

NASPAA Core Competency: Analysis & Critical Thinking

Worst and Best Practices: Open Public Hearings and Budgeting Transparency

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More than ever in 2024, the topic of governmental budgeting public spawns complaints, critiques, and questions. *Where is my tax money going? Why am I not receiving the so-called services my taxes are paying for? Stop padding your wallets with our money!* Distrust and doubt plague local, state, and federal governments. With most of the conflicts of human nature, there are two sides and within each complaint lies some truth. With good reason, the public demands transparency, both because they deserve it and because the government is supposed to deliver it. However, there are a myriad of ways in which governments, domestic and abroad, fail in this regard. Many do not intend to upset the public, but by continuing to distribute legacy documents and implement legacy procedures, governments are excluding the very individuals they are trying to communicate with. An analysis of the worst and best practices of open public hearings, governmental transparency efforts, successes, and failures will foster a better understanding of to what extent governments value being transparent.

For decades there have been statutes and policies which either mandate or advocate for open public hearings to be held. For example, the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. § 6303) outlines a statute clearly delineating how grant funding amounts and allocations must be readily available to the public. One such enactment of this statute is the holding of an open public hearing for the public to comment on the funding's allocation, trends, goals, and/or successes. My own experiences with grant funding open public hearings birthed an exploration of how the best practices of open public hearings can provide transparency in governmental budgeting. Conversely, how the worst practices of open public hearings can alienate the public and have lasting effects on their hearts and minds.

An analysis of what “public hearing” and “transparency” mean is imperative. Beginning with “public hearing”—for the public to have “heard something” and for “something to be available” might not always occur at the same time. For the public to “hear,” something must be “available,” but just because something is “available” does not mean it is “heard.” This may seem like common sense, but is “hearing” as important as “availability” when it comes to public hearings. An “open public hearing” is not an “open public availability.” To be heard is to be listened to and to be understood is implied. According to the Cambridge Dictionary, the noun “hearing” is defined as “an official meeting that is held to gather the facts about an event or problem.” There are many types of hearings: disciplinary, legislative, judicial, evidentiary, appeal, and more. This research paper is concerned with a *public* hearing or “an official meeting where members of the public hear the facts about a planned road, building, etc. and give their opinions about it” (Cambridge Dictionary, 2024).

While being heard and being available are two different concepts, “hearing” and “listening” are not mutually exclusive. By virtue of definition to hear someone or something, you must listen to it. Whether the “listening” is active or passive is up to interpretation. By analyzing the best and worst practices of public hearings regarding state and federal grant funding, it will become clear how active opportunities involving active hearing and listening promote governmental budgeting transparency.

In recent years, the State of California has presented interesting perspectives regarding public hearings. In 2023, the California State Legislature published the “State Grant Accountability and Transparency Report”(Petrie-Norris, 2023b) This Committee Report outlined the importance of transparency in governmental budgeting, especially at a time when California’s needs and funding were changing. To support their documented interest in

transparency, the report addressed back-end accountability to be provided by the Legislature to promote accountability. After funding was distributed and before funding was renewed, California began providing legislative oversight hearings to review performance of grant programs (Petrie-Norris, 2023a).

On June 4, 2024, the California Department of Housing and Community Development, Division of Federal Financial Assistance, held a PRICE Grant Application Virtual Public Hearing. The hearing focused on the PRICE preservation and reinvestment initiative for community enhancement (“PRICE”). Easily found on the internet, the PowerPoint shared at the hearing was clear and concise (California Department of Housing and Community Development, 2024). The presentation began with housekeeping items regarding how participants could “raise their hand” feature and use the “chat” feature to comment. Although there was no mention of alternative formats available, translators, or accessibility accommodations, the presentation’s text flowed logically and was well-organized. However, wordiness of the presentation and technical terms utilized such as “improved equity outcomes” or “leverage additional state resources” may not be as clear to the public as they are to other government officials. Including graphics, videos, and audio would enhance and improve access and understanding. Nonetheless, the presentation included many best practices and clear intentions for transparency worth mentioning.

