve the many problems that stem from the lack of public representation and engagement. The focus instead is on the critical *initial* steps that state agencies can take toward remedying these challenges. We look at the typical aspects of government agency contact with the public,² and we provide suggestions for how agencies can take simple steps to improve their engagement. Specifically, we look at ways to improve public meetings (Part 1); how to make agency websites more accessible (Part 2), elements of staff training (Part 3), and the importance of ongoing improvement (Part 4). Two appendices look at “Mission Statements” and “Equity Statements.” In each section, a summary and notes on the topic are followed by model language a public access and participation plan might include (see text boxes), along with useful resources.

Model Language: Introduction

The [agency] recognizes that all citizens of [State] have the right to access government services, to meaningfully contribute to government decisions, and to share equitably in the benefits of a prosperous [State]. We understand our role as [the goals of the agency, e.g., protecting the state’s natural resources and making them available to all citizens]. However, we also acknowledge that there is more that we can do to reach communities across the state that may be unaware of and underserved by our programs. This includes communities of color, Indigenous communities, and low- and moderate-income communities. Consequently, it is necessary for these communities to be more meaningfully engaged as partners and stakeholders in government decision-making.

At the same time, building a more inclusive society affects and requires the participation of all [people from State]. We have developed this initial “Public Access and Participation Plan” to better understand where gaps exist, and to encourage greater participation across the state in all areas of our programs and operations.

Improved outreach and public engagement will be critical for the [agency] to be successful in meeting our mission. Our priority is to serve all of the citizens of our state. To this end, our initial Public Access and Participation Plan includes the commitment to:

- *Increase agency staff awareness and sensitivity to the value of incorporating the perspectives of underserved populations — especially from communities that have been overlooked — in agency activities and decision-making, through internal training;*
- *Develop staff facilitation capacity to improve meaningful public participation in agency public meetings;*
- *Develop staff capacity to represent the agency to the public, and to be responsive to citizens who contact our agency seeking help;*
- *Revisit and redesign the ways that the public accesses the agency, to increase transparency and better enable meaningful participation; and*
- *Adopt means of measuring success in public access and participation and incorporating lessons learned through public engagement, to ensure continuous improvement in these efforts.*

² We recognize that certain state agencies, e.g., quasi-judicial agencies, have extensive rules governing public participation. See, e.g., Harak, C., Howat, J. & Wein, O. (2003). *A Consumer’s Guide to Intervening in State Public Utility Proceedings*. National Consumer Law Center. https://filearchive.nclc.org/energy_utility_telecom/additional_resources/consumers_guide.pdf. See also FTI Consulting, Inc. (2021, December). *State Approaches to Intervenor Compensation*. Prepared for the National Association of Regulatory Utility Commissioners. <https://pubs.naruc.org/pub/B0D6B1D8-1866-DAAC-99FB-0923FA35ED1E>. This paper does not consider those examples, but instead focuses on various forms of informal public participation.

Only with a conscious effort to rehabilitate public access and participation will government agencies be able to reflect the needs of overlooked Americans — rural and low-income communities and communities of color — and ultimately empower those communities and the rest of the public to make state government more welcoming and thus more representative.

Part 1: Public Meetings

Summary

Public meetings are central to the public's access to agency decision-makers, and to public understanding of agency plans and actions. To improve public engagement and access, an agency can:

- Review existing practices governing the conduct of agency public meetings, and adopt new practices to promote greater access and meaningful public engagement;
- Engage in community outreach to inform this work;
- Consult with sister agencies that may have done this already; and
- Adopt the goal of ongoing improvement of public access and public participation.

In its review of existing practices governing the conduct of public meetings, an agency can review the following topics:

- Timing
- Notice
- Publicity
- Outreach intermediaries
- Assistance of intermediary organizations
- Venues
- Accessibility
- Languages
- Additional incentives
- Using non-technical information
- Varied means of input

Public meetings are central to the public's access to agency decision-makers and to the public's understanding of agency plans and actions. Public meetings are not well suited for complicated discussions, but they can be an effective way to share basic information and to get reactions from large groups. What follows is a short look at several common types of meetings and steps that agencies can take to make them more open and engaging.

Listening Sessions

Just as the term suggests, listening sessions are an opportunity for agencies to engage communities by listening to their opinions and insights on various topics. The reason to conduct listening sessions is straightforward: Participants whose opinions have been, for whatever reason, overlooked are asked to discuss what they know and think about a topic. Convening listening sessions helps in understanding opportunities and challenges related to a subject that a community is asked to consider. In a context where communities have historically been unable to share their opinions, listening sessions are a useful tool to incorporate community insights into decision-making.

Agencies could periodically conduct listening sessions around their jurisdiction to hear from citizens about that agency's responsibilities and plans, and to demonstrate that the agency is listening to the information being shared. Listening is also an opportunity to build trust. Agencies should consider how they will gather what they hear and reflect it back to the communities to demonstrate that they were heard.

