

Let's resolve

CELEBRATING



YEARS OF
DISPUTE RESOLUTION



MUNICIPAL DISPUTE RESOLUTION INITIATIVE

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*Let's Resolve: The Municipal Dispute
Resolution Initiative*

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Executive Summary

In 2008, Alberta Municipal Affairs celebrates its tenth anniversary as a national leader in helping resolve municipal disputes. Ten years ago, the Ministry facilitated the first mediations between neighbouring municipalities in Alberta that took place because of changes to the *Municipal Government Act*. These changes required municipalities to consider mediation before going to the Municipal Government Board with their disputes over annexation and land use matters. The success of these mediations led Alberta Municipal Affairs to create a formal Municipal Dispute Resolution Initiative in 1999.

In the past decade, the program has helped facilitate 77 mediations involving more than 100 neighbouring municipalities and municipal authorities, with a success rate of more than 95 percent. The *Let's Resolve* program, as it is now known, has been recognized with three Premier's Awards of Excellence, including bronze awards in 2000 and 2002, and a silver award in 2008. The program also received a Canada Award of Excellence from the National Quality Institute in 2008. Bill Diepeveen, the Manager of *Let's Resolve*, has also been awarded the national Lionel J. McGowan Award of Excellence in Dispute Resolution from the ADR Institute of Canada for 2008.

Working closely with municipalities, Municipal Dispute Resolution Services follows the program's vision of ensuring all municipalities have access to dispute resolution services that allow them to develop local solutions to local issues. Program staff strive to anticipate the emerging needs of the municipalities they serve, and respond to them. As a result, *Let's Resolve* has constantly evolved during its first 10 years.

As an example, *Let's Resolve* now includes a comprehensive education program, which teaches different aspects of conflict resolution to assist elected and non-elected officials in their work. In addition to Intermunicipal Dispute Resolution, Local Dispute Resolution was set up to help municipalities design effective conflict resolution systems that can be applied to areas of work within an individual municipality. In the program's first decade, partnerships have also been forged with provincial municipal associations, leading to the creation of the Peer Network and an Advisory Committee.

As a result of the work, commitment and lessons learned that helped build *Let's Resolve*, the program has been in an excellent position to assist municipalities with the current growth issues in Alberta. The desire for the program's services is increasing, as is the satisfaction with the services provided. For the future, *Let's Resolve* will continue to expand its activities while remaining flexible to respond to new needs.

The MDRS team at the 2008 Premier's Awards of Excellence ceremony.

From left to right, back row- Lynn Parish, Michael Scheidl, Bill Diepeveen, Ray Gilmour (Deputy Minister, Alberta Municipal Affairs), Shelley Bott, Front row- Lisa Awid Goltz, Chinwe Okelu.





Introduction

Let's Resolve is a service program that provides assistance and support to municipalities in their role as natural persons. Program staff work with municipalities to create the best possible conditions to resolve conflict, so the municipalities can go forward independently with a mediator to deal with the conflict itself. *Let's Resolve* is now a multi-faceted program that includes intermunicipal mediation, training, mentorship and dispute resolution system design. The program team has committed to continuous evaluation and improvement of the program's services in order to develop a deeper understanding of conflicts that arise in municipal life, as well as ways to deal with them.

In the 10 years that have elapsed since *Let's Resolve* was introduced, the role of municipalities in Alberta has become significantly more prominent. Changes to the *Municipal Government Act* in 1994 gave municipalities wider autonomous powers to govern themselves. Because of these changes and the recent rapid growth in the Alberta economy, municipalities must now make critical decisions to deal with the myriad of issues associated with increased population and growth issues, and increased demand for land and services.

Often these critical decisions affect more than one municipality. Relationships between municipalities can become strained and full of conflict. Following the vision of the program, the Municipal Dispute Resolution Services team has been able to work with municipalities to find ways through conflict by using a variety of approaches, even as the issues have become more and more complex.

Vision and Mission

The vision of *Let's Resolve* is:

All municipalities in Alberta have access to and are able to use dispute resolution services that allow them to effectively and efficiently develop local solutions to local issues.

The mission of the program is:

To promote public confidence in local government by providing effective and innovative leadership and support to municipal organizations by encouraging intermunicipal cooperation and self directed dispute resolution through mediation and/or related dispute resolution activities.

