

# THE 21<sup>st</sup> CENTURY CITIZENS MANUAL

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**Citizen Power**

*The Art of No-Blame Problem Solving*





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Printed and Published in the United States of America

Published by The Citizens Campaign, Inc.

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## ■ DEDICATION PAGE ■

*This book is dedicated to all citizens who want  
to learn how to become NO-BLAME Problem-Solvers  
and restore the values of service, civility,  
and pragmatism to America's political culture.*

## AUTHOR'S NOTE & INTRODUCTION

**I've written this book out of an increasing belief that we need to expand the power and responsibility of citizens in order to address the challenges of the 21st century.**

In this new century, the pace of new problem development has been accelerated by technology, and the complexity of problems has increased due to globalization. To respond, we Americans need to expand our problem solving capacity.

Advances in technology and new laws which empower citizen participation in the problem solving process make this possible. We Americans need no longer sit passively by, hoping that our elected representatives can handle the challenge of 21st century problem formation. We have the power to change the way we run our country. But we need to learn about new laws which create rights for citizens to impact government decision making and technological breakthroughs that can make us powerful problem solvers.

Technology not only accelerates the formation of problems, it can facilitate the ability of regular citizens to search for and share workable solutions. This book will show you how. It will also teach you how to use your new legal rights to check out the weaknesses of current policies and introduce practical solutions that will better your community.

In this book, you will also find the three critical principles of pragmatic problem solving. They guide us to find solutions that are based on evidence of success, cost effective (i.e., budget neutral) and beneficial to the community as a whole.

Now all solutions will not fit within these principles. Some solutions will need to be crafted anew and not be based on solutions that have been tested and proven successful. Others will require an investment of funds that will prevent them from being budget neutral (at least in the short term). And although all good solutions will ultimately benefit the community as a whole, some may need to be focused initially on a particular segment of the community.

But we have to start our participation in government problem solving somewhere, and what better place to start than by coming together on the common ground of practical, cost effective solutions that benefit us all. Our power is greatest when we come together as Americans. E Pluribus Unum (out of many, one) is our motto and adopting these principles will give us the power that our national motto suggests.

But, if we want to maximize our problem solving power, we must adopt a no blame approach that cannot only heal our public divide, but speed our progress along the path of American pragmatism. The story of the great American barnraising is a story of American pragmatism where we put judgments of our neighbor aside and get the barn built. This is what made us strong during our early years and it is what can make us strong again as we face the problems of the 21st century.

Voting is important, but we Americans now have the power to change the way we run our government if we choose to learn how to participate in the development of practical solutions. This book will show you how.

This book is packed with power for citizens who wish to pursue practical solutions with a no blame approach. In its

pages you will learn about a proven No Blame Problem Solving method developed by successful government practitioners that has empowered regular citizens to pass hundreds of local laws enacting their practical solutions.

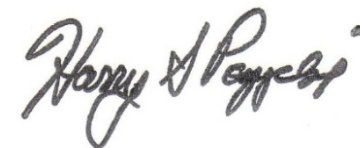
This 10 step method takes you through the problem solving process from identifying your issue to researching and presenting a solution to pursuing it through to adoption.

It takes patience and persistence, but the road map to getting results is there for those who wish to serve their communities and their country without having to run for public office.

Read further and learn about the best places to advance your solutions, starting in your own community. The principal decision making centers of local government are identified and your legal rights to participate pro actively in their decision making process are described for your use.

And if you want to take on a non-elected leadership position in your community, there are four powerful roles described together with instructions on how to access them and use them to advance your solution in a no-blame fashion. Special attention is given to the role of Civic Trustee in which you can serve with other no-blame problem solvers with a shared goal of bettering your community.

Just think, by your own example, you can restore the values of service, civility, and pragmatism to America's political culture.

A handwritten signature in black ink, reading "Harry J. Payson". The signature is written in a cursive, flowing style.

## ABOUT THE AUTHOR

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### HARRY S. POZYCKI



CHAIRMAN & FOUNDER  
THE CITIZENS CAMPAIGN

**H**arry is the Chairman and Founder of The Citizens Campaign, a non-partisan organization dedicated to citizen empowerment and public and service.

Working as a full-time volunteer, Harry partnered with former Harvard President, Derek Bok, and assembled a team of government law experts and distinguished former government leaders. Together, they developed a “power platform” that teaches citizens evidence-based problem solving and no blame policy implementation so they can tackle the problems of their own communities.