Resources

- [North Carolina Department of Administration listening session](#)
- [Libraries Transforming Communities, Community Conversation Workbook](#)

Other Informal Public Meetings

Unlike listening sessions, public hearings are more of a two-way process. They provide citizens with an opportunity to give and receive information associated with decisions that the agency is planning on making.³ An agency relies on the exchange of information at the public hearings to provide a comprehensive view of agency proposals and to get a sense of the community's views on related challenges and benefits of agency plans or actions. Public hearings are not intended to be confrontational or an intimidating process, but rather to aid in decision-making.

Whether preparing a listening session or other informal meeting, it is useful to observe the following simple rules.

- Open meetings by reviewing “operating rules”; i.e., to assume good intent, promote civil discourse and listen with empathy.
- Consider starting with an “asset framing” discussion.⁴ Asset framing is about not defining people by their challenges, e.g., low-income, but instead by acknowledging their aspirations. Doing this before taking on challenges will help develop a more respectful and truer story about that community.

³ See, e.g., Ignaczak, N. (2022, August 23). Groups urge Michigan regulators to reject rate increase, citing “utility redlining.” *Energy News Network*. <https://energynews.us/2022/08/23/groups-urge-michigan-regulators-to-reject-rate-increase-citing-utility-redlining/>

⁴ Skillman Foundation. (2018, August 20). *Trabian Shorters: Define People by Their Aspirations, Not Their Challenges* [Video]. YouTube. <https://www.youtube.com/watch?v=O04CuqStRvM>

- Establish the purpose of your meeting and consider how your topic/goal is motivating and meaningful for participants.
- Explain what you can do about the topic and what you cannot do.
- Keep the topic simple; e.g., have one goal.
- Point out the change you are trying to create.
- Focus on direct impacts to attendees.
- Be clear about what you will do with the information you gather.

Suggestions for Improving Listening Sessions and Informal Public Meetings

Whether for listening sessions or other informal public meetings, in an effort to be more inclusive and promote the engagement of disproportionately impacted communities, agencies should consider the following topics as they plan their public meetings.

Timing: The agency should be flexible in adopting timing of informal public meetings. Scheduling at variable times of day and days of the week (including at least one weekend time, one evening time and one morning time) will increase the likelihood of more attendance and getting useful public input.

Notice: The agency should consider using its discretion to expand upon minimum notice practices.⁵ This would help participants to make arrangements to attend and to be better prepared to participate.

Publicity: Related to notice, but more akin to attracting rather than meeting a legal requirement, publicizing meetings effectively is important. Who are you trying to attract? Is it clear what the meeting is about? Do your publicity materials (e.g., posters, leaflets, emails, webpage announcements) catch the eye of audience you are trying to reach? Do these materials give that audience a reason to come to the meeting?

To promote high levels of attendance, consider as many avenues as possible for reaching your target audience. Digital media are important and a very common way of contacting most of the public. This would involve the use of your website, email lists, Facebook (including a Facebook event and other Facebook publicity), Twitter and other common means. However, if promoting greater equity and public participation is the goal, then publicity plans may need to go further than more typical approaches.

Agencies should also engage the public through what might be considered “old-school” approaches. These might include fliers through the postal service; posters in shop windows or on community notice boards; leaflets in places where the people you want to reach are likely to go (e.g., sports arenas, schools, places of worship), a letter or advertisement in a community newsletter or the local paper; or an announcement on local

⁵ See North Carolina Department of Environmental Quality. (2020). Public Participation Plan, Section 6, pp. 4-5. <https://deq.nc.gov/media/17838/download>

radio. If you are using intermediaries (see below), it could be worth it to speak to people directly by knocking on their doors or supporting an information desk at local events.

Outreach Intermediaries: Community organizations possess key individuals who represent and can communicate with their constituents. Engaging intermediaries like community organizations means using existing networks such as schools, clinics, social media, social and activity clubs, local governments, tribal governments, libraries, religious organizations, civic associations, community-based environmental justice organizations or other local services.

Coordination with intermediary organizations could also help in remediating the effects of barriers like lack of transportation and childcare.

Venues: In addition to providing virtual meeting locations, the agency should adopt a variety of physical locations for its informal meetings. These could include sites in urban centers, in neighborhoods whose populations are predominantly Black, Indigenous or people of color and have an average income below the state's average, and in rural locations across the state.

Venues need to be as physically accessible as possible. Is your venue accessible to wheelchair users? Will hearing-impaired people be able to participate? Are restrooms readily available? If you expect that your venue will have accessibility challenges, you should note this in your publicity.

Languages: The agency, in addition to providing translation in American Sign Language, should provide language services in, for example, the top two languages of the community as determined by the most recent census.⁶ This will mean translating and making available informational materials in these languages.

Additional Incentives: Getting motivated to attend a meeting is difficult. Including some added attraction at a meeting could be helpful. This could simply be free refreshments provided by a popular bakery or restaurant, or a special speaker who would be of interest to the audience.

Non-Technical Information: The agency should make efforts to provide relevant information and data to the public that is accessible to a non-technical audience. When outreach materials concerning the proposed state action are provided in layperson's terms, this will increase the likelihood that people are meaningfully informed and provided an opportunity to offer input.