Component Activities of *Let's Resolve*

Each of the four fundamental components of the program have evolved in response to particular issues faced by municipalities in Alberta. The components are:

- Intermunicipal Dispute Resolution
- Local Dispute Resolution
- Dispute Resolution Education
- Peer Network

Each component of *Let's Resolve* is distinct, but related to the other parts. For example, the education program has been able to reach municipal officials and personnel to inform them about the program and conflict resolution practices. The Local Dispute Resolution Initiative, in turn, was developed after participants from one municipality attended the education program and wanted to apply conflict management to the internal workings of their municipality. Some of the education programs have grown out of collaborative intermunicipal activity fostered by *Let's Resolve*. The Peer Network resulted from relationships formed with municipal associations.

In addition, Municipal Dispute Resolution Services has been engaged in other projects to enhance learning about municipal mediation and mediation in general, to promote the program and to develop evaluation tools for the program. These projects have included:

- Specialized learning sessions for staff and mediators that are tailored to municipal issues;
- the development of an evaluation tool for the program;
- the continual overall evaluation of programs offered, and;
- attendance at conferences and seminars to promote awareness of *Let's Resolve*.

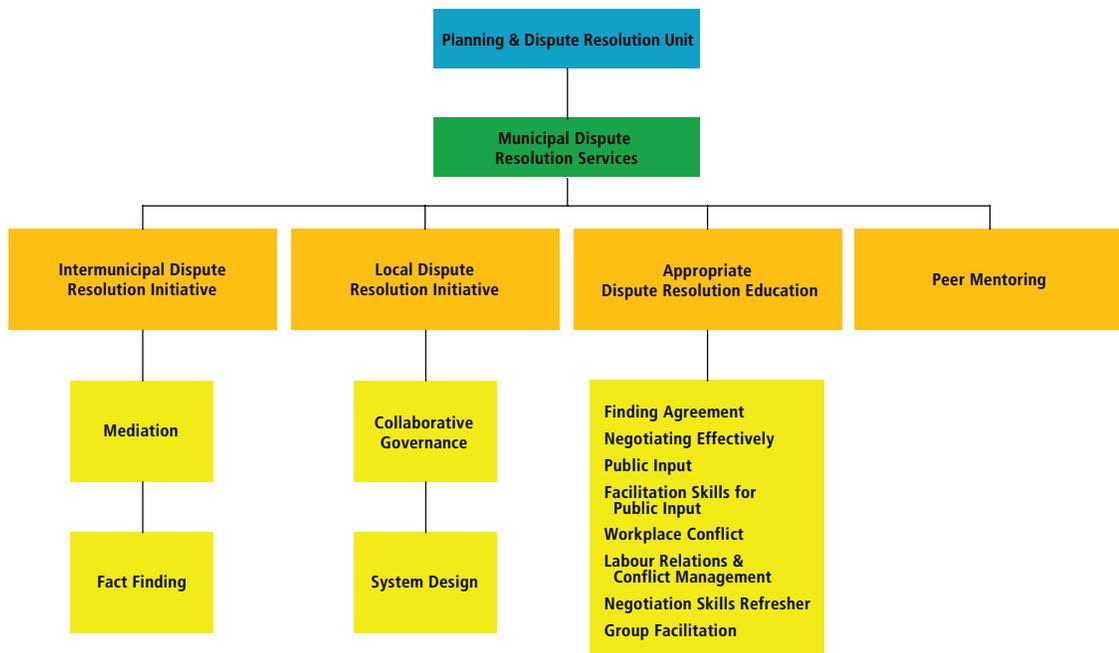


Figure 1 – Municipal Dispute Resolution Initiative Components

1. Intermunicipal Dispute Resolution

An amendment to the *Municipal Government Act* in 1994 required municipalities to attempt mediation before proceeding to the Municipal Government Board with annexation and land use disputes. The goal was to encourage municipalities and municipal associations to deal with conflict in a less adversarial and costly manner than traditional methods involving a third party decision-maker. In addition to being costly, traditional resolution methods such as arbitration, board hearings or litigation did not address the long-term relationships of municipalities.