Harry also developed a community based opportunity for citizens trained in no-blame problem solving to enter public service without having to run for office. Citizens so trained can become Civic Trustees who serve for a year to three years, meeting with their fellow Trustees in monthly “Solutions Sessions” to engage in practical problem solving to address community challenges.

In 2004, Harry created a partnership with the University high school curriculum designed to teach students how to become problem solvers in their own communities. For this work and his other civic contributions, Harry received the Governor’s Jefferson Award for civic innovation and was recognized by the Philadelphia Enquirer as its Citizen of the Year.

To further empower citizens, Harry brought all sides together to pass New Jersey’s Open Public Records Act, which gives citizens access to government information so they can initiate constructive solutions without waiting for the political establishment. He was also the lead author of the Citizen Service Act and the Party Democracy Act, state laws which open up opportunities for citizens to solve problems in appointed government posts and grassroots political party leadership roles. For this work, Harry received a Doctor of Humane Letters degree from Monmouth University in 2012.

Harry is a 1969 graduate of Brown University and holds a law degree from Fordham Law School. In 1973, he founded a law firm specializing in growth planning and environmental law. He co-authored an encyclopedia of Land Use Law (West Publishing Co. 1989). Harry served as chairman of the committee that developed and passed New Jersey’s Fair Housing Act. He is also credited by Governor Tom Kean for his leadership in developing and gaining passage of the State Planning Act.

In 1992, after serving in a number of local political and governmental positions, Harry led a bottom up reform fight and took over the chairmanship of what was then the most powerful county political party organization in New Jersey. In 1995, Harry was elected to a county government position with executive and legislative power serving 750,000 residents, where he authored and gained adoption of a “Code

of Conduct” requiring government competitive hiring and competitive leasing. To further ensure the integrity of government contracting, Harry went on to lead the development and passage of New Jersey’s Pay to Play Reforms.

Harry and his wife, Caroline, have two daughters. They reside in Perth Amboy, New Jersey.



## ■ ACKNOWLEDGEMENT ■

The Contents of this Manual are the result of twenty years of trial and error and lessons learned in the pursuit of state of the art citizen empowerment education. The input of dozens of Citizens Campaign staff, volunteer experts, and hundreds of citizens went into this work. Their observations of what worked and what didn’t, were invaluable to the writing of the 21st Century Citizens Manual and I would be remiss if I did not publicly acknowledge their contributions here.

I would also like to thank Rob Horowitz for his constant emphasis on “solutions that benefit the community as a whole” as the purpose of citizen empowerment. Power is useless unless it has purpose.

Last, but certainly not least, I want to thank Ellen Clarkson, Esq., Chief Operating Officer of The Citizens Campaign, for her research, writing and editing contributions. To say that this manual could not have been produced without her would be a gross understatement. Her deep appreciation of the “No Blame” philosophy and the need to exercise it, not just in the governmental realm, but in all aspects of our lives, is inspiring to all of us.



Turn  
Knowledge  
into  
**ACTION**

## CHAPTER ONE

### CITIZEN POWER IN THE 21ST CENTURY

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- Expanded citizen problem solving power through advances in technology
- Expanded citizen rights to participate in government decision-making
- Accessing current policy details (the Open Public Records Act)
- Introducing your solutions (the Open Public Meetings Act)

#### Citizen Power in the 21st Century

The 21st century has ushered in new citizen powers and new ways to exercise them. This can have a tremendous impact on our historically passive and reactive roles. We don't have to wait on the sidelines for our government officials to act. We are no longer limited to protesting or "voting the bums out." We now have the power to become proactive citizen leaders solving problems and advancing practical solutions to today's challenges without waiting for the political establishment to act.

## YOU HAVE EXPANDED CITIZEN POWER THROUGH MODERN ADVANCES IN TECHNOLOGY

The phrase “knowledge is power” may be a cliché, but it is more true than ever in today’s civic arena. If we want to play a role as practical problem-solvers, working to find and offer solutions to the real and pressing issues facing our communities, we have to be able to research, compare and share solutions that have been successful in cities and towns across the nation and even around the world.

In the past, time-consuming comparative analysis of government policies in other cities or school districts was largely the province of full time government staff, like city administrators, and often required some expertise. But now, using the internet, and search engines like Google and Bing, this type of research can be done by regular citizens with limited time.