Note also that the PRISM Readability Toolkit contains a list of health literacy and plain language initiatives that can help agency staff adapt descriptions of agency initiatives and processes into layperson's terms.⁷

⁶ U.S. Census Bureau. (2020, March 9). *The 2020 Census Speaks More Languages*. <https://www.census.gov/newsroom/press-releases/2020/languages.html>

⁷ Ridpath, J., Greene, S. & Wiese, C. (2007). PRISM Readability Toolkit (3rd edition). Group Health Research Institute. <https://www.kpwashingtonresearch.org/about-us/capabilities/research-communications/prism>

Varied Means of Input: The agency should provide multiple methods for the public to provide input. Input from in-person and virtual meetings can be augmented through the use of, for example, telephone, email, surveys, polls, and online comment portals.

Model Language: Public Meetings

Public meetings are central to the public's access to agency decision-makers, and to public understanding of agency plans and actions. They are an opportunity for agencies to engage communities whose opinions, for many reasons, have been overlooked. An agency relies on the exchange of information to provide a comprehensive view of agency proposals and to get a sense of the community's views on related challenges and benefits of agency plans or actions.

To improve public engagement and access, the [agency] shall:

- *Review existing practices governing the conduct of agency public meetings, and adopt new practices to promote greater access and meaningful public engagement;*
- *Engage in community outreach to inform this work;*
- *Consult with sister agencies that may have done this already; and*
- *Adopt the goal of ongoing improvement of public access and public participation. (See Part 4: Ongoing Improvement of Public Access and Participation)*

In its review of existing practices governing the conduct of public meetings, the agency shall take the following actions to remediate barriers to participation:

Timing: *Adopting timing of informal public meetings at different hours of the day and days of the week to increase the likelihood of getting more representative participation.*

Notice: *Adopting discretionary notice practices that exceed statutory or regulatory minimum requirements for public input opportunities.*

Publicity: *Publicizing liberally using various media to promote meeting attendance.*

Outreach Intermediaries: *Utilizing indirect methods of outreach to publicize proposed agency actions, including coordinating with intermediary organizations that possess their own networks.*

Supporting the ability of intermediaries to assist with reducing barriers associated with the need for childcare and transportation.

Venues: *In addition to providing virtual meeting locations, adopting a variety of locations in neighborhoods whose populations are predominantly Black, Indigenous or people of color, and who have an average income below the state's average, and in rural locations across the state.*

Ensuring that venues are physically accessible and provide basic amenities.

Languages: *Providing translation in American Sign Language and the top two spoken languages of a community, as determined by the most recent census.*

Additional Incentives: *Considering motivating attendance by providing guest speakers or other incentives.*

Non-Technical Information: *Providing relevant information and data to the public that is accessible to a non-technical audience.*

Varied Means of Input: *Providing multiple means of public input, augmenting in-person and virtual meetings, to include telephone, email, online comment portals, surveys, polls, and other means.*

Division leaders are authorized to make meeting facilitation training available to staff. (See Part 3: Staff Training)

Resources

- [Public Hearings for Raleigh City Council](#)
- [New York City Board of Standards and Appeals Teleconference and Hearing Guide](#)
- [The National Coalition for Dialogue & Discussion's Resource Guide on Public Engagement](#)

Part 2: Plan Elements for Website Improvement

Summary

Just as members of the public can benefit from improvements to public meetings, website visitors will be able to engage more fully with improvements to an agency's digital presence and resources. Agency actions can include:

- Review of all website language;
- Community outreach to inform this work;
- Consultation with sister agencies that have taken steps to improve access to their websites; and
- Securing the assistance of website specialists.

Agency review can address the following barriers:

- Overly technical information;
- Languages; and
- Limited means of input.

Another way to improve accessibility is to appoint and make available staff to serve as public liaisons:

- The Minnesota Commission's website provides information about "Consumer Mediators," whose job it is to resolve disputes that consumers may have with their utility company.
- In North Carolina, state agencies have appointed staff to serve as "environmental justice liaisons."
- In both cases, these staff can be subject matter experts or intermediaries between agency subject matter experts and the public.

Building an Accessible Website

Access to “places of public accommodation” is a concept at the core of the Americans With Disabilities Act (ADA). It has evolved since the ADA’s passage in 1990 to include websites. Today, websites are essential places to shop, learn, share and connect, and are thus protected by the ADA.⁸ While this is fundamental, the discussion in this section is directed at website content, consumer focus, and how agencies can provide transparency through their digital presence.

Just as the public will benefit from improvements to the ways the agency conducts public meetings, visitors to an agency website will be able to engage more fully if the agency keeps them in mind as it creates content. Making sure the website is designed to optimize the user experience will help the public understand the topics that the agency is trying to convey. Not only will website users benefit from easier access, but the agency will see benefits in the form of increased traffic and engagement.