A few weeks later [REDACTED], I presented for the first time at an open public hearing. The public hearing was specifically addressing state funding received by our [REDACTED]. A sizable portion of the funding received is used to transport senior residents to and from congregate nutrition sites throughout the county. The funding provides not only seniors nutritional meals and various social activities, but also daily transportation to and from their homes throughout [REDACTED] County, [REDACTED] (which is over [REDACTED] square miles large). As the county

transportation coordinator, it is my responsibility to present the trends of the senior transportation for these purposes over the past few years and to project the allocation for next year's senior transportation program. A "newbie" transportation coordinator for only one and a half months, I was unsure what I was supposed to be reporting and even more confused as to why.

Transparency and accountability were not stressed; I was shown a PowerPoint of last year's presentation, which was copy of the year before that and so-on, and told, in short, "this is what you have to do." Thus, I proceeded to research the data for the current funding cycle and made some improvements to the charts and graphs in the presentation (see Appendix [REDACTED] for more information). Creating a few slides and making some pretty charts and graphs were a breeze.

Just as easy was presenting the data. Answering the questions during the public comment period were not. If the questions centered on the funding presented, the process would have flowed more smoothly. However, the questions directed at me were about the overall transportation program, insurance requirements dictated by our commissioners, and statistics of the demographics of all the clients served by our county transportation. With no experience in such a public, and transcribed forum, I could only convey my willingness to research the answers and follow up with a response.

Some of the issues at this open public forum rested in the fact that the public was not clearly notified of the purpose of the forum. The public seemed to come with an agenda composed of questions and comments unrelated to the material presented. Somewhat in shock, and definitely caught off-guard, I did not realize at that moment how off-topic the questions and comments addressed to me were. While researching the answers in the following weeks, it became evident that the various agency staff were aware of the answers to their questions and

had asked their questions rhetorically and to express their displeasure with county policy.

Whether the public brings an agenda to an open public hearing or not is within the control of the presenter, but preventing the agenda from muddling the efforts of transparency with the grant funding in question is more so. Had I the opportunity for a “do-over,” I would redirect the questions to be discussed at length at a later meeting and would have stayed more on the topic of the transportation funding I was there to (and prepared to) discuss. Although the goal of the open public hearing is transparency, swerving so off-topic muddies the waters so much that the intended transparency becomes much closer to opacity.

Moreover, transparency should be a two-way street. In the case of my first open public hearing, it certainly was not. By not having clear expectations and boundaries, the hearing was composed of more complaining than listening. The forum itself seemed to miss the mark of transparency and accountability as it derailed into another topic. Perhaps the intention of the comments and questions was accountability, but the effect was far from it. Interestingly, when attempts to respond to the questions were made, the agency barely acknowledged receipt.

Trends of 2024 political discourse include the widespread assumption that “transparency” is good and positive. Although its benevolence is universally self-evident, it also apparent that “transparency is an ambiguous and context- dependent concept that lacks consensual definition” (Koivisto, 2022). Being transparent is widely accepted as beneficial. Yet, who, what, why, how, and when the benefit is delivered is not a uniform concept. What one views as transparent is “overkill” to another, or the other’s transparency may be viewed as insufficient. Despite, or maybe because of, the popularity of transparency, a myriad of definitions must be considered by public administrators.

Scholars present ten different meanings or narratives for transparency as an ideal (Koivisto, 2022):

1. Accessibility
2. Procedural Fairness
3. Accountability
4. Asymmetry Reduction
5. A Public Good
6. Rationalization
7. Truth-making
8. Moralization
9. (Self-)knowledge
10. Authenticity

Each definition is applicable to its own context, but in some ways is contrary to another or more. The paradox arises as these seemingly different concepts converge in the name of transparency. Perhaps by design, the paradox of transparency fits into the governmental landscape of today's politics, but helping and hurting efforts toward the assumed benefits of transparency. At my first open public hearing presentation, I thought I was focusing on accountability and accessibility, but I did not hit the mark.