In accordance with the legislation, Intermunicipal Dispute Resolution has successfully provided mediation services to many municipalities with disputes relating to annexation and land use. In addition, municipalities have chosen to use the program to deal with a variety of other issues in situations where there is no legal requirement to use mediation. These cases have included cost sharing, shared services, waste management and water access. In the last 10 years, 77 mediations have taken place, involving more than 100 different municipalities and municipal associations. The program is essentially voluntary, with municipalities choosing to try mediation. Even where mediation is required by the law, municipalities usually remain highly committed and stay with the mediation process.

A testament to the success of mediation has been the way that municipalities continue their relationships following mediation. For example, after working together on one issue, some municipalities have found they are ready to cooperate on other issues, such as an intermunicipal development plan. In other situations, after contact with Municipal Dispute Resolution Services staff, municipalities are encouraged to embark upon an intermunicipal protocol development process with their municipal neighbours. This protocol can be used to prevent the municipalities from arriving at a situation of potential conflict.

"This cooperation between the two parties saved the enormous expense of litigation and hearings. It was a very effective use of taxpayers' money."

"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."

Comments from Chief Administrative Officers from two adjoining municipalities.

The Municipal Dispute Resolution team celebrates ten year Anniversary and International Conflict Resolution Day, October 16, 2008.

From left to right: Michael Scheidl, Sara Ahlstrom, Lisa Awid Goltz, Honourable Ray Danyluk, Minister of Municipal Affairs, Lynn Parish, Shelley Bott, Chinwe Okelu, Assistant Deputy Minister Michael Merritt.





Municipal Dispute Resolution Services carries out and administers the following component parts of Intermunicipal Dispute Resolution:

- **Conflict Assessment** – After the first contact with municipalities, staff work with the municipality to assess the appropriateness of mediation, and initiate contact with other interested parties.
- **Convening Services** – At this stage, staff meet with the municipal parties, separately and together, to discuss the mediation process.
- **Roster of Qualified Mediators** – A roster of mediators is maintained to ensure that municipalities have the option to select a mediator with municipal experience.
- **Shared Mediation Costs** – A grant program is administered that provides a contribution of provincial government funds towards the alternative dispute resolution method used by the parties.
- **Fact Finding Service** – Staff can help the parties find a neutral fact finder to consider the facts of an issue and give an opinion. In this way, they can determine how a third party decision-maker, such as an arbitrator, a board or a judge, might view the issue.
- **Satisfaction Surveys** – Following mediation, staff send out satisfaction surveys to participants within three months.

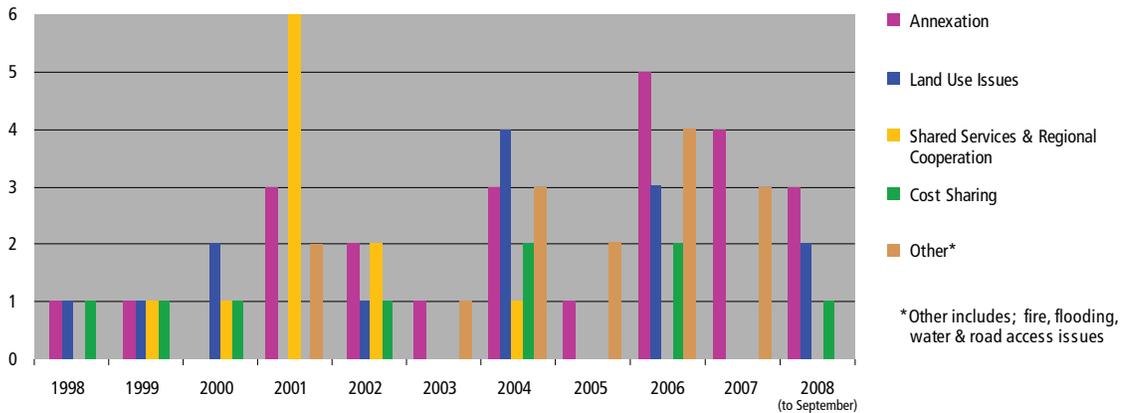
Mediation Activity by Subject Area

There are a variety of issues that have been dealt with by mediation as shown in Figure 2. The total number of issues is larger than the number of mediations, as some mediations deal with more than one issue, for example, annexation and regional co-operation.