In many respects, your website is like a store where people come to browse and perhaps more fully engage. Is it welcoming? Does the atmosphere feel positive and helpful? Is someone available to help them find what they need?

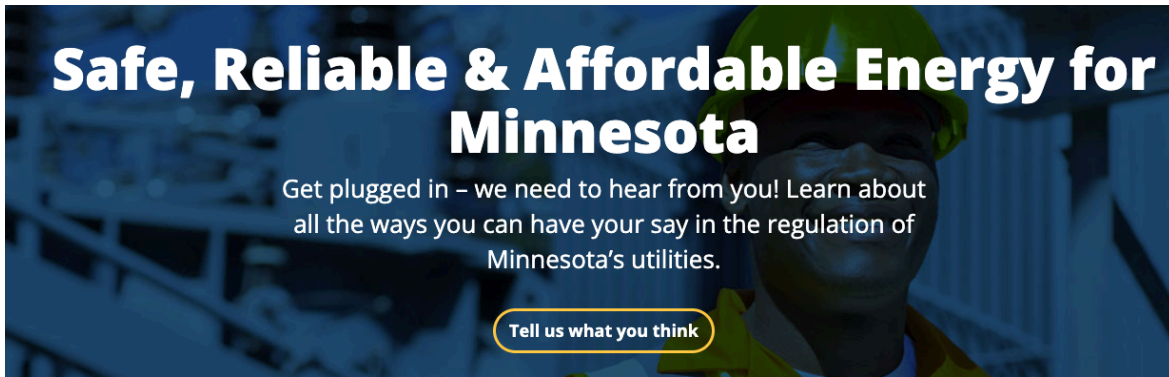
In many respects, your website is like a store where people come to browse and perhaps more fully engage. Is it welcoming? Are the aisles brightly lit and can visitors see the merchandise easily? Does the atmosphere feel positive and helpful? Are there directions so they know where you are? Is someone available to help them find what they need? Or is the website a little unclear and tough to navigate?

Not only does your agency want the public to come to its website, but it also wants them to spend some time there, getting more familiar with it and accessing the things that the agency wants the public to see. Just as it might motivate people to attend a public meeting by providing refreshments or an interesting speaker, an agency needs to motivate web users as well. Are there items on the website such as blog posts or “tips for users” that entice visitors to engage more fully?

The Minnesota Public Utilities Commission (PUC) website, <http://mn.gov/puc>, is a good example of how a state agency has worked to become more transparent and welcoming to the public. This work has been led over several years by two staff members.

At the top of the landing page, the PUC provides something of a mission statement: “Safe, Reliable & Affordable Energy for Minnesota.” Following this, with the first anchor link (i.e., text that sends the visitor to another section), the PUC asks, “Tell us what you think.” This moves the visitor to a page devoted to “How to get involved.” Note that if this were a conversation, the first step is to hear from the public, not from the agency.

⁸ The U.S. Department of Justice has the task of developing implementation regulations that many expect will be some version of what is known as the “Web Content Accessibility Guideline.” The guideline addresses how to make websites accessible for purposes of public accommodation.



This page provides information describing five examples of this:

- How to submit a comment;
- Attending a meeting or hearing;
- Watching a meeting online;
- Asking for help; and
- Access to the “eDockets” (utility cases) system.

This opening contact shows that information moves out of the PUC, but also that public opinion can be introduced into the PUC.

Below that link is a box titled “Your Voice Matters,” which contains three links:

1. “Read up” links to a page of the PUC’s news releases;
2. “Tell us what you think” links to a page that provides information on how to submit public comments to the agency; and
3. “Get informed” links to a page that provides further information regarding agency activities, energy regulation and over half a dozen other topics, including reports and studies, utility reports, and energy facility permitting.

A screenshot of a dark blue rectangular box with white text and icons. At the top, it says "Your Voice Matters" in a large, bold font. Below that, in a smaller bold font, is "Get involved". There are three items listed, each with an icon on the left and text on the right. The first item has an envelope icon and says "Read up" followed by "News, updates and reports." The second item has a speech bubble icon and says "Tell us what you think" followed by "Issues important to you." The third item has an information icon and says "Get informed" followed by "Learn about recent updates, decisions, developments rule makings and more." At the bottom of the box, there is a yellow button with a black border that says "More ways to get involved".

The site has a “Meetings and Hearings” page that describes both formal (agenda meetings) and informal (public hearings). Because the commissioners’ agenda meetings (see image below) are formal, they are subject to statutory requirements. These rules are explained for both virtual and in-person meetings. Explanations go into scheduling and where the public can read background papers and find other useful information.

Commission Agenda Meetings

The Minnesota Public Utilities Commission welcomes and encourages interested members of the public to attend any of our public hearings. Is this your first time going to a Commission meeting? Find out what to expect so you are prepared.