**Citizens can research workable solutions that have produced cost effective positive effects in other cities and offer them for adoption in our own hometowns.**

## USING TECHNOLOGICAL TOOLS AND RESOURCES TO EXPAND YOUR CITIZEN POWER

The meteoric rise of the internet in our time has had a profound effect on our ability to engage and take an active role in the governing of our communities and country. Formerly, performing comparative analysis of government policies in other cities or school districts was time consuming and often required some expertise. This type of search was often assigned to the city or school district administrators. But with today’s internet



search today’s internet search engines, this type of research can be done by regular citizens with limited time.

Citizen problem-solvers can commit to better their communities by researching and advancing practical solutions to community issues and challenges.

**Practical solutions are based on evidence of success—which means they have been demonstrated to work in communities similar to our own.**

“Searching” on the internet via Google or any search engine allows us to find, analyze and compare policies that are working well in other communities, while also researching news articles, expert opinions, studies, public documents, and more. At the same time, we can rely on technology via social media channels and apps to “share” our findings with fellow problem-solvers, with government officials, and with the greater community.

YOU HAVE A “RIGHT TO KNOW” UNDER NEW JERSEY’S OPEN PUBLIC RECORDS ACT (OPRA) (CODIFIED AT NJSA 47:1A-1 ET. SEQ.)

**OPRA is one of the most powerful tools in the citizen arsenal. It ensures your right to access and examine the details of government policies made by a government or public agency in the course of public business, including your local government and board of education.**

**Records including paper documents, electronic files, audio recordings, etc., reveal such policy details as costs, the staff responsible for policy implementation, time limits for action, and more.**

Historically, most records were legally considered government property, accessible only to government officials, and this did not include ordinary citizens like you and me. Passage of OPRA reversed that thinking, and now such records are considered the property of the people. This puts all of us, citizens and the government officials who represent us, on a level playing field in terms of access to information.

FOLLOWING ARE THE BASICS AND PRACTICAL HOW-TO'S FOR EXERCISING OUR NEW CIVIC POWERS

## HOW TO USE OPRA

So once you've made the decision to become a problem-solver and have determined the issue you are passionate about, you can investigate what your city or town has done in the past, and is currently doing.

You can begin your research by simply exploring your city's website for information; or reading news items and checking for any media coverage on the issue; or calling and speaking with the city clerk or other government office which may have information.

But the most powerful way to get this information is through the exercise of your rights under OPRA. Filing an OPRA request gives you the most effective and thorough way to find out if and how your city is dealing with your chosen issue. This gives you the ability to compare your town's existing policy to those solutions you find to be successful in cities and towns similar to your own.

## GET AN OPRA REQUEST FORM

Anyone can file an OPRA request form

For all municipalities, the City Clerk has the form and is formally designated to process it once you fill it out and submit it. (Please note: The OPRA form is often available on the city's website.)

If you want records or documents from the school board, you first have to find out who the designated custodian or keeper of the board's records is – try contacting the school board secretary or checking the school board's website for this info.

For any other public body or agency, you must find out who the designated custodian is.

## FILLING OUT THE OPRA REQUEST FORM

This is an important step for several reasons.

OPRA DOES NOT GIVE YOU THE RIGHT TO SIMPLY ASK FOR INFORMATION. YOU NEED TO ASK FOR A DOCUMENT.

If your request is not specific enough, you may get voluminous copies of documents you may have to sift through to get the information you really need. Ask for documents that reveal the policy you are researching. You don't want to have to file several requests that would extend the time for you to get all the information you need.

**So remember, an OPRA request is for written records or documentation, not general information!**

HERE IS A LIST OF POSSIBLE DOCUMENTS THAT MAY BE REQUESTED IF YOU ARE RESEARCHING MUNICIPAL POLICIES:

- Ordinances
- Executive Orders
- Resolutions
  - identify public body
  - possible date parameters
- Government memoranda
- Government contracts – identify possible parties
- Audits
- Minutes of meetings – if possible, narrow down on meeting dates
- Closed session meeting minutes
- Budgets (including staff salaries) Reports
- Emails – identify sender or recipient
  - a reasonable date range
  - a reasonable subject matter

## SUBMITTING THE OPRA REQUEST FORM

You can submit the OPRA request form by delivering it in person during regular business hours, or by mail, fax or electronically to the appropriate custodian of records.