Annexation	26	Recreation funding	2
Land use	14	EMS Services	1
Revenue/cost sharing	9	Road access	1
Intermunicipal	6	Municipal	
Water services	3	Development plan	1
Fire	3	Off site levies	1
Regional co-operation	3	Amalgamation	1
Regional Waste	3	Water Access	1
Shared services	2	Expropriation	1
Seniors	2	Land value	1
Industrial tax	2	Subdivision conditions	1
		Total	84

Figure 2 – Types of Mediation Activity

Figure 3 – Mediation Activity by Year



Mediation – Costs and Time Involved

From 2000 to 2007, Alberta Municipal Affairs contributed a total of \$305,043.24 in grants.

Because the issues involved in mediation can be extremely varied, there is no standard time length for mediation, even when the same issue is being discussed, such as annexation. Mediation can take one meeting to complete, or sometimes extend over a period of months. During the mediation, however, the parties have complete control over the process, including the length and frequency of meetings. In comparison, proceedings at the Municipal Government Board can be lengthy. A contested annexation may take a number of board hearings to resolve, depending upon the complexity of the issues involved. In addition, the timetable for hearings, is to a large degree, outside of the control of the parties.

Mediation costs will typically include meeting rooms and refreshments, mediator fees, expert and technical fees and the councillors' time to attend mediation sessions. Those costs are still generally significantly less than those generated by proceeding to the Municipal Government Board or to court.

The longest mediation to date took 40 days and cost the parties \$35,000 each. The shortest mediation took half a day and cost approximately \$300.

Convening Process

From its experience with Intermunicipal Dispute Resolution, Municipal Dispute Resolution Services has found that preparation before mediation starts is a key factor in the potential success of the process. Mediation participants often find it hard to commit to spending time before mediation because they want to get on with the discussions. However, good preparation can shorten the length of these discussions and provide more benefits in the longer term.

Research by Municipal Dispute Resolution Services has shown how conflict can be grounded in differences in deeply held values. For example, rural and urban municipalities might have very different world views and values. The differing world view is a constant feature in the relationship between the municipalities, and can make specific disputes become unmanageable. The subject matter of the dispute might be easily identified, such as annexation, but to truly resolve the issue, both parties must build an understanding of each other's deeply held values.



It is important to identify the situations where these value differences play a role before the parties proceed too far into mediation. If the value differences are not identified and discussed, there is a risk that the parties will become disgruntled with the mediation process. They may find it difficult to make progress. Even if they reach agreement on the specific issue, unaddressed value differences will undo the agreement in time. Understanding and dealing with these differences can be crucial elements in the mediation and also require some careful preparation work by each municipality.

During the convening process, Alberta Municipal Affairs staff stress the importance of taking time to get ready for mediation. Municipalities are encouraged to spend some time both as a council and with the other party, before they begin to talk about the specific issues that require mediation.

“You need to learn to develop patience,” she says, “because any negotiation takes time. On the other hand, mediation keeps the discussions moving. I have seen time and again that negotiations without structure can result in an extremely slow process. With mediation, progress is being made every time you meet.” *Town Director of Planning*

Alberta Municipal Affairs staff start the convening process with a presentation to councils on the *Let's Resolve* program. Councils can also invite staff from the Municipal Government Board or a member of the Planning Services Unit at Alberta Municipal Affairs to make presentations, depending on their issue. These presentations help to ensure that the parties have as much information as possible to determine their future course of action. Once the parties confirm their commitment to mediation, program staff ensure that all prerequisites are in place for the mediation to proceed, including selection of mediators.

After the parties choose their mediators, with the assistance of Alberta Municipal Affairs, the role of Municipal Dispute Resolution Services diminishes. Mediation is generally a confidential process, so after this point, mediators report only on whether the mediation is still in progress or not.

Mediators begin the process by spending time individually with each council to prepare for the mediation. At this time, the mediators can help the parties recognize any issues relating to deeply held value conflicts, as well as provide coaching in interest-based negotiation and mediation practice. This preparation ensures the participants have a clear understanding of the mediation process, and the mediators understand the issues that need to be discussed. This preparation time allows for the discussion of practical matters, such as who will be on the mediation team from each municipality.