[View the full calendar](#)

Attending In-Person Meeting Protocol What Happens Next? Participation Attending Virtually

Attending Agenda Meetings In-person

- The Commission Chair presides over the meeting.
- Meeting agenda is published at least ten days before the meeting, with specific issues that will be decided on by the Commissioners for each agenda item. Agendas can be found on the Commission's web [calendar](#).
- There is no specific time scheduled for each item, but the Chair generally proceeds in the order of items listed.
- Staff Briefing Papers outline the topics to be covered and may include recommendations. These can be reviewed in [eDockets](#) and linked on the agenda within 7 days of the agenda meeting.
- Comments at an Agenda Meeting can be made only with approval from the Commission Chair and are not guaranteed. It is unusual for individual members of the public to be granted time to speak during an Agenda Meeting, as Public Meetings and Hearings, and Public Comment periods are the designated ways for public participation. For some dockets, the Chair will identify groups or individuals to present arguments or answer questions.
- The Commission operates under [Ex Parte Communication](#) restrictions.
- Guest Wi-Fi is available.
- Meetings are webcast & archived for future viewing.
- Past webcasts can be viewed and downloaded in the Commission's [archives](#).
- Video and audio recordings may be downloaded for free. Physical media containing the recordings may be requested for a small fee. Email a request or call the Commission at 651-296-0406 to order.
 - Specify meeting date, docket number, mailing address, contact name and a daytime phone number when ordering recordings. Allow 3-5 business days for orders to be processed.

The next image illustrates the part of the page that focuses on informal meetings. Here, too, there is a substantial amount of useful information, including a calendar and who can be expected to provide information. The section also explains who will run the meetings, and rules for commenting in person, filing written comments and getting meeting transcripts.

Public Hearings & Meetings

At public hearings and meetings you have the opportunity to learn about the docket and the review process. Public hearings and meetings are also important for gathering information from the public. When members of the public make comments, this information adds to the record that is considered by the Commissioners prior to making a final decision about the case. You can add verbal and written comments into the official record and each carries the same weight.

[View the full calendar](#)

Attending in-Person
Speaking In-person
Attending Virtually

Attending a Public Hearing or Meeting In-Person

- An Administrative Law Judge, Minnesota Public Utilities Commission (Commission) staff, or Department of Commerce (Department) staff run the meeting or hearing.
- A court reporter will take a transcript of the meeting to include as part of the official record. Transcripts may be purchased by request to jshaddix@janetshaddix.com or by calling 952-888-7687.
- Commission, Department, and company staff may give presentations and are available to answer questions.
- Arrive a few minutes early so you have time to sign in, pick up materials, and find a seat. You will know you are in the right place by signs clearly posted on main doors and by a staff member from any one of the agencies who will greet you at the entrance to the meeting room.
- The same information is presented at each public hearing or meeting, if there is more than one.
- You are welcome to attend more than one public hearing or meeting, but there is no need to submit your comments more than once.
- The hearing lasts until everyone has spoken or until the scheduled end time, whichever comes first.
- Attendees should be aware of venue protocols, emergency exists, and safety instructions.

Another useful example of openness that can be seen on the website is the page that provides information about “Consumer Mediators,” whose job it is to resolve disputes that consumers may have with their utility company. These mediators also help the public find



[Get Involved](#) [Consumers](#) [eDockets](#) [Activities](#) [About Us](#) [Contact](#)



[Home](#) > [About Us](#) > [Our Team](#) > [Consumer Mediators](#)

About Us
Our Team
Commissioners
> Consumer Mediators
Executive Secretary
Legal Unit
Staff Directory
What We Regulate
Agency Partners
Calendar of Events
Data Practices
Equity & Inclusion
Press Releases
Newsletter

Consumer Mediators

The Public Utilities Commission's Consumer Affairs Office (CAO) consumer mediation team can help you resolve a dispute between you and your utility company or can help you find answers to questions about utilities, rates, regulatory issues or concerns.

The CAO team is available Monday through Friday between 8:00 AM and 4:30 PM.

- Pa Stelzner, Consumer Mediator
- John Dybvig, Consumer Mediator
- Tracie Bangert, Consumer Mediator
- Amy Osbon, Consumer Mediator
- Anne Thom, CAO Supervisor

The CAO can be reached by e-mail at consumer.puc@state.mn.us or by phone at 651-296-0406, 1-800-657-3782.

answers to questions about utilities, rates and other regulatory issues or concerns. Note that the page provides names of actual people, and that it also gives their email addresses and phone numbers.

Agencies could consider appointing staff to serve as “public liaisons” for the agency. These staff can be subject-matter experts. Alternatively, they can be intermediaries between agency subject-matter experts and the public. The agency could post their names, email addresses and telephone numbers on the website so the public has ready access to their help.

Model Language: Website Improvement

Just as the public will benefit from improvements to the ways that the [agency] conducts public meetings, website visitors will be able to engage more fully if the [agency] improves access to its digital presence and resources. Making sure the [agency] website is designed with a focus on user experience will increase traffic and engagement and improve the public’s understanding of agency goals and activities.