For requests relating to your municipal government, this would be the municipal clerk.

For all other requests including school boards, submit to the legally designated custodian of record.

But in any case, you needn't worry, because if you submit the form to the wrong public employee, they are obligated to forward it to the correct custodian or tell you who that person is.



AND IF THEY DON'T HAVE A FORM AND YOU WANT TO FILE AN OPRA REQUEST, WRITE ONE FOR YOURSELF

- Date your request
- Identify it as a request being made pursuant to OPRA
- Describe the records being requested
- Identify yourself and how you wish to be contacted

You also have the right to view and inspect records in person in the office where they are kept.

## OFFICIAL RESPONSE TO AN OPRA REQUEST AND WHAT YOU CAN DO

**A municipality/public agency must respond to an OPRA request within 7 business days of its receipt by that agency unless it is particularly lengthy or otherwise difficult to fulfill.** The response must be in writing and can either be granted; denied; ask for more clarity or ask for an extension of time to respond. Sometimes the clerk will call you if clarification is needed; and you can call the clerk's office if the 7 days have gone by and you haven't heard anything.

**Such communication can afford you an opportunity to build a positive relationship with your local officials and the city employees who serve your community.** They usually know a lot and can provide useful information on a less formal basis. They can also become a resource for you as you proceed to develop your solutions and down the road present them to public officials.

**However, if the response is a denial of your request, look at the list of records that have been specifically excluded from public access under the OPRA statute and determine if your request legitimately falls within one of the exceptions.** There are a limited number of sensitive items, like personnel matters, ongoing litigation materials and current contract negotiations, which are not available under OPRA.

**A public agency can also deny your request if it concludes that such a request would substantially disrupt agency operations and a reasonable solution can't be worked out between you.** But the burden remains on a municipality to demonstrate a compelling interest in keeping documents secret and out of the public eye. So, if you don't agree with officials that the information you are seeking is legitimately private, you can try to negotiate with



officials and/or revise your request so you might get the information you are seeking in another way.

Or you can file an appeal to the state Government Records Council (GRC) which will resolve the situation through a mediation process; or you can start legal proceedings in the Superior Court of New Jersey.

An appeal to the GRC is free and is authorized under OPRA so it usually represents the better alternative when compared to the costs and time involved in litigation.

### **COSTS:**

INSPECTING RECORDS IS FREE; COPYING/REPRODUCING RECORDS IS NOT; SOME SPECIAL FEES MAY ALSO APPLY IN CERTAIN SITUATIONS.

You can go to a public agency office during normal business hours and request to look at public records.

There is no charge for doing this, however, if you want copies of records, OPRA currently allows public bodies to charge 5 cents per letter size page and 7 cents per legal size page under ordinary circumstances.

The agency can charge more if it can demonstrate that its actual costs for duplication is higher or it can pass on to requestors additional expenses where providing copies

of such records “involves an extraordinary expenditure of time and effort to accommodate the request.” In any case, the agency is required to inform you about any costs that may be involved and it may also require a deposit if the costs are above a certain amount.

A CITIZENS GUIDE TO OPRA PUBLISHED BY THE STATE OF NEW JERSEY IS AVAILABLE ON THE STATE WEBSITE AT [WWW.NJ.GOV/OPRA](http://WWW.NJ.GOV/OPRA). THE GUIDE PROVIDES INFORMATION & ANSWERS TO FREQUENTLY ASKED QUESTIONS ABOUT OPRA.

### **You have a “Right to Speak” at meetings of government bodies under New Jersey’s Open Public Meetings Act (OPMA) (codified at NJSA 10:4- 6 et.seq.).**



This right guarantees citizens the opportunity to present their solutions for adoption at meetings of government bodies including city councils, school boards and planning boards.

Prior to passage of OPMA, citizens’ input was mostly reactive and restricted to comments on laws and policies proposed for adoption by government officials. Now, citizens have the right to introduce their own solutions, even during agenda meetings when officials are considering what actions they intend to consider. (There are certain limitations on this right which are detailed with additional OPMA info below.)

### **OPEN PUBLIC MEETINGS ACT**

Similar to OPRA, the Open Public Meetings Act or **OPMA**, also known as the Sunshine Law, was adopted to ensure transparency in our government decision-making processes. Citizens should be able to “witness in full detail all phases of the deliberation, policy formulation and decision making