Just two months later, before my research on the discourse of the “transparency paradox,” I facilitated my first solo public hearing. In many ways, it felt like my first monologue as opposed to public facilitation, but nonetheless the grant requirement box was checked off as complete. In hindsight, my focus on Alloa's definitions of accountability, procedural fairness, rationalization, and self-knowledge were intended applications of my open public hearing. With

those narratives in mind, and a clearer understanding of the county's expectation for the public hearing process, I laboriously created and recreated charts and diagrams to convey in shape and color, past and future funding allocations, goals, and outcomes (See Appendix [REDACTED]). I thought my funding allocations were the best they could be. I felt like the services that our residents needed were represented and accounted for. In my mind, full governmental grant funding transparency was winning the race. However, what really won was being able to "check off the box" in my grant application. More emphasis on accessibility must take place and more reliable technology must be provided.

In the State of [REDACTED], to receive [REDACTED] funding, each recipient must conduct at least one public hearing per year. A quick google search for [REDACTED] public hearings will show dozens of links to SCDRTAP public hearing notices and applications on local government websites. See Appendix [REDACTED] for the application for [REDACTED] funding that I submitted to [REDACTED]. With every county in [REDACTED] receiving a considerable amount of [REDACTED] funds from the pool of [REDACTED] Revenue, there is no wonder why the state requires an open public hearing to provide government budgeting transparency to its taxpayers. As seen in Appendix [REDACTED], the funds range from [REDACTED] County on the low end (just shy of \$800,000, not including our close-out funds) and [REDACTED] County on the high end (just over \$3M) a public hearing is more than justified. Unfortunately, though, I have witnessed how it is all too easy for an open public hearing to be more of "something you have to do" than a victory of governmental budgeting accountability. What then are the best practices to promote governmental budgeting transparency at open public hearings regarding grant funding?

To have any type of public meeting, the public must attend. In my experience in public service, one of the most common responses I hear in general about all our county services and

specifically in reference to this public hearing was “Oh, I didn’t know.” The residents did not know that we had an advisory group nor that we have many transportation services. Seniors do not know that the county provides both nutrition and transportation to anyone over the age of sixty, at the cost of only a dollar donation. I am learning how in public service we cannot assume that the public “knows.” We have an obligation to establish and enhance awareness of our services and opportunities through advertising and outreach.

Many governmental agencies prefer the term “outreach” to the term “advertising.” At the county government level that I work in, we consider ourselves to be “performing outreach” and not “advertising.” The term advertising implies money being spent and in my experience with government budgeting, taxpayers do not want to hear about how we “advertise,” but “outreach” is harmless. Of course, the budget is still at play, even if it is just paying our hourly wage or maybe, if lucky, getting reimbursed for a trip across the county. With that being said, effective governmental outreach must include multiple modes of advertisements. Each government must know its audience and react accordingly. For example, social media may reach some residents, but many of the senior population in our count still depends on “word of mouth” and newspaper advertisements. Thus, a best practice for outreach includes passing out hard copies of notices at community meetings, posting on social media, email blasts, talking to the community, and, if funding is available, maybe the occasional television ad. Good outreach promotes transparency. Transparency facilitates awareness of services and applications of tax dollars that proves public servants are not “padding their pockets.”

When an open public hearing is scheduled with the intention of a transparent, accountable governmental budget, getting the “word out” is not enough. Public meeting notices must be available in multiple languages, according to the most current census demographics. Outreach

must be monitored to be performed in all neighborhoods, especially in underserved communities. Populations with low incomes and individuals with disabilities must also be made aware of the public hearing and accommodated. Thoughtful planning needs to go into the open public hearing to ensure that the entire jurisdiction is given every possible chance to be aware of and attend the open public hearing. Anything less than widespread awareness dangerously teeters on impropriety.

After everyone is aware of an open public hearing, the time, location, and venue must be accessible to the majority. Scheduling is often a point of contention among governmental officials. *Schedule the hearing during the day or in the evening? In person, virtual, or hybrid? The library, a school auditorium, or a park? Will the weather and day of the week play factor?* Yes, each of these questions must not only be answered, but justified and documented. When it comes to grant funding transparency, documentation and justification are high priorities. American Disabilities Act (ADA) compliance is not negotiable with government public hearings. Additionally, translators and/or translating devices should be available as well. Virtual meetings must include a dial-in phone number and a transcription, as well as a link for a computer or smartphone.