The [agency] will:

- *Review all website language describing agency policies, programs, and processes, and, where necessary, update content with clear, plain-language statements;*
- *Engage in community outreach to inform this work;*
- *Consult with sister agencies that have taken steps to improve access to their websites; and*
- *Consider securing the assistance of website specialists.*

In its review, the agency shall address the following barriers:

Non-technical information: *Conveying information that is clear and accessible. Even technical information should be set out in a non-technical manner.*

Languages: *Publishing website content in the two most common languages spoken in the state as determined by the most recent census.*

Varied means of input: *Making available multiple methods for the public to provide input through the website and otherwise. This could include telephone, email, general comment portals and other means.*

The [agency] will appoint staff to serve as “environmental justice liaisons” for the agency. These staff can be subject matter experts. Alternatively, they can be intermediaries between agency subject matter experts and the public. The agency will post their names, email addresses and telephone numbers on the website so the public has ready access to their help.

Resources

- [7 Web Design Mistakes That Could Be Scaring Away Your Visitors](#)
- [Leveling the Web: 12 Questions with Accessibility Expert Gian Wild](#)

Part 3: Staff Training

Summary

Providing agency staff with training should build their appreciation of the barriers faced by communities whose residents are Black, Indigenous, Latino or people of color, and to be better prepared to make agency processes more open to these communities.

Agencies could start by providing two types of training.

- **Sensitivity training:** First, to create greater sensitivity to the challenges that many communities face, staff should hear from community members regarding the barriers they face in accessing government services and engaging with state agencies.
 - Trainings could also explore principles that will help illustrate why it is critically important for the agency to endeavor to be more inclusive, including, for example, the Jemez Principles for Democratic Organizing or the International Association of Public Participation's Core Values for Public Participation.
- **Facilitation training:** Meeting facilitation is a second important element of agency training that certain staff should be provided.
 - Staff should be capable of organizing and conducting most informal agency meetings.
 - Basic facilitation skills can ensure that public meetings run smoothly and that agencies and the public get the most out of them.

Why Be Inclusive?

To build staff awareness and greater sensitivity, it would be useful for agencies to provide training for all staff. In training their personnel, agencies could explore principles that would help illustrate why it is critically important for public meetings to be inclusive. The Jemez Principles for Democratic Organizing could provide a useful starting point for staff training on the need for greater inclusiveness. The International Association for Public Participation has articulated a set of principles⁹ that could also help agencies begin this staff capacity-building:

- Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Public participation includes the promise that the public's contribution will influence the decision.
- Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision-makers.

⁹ International Association for Public Participation, <http://www.iap2.org>

- Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Public participation seeks input from participants in designing how they participate.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision.

Facilitation Training

A second important element of training would be for agencies to choose an individual or two from staff to learn the basics of meeting facilitation. While many agencies may have high-profile cases that are contentious and would require the engagement of mediation and dispute resolution professionals, most agency meetings would not. Well-trained staff should be capable of organizing and conducting most informal agency meetings.

Basic facilitation skills can ensure that public meetings run smoothly and that agencies and the public get the most out of them. Agencies should identify specific staff who can learn these skills and then use their understanding to teach their colleagues.

Model Language: Staff Training

To build staff appreciation of the barriers faced by communities whose residents are Black, Indigenous, Latino or people of color, and to be better prepared to make agency processes more open to these communities, [agency] staff will participate in training starting [Date].

There will be two types of training. First, to create greater sensitivity to the challenges that many communities face, staff should hear from community members regarding the barriers that they face in accessing government services and engaging with state agencies. Trainings should also explore principles that will help illustrate why it is critically important for the agency to endeavor to be more inclusive. Reviewing and understanding the “Jemez Principles for Democratic Organizing” or the “International Association of Public Participation’s Core Values for Public Participation” could provide a useful starting point for staff training.

Meeting facilitation is a second important element of agency training that certain staff should undertake. While many agencies may have high-profile cases that are contentious and would require the engagement of mediation and dispute resolution professionals, most agency meetings will not. Well-trained staff should be capable of organizing and conducting most informal agency meetings. Basic facilitation skills can ensure that public meetings run smoothly and that agencies and the public get the most out of them. The agency will identify specific staff who can first learn basic public facilitation skill, and then use their understanding to teach their colleagues.

Resources

- [Core Values for Public Participation, International Association for Public Participation](#)
- [Jemez Principles for Democratic Organizing, Working Group on Globalization and Trade](#)

Part 4: Ongoing Improvement of Public Access and Participation

Summary

The adoption of a Public Access and Participation Plan is an important step in an agency's commitment to developing a more accessible and responsive state government. However, it is a first step, and there needs to be a process that will ensure continued improvement of the plan. Ensuring ongoing improvement of a plan will require recognition that:

- Developing a formal plan is a complex undertaking;
- The initial plan will undoubtedly benefit from ongoing review and the adoption of improvements to its initial design and implementation process; and
- Committing to a periodic comprehensive review will help ensure this.

Review should be organized and facilitated in an open manner that encourages representation from diverse stakeholders, ensuring equitable opportunities for participation, e.g., without requiring formal intervention or representation by an attorney.

