

## Intermunicipal Dispute Resolution Initiative

# MEDIATION HELPS NEIGHBOURS FIND COMMON GROUND

## City of Fort Saskatchewan ↔ Strathcona County

Like many good neighbors, the City of Fort Saskatchewan and Strathcona County have a good working relationship. They share a 911 dispatch, a transfer and recycling station and have a mutual aid agreement for emergency services - models many municipal neighbors could learn from.

As neighbors, they both knew it was time to resolve one particularly problematic and sensitive annexation that had been dragging on for years. But, they just couldn't seem to do it on their own.

"A number of annexations had occurred in the past that left a rather unhealthy legacy," says Bill Sutherland, Chief Commissioner of Strathcona County. "Sometimes the baggage was awfully heavy. We needed to find a way to leave the baggage at the door, and sever our attachments to it."

Paul Benedetto, City Manager of Fort Saskatchewan, agrees. "In many aspects, Fort Saskatchewan and Strathcona County have a very good relationship, demonstrated by our many shared services. This annexation, about land for future growth and boundary stability for both communities, was the exception to the rule. We needed extra help getting it resolved."

It wasn't only about future growth, according to Fort Saskatchewan's Mayor Ken Hodgins. "We were spending too much time and money on this; we weren't getting to other important discussions that needed tending to."

It was clear to all that a third party was needed - one who could provide a neutral environment for discussions. Although neither party had been through a formal mediation with the other, some of the team players had experienced mediation as a positive way to resolve disputes. So, they called Alberta Municipal Affairs, and were told that they had to go through a mediation process prior to approaching the Municipal Government Board.

### Consultation creates early buy-in

Bill Diepeveen, Alberta Municipal Affairs' Coordinator of Mediation Services recommended the Intermunicipal Dispute Resolution Initiative. The idea was to help the parties select trained private sector mediators, and work through a mediation framework that would allow them to identify the problems, their interests, plus solutions to build agreement.

Two mediators were chosen, Jeanne Byron and David Elliott. To set the stage, and before the formal mediation started, Byron and Diepeveen met with both municipal councils in April 2001 to ensure they were familiar with the process, and would understand the expectations of the mediation. The mediators then held a half-day information and training session to set the ground rules and dust off the parties' communications skills.

"Ultimately council makes the decisions, not the negotiators," explains Sutherland. "By establishing a front-end level of comfort, we got very strong support for the mediation process."

The next step was to set up an aggressive time frame for the mediated discussions. Despite busy schedules and looming summer holidays, the mediation teams committed to meet for at least a half or full day twice a month over the next four months.

“It really paid to be intense,” says Mayor Hodgins. “Everyone was under pressure to look at the hard issues and not get into frivolous discussions. If we couldn’t find a mutual agreement, the next step was to go to the Municipal Government Board and live with their decision.”

Another powerful technique Byron and Elliot used was “pairing”, making groups of two’s sit eye-to-eye and explain where they were coming from.

“Far too often people sit across a table, and the table becomes one of the barriers,” says Elliott. “This technique forced everyone to sit side-by-side and talk directly as individuals. They were able to forge relationships and see views they didn’t necessarily have coming in.”

Other techniques included flip charting all the issues on a neutral piece of paper to get everything on the table for discussion, validating people’s differing points of view so they knew they were being heard, re-framing questions to clarify information, and further investigating what was behind some of the issues being discussed.

### **New skills break old habits**

As Byron says, the mediation process was about breaking old habits. “These groups had met for years, and although some positive results had been realized, they weren’t talking to each other the way they should. As mediators, we helped them crack that nut by assisting them to learn how to do this in a more positive way themselves.”

Strathcona County’s Mayor Vern Hartwell found the presence of mediators helped a great deal. “They kept us on track with the issues at hand, kept us meeting regularly, and gave us the ability to continue fielding new ideas that could bring a resolution within reach.”

Resolution came quickly. A preliminary agreement was jointly announced August 28, 2001 that outlined, among other things, additional land for Fort Saskatchewan’s residential growth, plus land annexed for Strathcona County. Both municipalities got the assurance of boundary stability for the next 30 years, and both parties agreed no future annexations would take place without mutual agreement.

According to Benedetto, the benefits of mediation went far beyond the agreement. “This cooperation between the two parties saved the enormous expense of litigation and hearings. It was a very effective use of taxpayers’ money.”

Sutherland adds: “It gave everyone a great sense of accomplishment, but what it really did was create conditions that would benefit the intermunicipal relationship between us for years to come.”

The process not only forged an agreement, but it strengthened the way these neighbors relate to each other, something any municipality can benefit from.

“I would encourage any municipality to consider using this great program as a way of strengthening their relationships with others,” says Mayor Hartwell. “It’s cost-effective, economical, and successful agreements can be reached. Why wouldn’t anyone want those kind of results?”