Timing is everything, but timeliness helps as well. Being ready for the public at the advertised time is crucial to set the tone of the public hearing. One of the major flaws of the open public hearing I moderated in [REDACTED] was that I did not begin in a timely manner. The tardiness was not wholly my fault. However, whether it was my fault or not, the technical difficulties I faced made us start the hearing about five minutes late. Fortunately (or not), only about a dozen person were in the meeting room and only about eight attended online and remained online while I troubleshooted sound issues in the room.

Holding an open public hearing to present grant funding allocations is high stake public outreach. The hearing is not must a box to check off, it is a tool of democracy that enables and enhances governmental transparency. Another best practice for an open public hearing, which utilizes technology (which it should) is to advocate for a technical staff member to assist with setting up the room. Also, to combat this faux pas, the moderator must arrive at the location of the hybrid meeting extremely early. Some interested residents may be there waiting for you and looking forward to sharing their opinions and questions with you even before your presentation. This eagerness, although ironically, is the exact type of engagement we are seeking when we schedule a public hearing, has consequences if unaccounted for.

In conjunction with accessibility, it is in the best interest of a governmental moderator of an open public hearing to partake in the best practice of providing clear explanations for how the public can participate. An excellent example of this best practice can be found posted on the California Public Utilities Commission website (CPUC Public Participation Hearings, 2024). This website clearly delineates the procedures that will be followed and explains the process of how the public should bring attention to their intentions to submit comments or questions. Those who visit the website are not only informed when the public hearing will be, but they are also informed why and how they could participate. With transparent directions, the commission is establishing a strong framework for its public hearing. By formatting the website data in a plain language question and answer format, the information is logical and easy to follow for all literacy levels. Additionally, the website provides the vital information in the Spanish language as well.

Presentation preparation best practice includes ensuring the information shared at an open public hearing is accurate, clear, accessible, and current. Charts, graphs, and pictures can convey

more meaning than typed words. Following standard presentation best practices, entire paragraphs should not be included in slides. Additionally, planning for the execution of the presentation must also be considered. Reading slides is not only discouraged, but it is often seen as dismissive of one's audience. Language delivery should be clear, audible, and concise. Lofty metaphors and run-on sentences have no place in an open public hearing.

As mentioned above in “worst” practices (██████ public hearing), astute moderation plays a significant role in open public hearing best practices. In many ways, the success of an open public hearing on governmental budgeting depends on the political savvy of the moderator. Limiting the time of public comment without disregarding or dismissing the public is just short of Olympic acrobatics, but it must be mastered to become a great facilitator of transparency. Often, a moderator or presenter needs to reformat or reframe questions or comments to neither offend nor support a public comment or question. If an open public hearing leaves the public feeling unheard, the whole intention and definition of a “public hearing” is lost.

Navigating the unknown is the norm at an open public hearing. For example, quite often a member or members of the public will ask a question that the presenter does not know, has never thought about, does not want to answer, or is not supposed to answer. Negotiating these questions of Pandora's box requires being quick to think, but slow to react. A best practice to manage moments of extreme uncertainty necessitates saying “I don't know” without saying “I don't know,” while saying you will get back to them with a response, and following up with that response in a timely manner. Key words such as “response” must be practiced and utilized. An “answer” implies certainty, but a “response” provides latitude for in what way and to what extent the comment or question will be addressed.

When the comments and questions portion of an open public hearing has concluded, a best practice would be to explain where and to whom the public can go to next. An explanation of where to find the grant information of application presented is helpful. Screenshots and clear direction add to the transparency and accessibility needed for accountability in governmental budgeting. QR codes can also be used to directly link the audience with the application or follow up information.

Just as exploration of best and worst practices of open public hearings is necessary, an analysis of theory, intention, and execution is merited. The theory is an open public hearing in and of itself exists to hear public comment regarding a specific governmental topic, in our case budgetary allocations and services provided therein. A discussion of best and worst practices is mentioned above, but intentions are not wholly explored. How does intention affect transparency? The best answer to that question is to state how much intention affects transparency, and that is tremendously. Transparency necessitates openness, visibility, and accessibility, all of which must be intentional in both the presentations and the presenters themselves. Execution, in terms of performing in a transparent manner, is likewise tremendously important, though difficult to gauge. Nevertheless, these and so many more aspects of governmental budgeting open public hearings influence governments and administrations domestically and abroad.

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