Designing a Responsive Program Review

Ensuring desired performance and continued improvement should be key goals of a Public Participation and Access Plan. Responsive oversight should make certain that the program is producing the results that the agency is seeking and that the agency is able to demonstrate this.

A useful case in point: Prior to the program's adoption, the Regional Greenhouse Gas Initiative (RGGI) states deliberated over how to design an electric sector carbon program for several years. They were keenly aware that a new market for CO₂ emissions linked to a market for electricity had not been done before and that they wanted to proceed with caution and deliberation. They also wanted to be certain that their program was producing the results that the RGGI states were seeking. These concerns prompted their decision to revisit the program goals, design elements, and effectiveness after the completion of the first three-year compliance period (2009-2011). This has come to be known as "program review," and continues today over a decade after the program began.

The Regional Greenhouse Gas Initiative an initiative of Eastern States of the US

Program Review

Third Program Review Update: The RGGI participating states continue to prepare for electricity sector modeling and consider program elements as part of the Third Program Review, and have developed a [Program Review Update](#) which summarizes considerations to date regarding the Third Program Review, and includes updates to the Program Review schedule.

State Equity Advisory Boards: In addition, as part of the RGGI states' consideration of topics raised in Program Review public comments, the states have developed a [State Equity Advisory Boards Summary](#) document, which compiles information on activities related to equity advisory boards and other advisory bodies in each of the participating RGGI states.

Program Review Materials

[Third Program Review Announcement – February 2, 2021](#)

[Third Program Review Update – November 21, 2022](#)

Decision makers in state agencies that are undertaking to develop a public access and participation plan are may also be aware that they have not done this before and that they would need to proceed with caution and deliberation. Likewise, they would also need to be certain that their program produces the results that they are seeking. This is the rationale for incorporating a program review in a public access and participation plan.

A scheduled program review could be an internal evaluation. It is preferable, however, to have a broader undertaking informed by stakeholders and the public. The goal of either approach would be to ensure that the agency access program is being effective and meeting objectives. Even if the review were conducted by the agency, it would make sense to incorporate public opinion and recommendations.

Model Language: Ongoing Plan Improvement

The adoption of a Public Access and Participation Plan is an important step in [the agency's] commitment to developing a more accessible and responsive state government. However, this is a first step, and there needs to be a process that will ensure continued improvement of the plan. Responsible oversight will ensure that the plan not only is producing the results that the agency is seeking, but that it is able to demonstrate that.

As with any administrative program, a formal plan such as this will be a complex undertaking. The initial plan will undoubtedly benefit from ongoing review and the adoption of improvements to its initial design and implementation process. Planning for periodic comprehensive review will help ensure this.

To this end, the [agency] will undertake a program review within two years of this plan's initial implementation, and within every two years after that, to ensure that it is promoting public access and participation.

Review should be organized and facilitated in a manner that encourages representation from diverse stakeholders, ensuring equitable opportunities for participation, without requiring formal intervention or representation by an attorney.

Basic components of program review will include, at a minimum, consideration of:

- 1. Plan impacts: a demonstration that the agency is providing opportunities for meaningful public participation.*
- 2. Plan success: whether the plan has been successful in meeting its goals of being more inclusive and, specifically, whether agency actions are reflecting this engagement by incorporating viewpoints of historically disenfranchised communities in [State].*
- 3. Future improvements: relevant circumstances, and issues that the agency and public determine should inform the specific focus that the review would take and be incorporated into program review.*

Basic components of program review will include, at a minimum, consideration of:

- Plan impacts: a demonstration that the agency is providing opportunities for meaningful public participation.

- **Plan success:** whether the plan has been successful in meeting its goals of being more inclusive and, specifically, whether agency actions are reflecting this engagement by incorporating viewpoints of historically disenfranchised communities.
- **Future improvements:** relevant circumstances and issues that the agency and public determine should inform the specific focus that the review would take and be incorporated into program review.

In addition to the original review components that focus on program success and impacts, it is reasonable to expect that actual circumstances in which the program finds itself in several years will further inform the specific focus that the review would take.

Resources

- [The Regional Greenhouse Gas Initiative Program Review](#)
- [RGGI Program Review: A Model to Reduce Uncertainty in State Carbon Plans](#)

Conclusion: Respect Builds Respect

Each of the topics described above is designed to help open lines of communication and normalize exchanges between state government agencies and members of the public. This will improve the public's understanding of agencies and the roles that state government can play in improving peoples' lives. This should also help agencies develop a more detailed and clearer picture of the public that they serve. It should also help members of state government and members of the public appreciate the ways in which their lives and work are related and how they sometimes intertwine.

Appendix: Agency Mission Statement and Equity Statement

Mission Statements

When the public encounters your agency, how do they know what you do? What is your fundamental purpose? As a public agency, how do you include the public? More specifically, how do you attract parts of the public that have not historically been included? The answer is: your mission statement.

Your agency's mission statement provides focus, letting your staff and the world know why you are there and what you can do for the public. It lets the world know your purpose, your values, your goals.

Despite not being a business, government agencies do have customers, the people of your state. Agencies can take a page out of a playbook from a nearly 10-year-old Forbes article that sets out four questions that a mission statement should answer:

- What do we do?
- How do we do it?
- Whom do we do it for?
- What value are we bringing?

As you draft a mission statement with greater equity in mind, think long-term about how your agency can shape the future for your state. Consider working with your employees in crafting a mission statement. They are your agency, after all, and will have useful ideas for you to incorporate.

Resources

- [Tips for creating an effective mission statement](#)
- [How to Write a Powerful Mission Statement that Resonates](#)
- [Writing an Effective Diversity Statement](#)
- [50+ Diversity, Equity and Inclusion \(DEI\) Mission Statement Examples](#)

Examples of Agency Mission Statements

The North Carolina Department of Commerce's mission statement:¹⁰

Our mission is to improve the economic well-being and quality of life for all North Carolinians. To do that, the North Carolina Department of Commerce works closely with local, regional, national, and international organizations to propel economic, community and workforce development for the state.

The North Carolina Office of State Human Resources' statement¹¹ details its work to promote greater equity:

The State of North Carolina recognizes that an effective and efficient government requires the talents, skills, and abilities of all qualified individuals. The State supports a work environment that fosters respect and values all people regardless of their race, color, religion, sex, national origin, age, genetic information, disability, sexual orientation, gender identity and expression, or National Guard status. We seek opportunities to promote diversity and inclusion at all occupational levels of State government's workforce through Equal Employment Opportunity (EEO) initiatives. The Office of State Human Resources leads the State's EEO efforts by developing programs and policies that promote equal employment opportunity, diversity, and fair and impartial treatment of all employees.

The New Jersey Division of Taxation's mission statement:¹²

The mission of the Division of Taxation is to administer the State's tax laws uniformly, equitably, and efficiently to maximize State revenues to support public services; and, to ensure that voluntary compliance within the taxing statutes is achieved without being an impediment to economic growth

Equity Statements

In addition to developing a mission statement to formally recognize and illustrate the importance of being more equitable, an agency can also adopt an equity statement. As with a mission statement, an equity statement is both outward and inward focused. It tells the world where your agency stands regarding the challenges of improving public participation and access to your agency's services and staff. It also serves to inform your staff as to agency priorities with respect to improving access and public participation.

¹⁰ North Carolina Department of Commerce. (n.d.). *About Us*. <https://www.commerce.nc.gov/about-us#:~:text=Our%20mission%20is%20to%20improve,workforce%20development%20for%20the%20state>

¹¹ North Carolina Office of State Human Resources. (n.d.). *Diversity and Inclusion (EEO)*. <https://oshr.nc.gov/state-employee-resources/diversity-inclusion-eeo>

¹² New Jersey Treasury, Division of Taxation. (n.d.). *Mission Statement*. <https://www.nj.gov/treasury/taxation/mission.shtml#:~:text=The%20mission%20of%20the%20Division,an%20impediment%20to%20economic%20growth>

Examples of Agency Equity Statements

The North Carolina Department of Natural and Cultural Resources' statement¹³ provides a good example of an external and internal focus:

The North Carolina Department of Natural and Cultural Resources is committed to providing a climate and culture that fosters, promotes, and encourages social interactions that support, appreciate, and celebrate our differences. By supporting diversity and inclusion, the department strives to enhance cross-cultural understanding, break down racial and gender-based stereotypes, and create a diverse and productive workforce. As an equal opportunity employer, we stay true to our mission by ensuring that our place can be anyone's place.

As the keepers of our state's history and culture, we first have a duty to look inward to determine how we can be a catalyst for change. We listen to the call for justice and respond by actively participating in the move towards positive change.

Our department is committed to zero tolerance for discrimination and harassment in all forms. We will not allow anyone to be treated as less than equal. We will foster safe environments to discuss the issues of racism and inequality in the workplace and in how we conduct our business with constituents.

We will share the stories of Black, Indigenous, and People of Color in North Carolina through art, culture, history, and our natural resources.

We will continue to build a governance system through our boards, commissions and our employees that reflects the diversity of the people of our state.

The North Carolina Office of State Human Resources' statement¹⁴ details its work to promote greater equity:

The State of North Carolina recognizes that an effective and efficient government requires the talents, skills, and abilities of all qualified individuals. The State supports a work environment that fosters respect and values all people regardless of their race, color, religion, sex, national origin, age, genetic information, disability, sexual orientation, gender identity and expression, or National Guard status. We seek opportunities to promote diversity and inclusion at all occupational levels of State government's workforce through Equal Employment Opportunity (EEO) initiatives. The Office of State Human Resources leads the State's EEO efforts by developing programs and policies that promote equal employment opportunity, diversity, and fair and impartial treatment of all employees.

¹³ North Carolina Department of Natural and Cultural Resources. (n.d.). *Diversity, Equity, Accessibility and Inclusion*. <https://www.ncdcr.gov/about/diversity-equity-accessibility-and-inclusion>

¹⁴ North Carolina Office of State Human Resources.

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