Roster of Qualified Mediators

The roster of mediators is chosen and maintained by the Advisory Committee to the *Let's Resolve* program. The committee includes representation from the Alberta Association of Municipal Districts and Counties (AAMDC), the Alberta Urban Municipalities Association, the Local Government Administration Association, the Alberta Rural Municipal Administrators Association and the Alberta Arbitration and Mediation Society, together with *Let's Resolve* staff.

The roster now includes a separate list of mentoree mediators, who are qualified mediators requiring some experience in the municipal arena. The mentoree mediators attend mediation with one or two full-roster mediators chosen by the parties. Alberta Municipal Affairs funds the attendance of mentorees at mediation, in order for them to gain the required experience. This helps broaden the roster of qualified mediators and provides for a succession of mediators.

There are currently seven full-roster mediators and 11 mentoree mediators.



Fact Finding Service

To date, there have been two occasions when municipalities have used the fact finding service offered by Municipal Dispute Resolution Services. The service is offered to help a municipality get a sense of how a neutral decision-maker, such as an arbitrator, board member or judge, might view their situation and what a likely outcome might be.

Alberta Municipal Affairs funds the fact finding process. The chief elected officer and chief administrative officer from each municipality involved make presentations to the fact finder, who then delivers a report with an opinion of what a neutral decision-maker might decide.

In one case where a municipality used this service, a fact finder report was prepared. The mediation then reconvened and an agreement was negotiated. In the other case, the parties asked the fact finder to function as an arbitrator.

Satisfaction Surveys

Within three months of a mediation being completed, staff send a satisfaction survey to all participants to assess the degree of satisfaction with the process. To date, the overall satisfaction rating average for the services provided by Municipal Dispute Resolution Services is 85.5 percent. This average is based upon the responses given by chief administrative officers and chief elected officers of the municipalities that have received services.

In 2007, a new evaluation tool was designed for *Let's Resolve* using leading edge methodology in the area of dispute resolution evaluation. A pilot evaluation was completed on a number of past cases using both participants and mediators. The evaluation covered the whole mediation process from involvement by Municipal Dispute Resolution Services to the post-agreement phase of the mediation.

Systemic evaluation of appropriate dispute resolution programs is in its very early stages in North America. It is important for service providers to obtain the most accurate and detailed picture possible to maintain consistency and quality of service. The more detailed evaluation also allows for the possibility of targeting improvement techniques for particular aspects of the process and gives greater insight into outcomes.

The pilot evaluation used another relatively similar mediation program as a comparison. Results from the pilot evaluation demonstrated a high assessment rating for the services offered by Municipal Dispute Resolution Services. On a five-point scale ranging from *Fully Achieved* to *Not Achieved*, the convening services provided attained a rating of *Fully Achieved* in the majority of categories, with the balance being *Mostly Achieved*. A still favourable, but slightly lower assessment, was received on the mediation process itself, ranging from *Mostly Achieved* to *Moderately Achieved*, which is common across other mediation programs that have been evaluated. In addition, *Let's Resolve* achieved a higher overall level of performance than the comparison mediation program in the same categories.

Future of Intermunicipal Dispute Resolution

Municipal Dispute Resolution Services will continue to respond to requests for intermunicipal mediation with all the service aspects previously described.

While the program is highly successful, the pilot evaluation has highlighted key areas for improving the performance of *Let's Resolve*. To accomplish these goals, staff will work closely with the stakeholders identified with the process, including municipal associations, individual municipalities, mediators and others involved in the mediation process.

In addition, the process of developing and refining the evaluation tool will continue. The emphasis on continuing improvements will focus on two things. Firstly the evaluation tool itself will be modified based on the experience of the pilot project and will continue to be administered following a mediation. Secondly the findings of the initial evaluation and subsequent evaluations will form the basis of improving the overall service to clients.

The *Let's Resolve* vision has largely been achieved, namely, to ensure that all municipalities in Alberta have access to and are able to use appropriate dispute resolution services that allow them to effectively and efficiently develop local solutions to local issues. The Intermunicipal Dispute Resolution team will continue this work while responding to new needs that may arise, including developing intermunicipal protocols.

Officials from municipalities at the Municipal Dispute Resolution Services celebration for ten year anniversary and International Conflict Resolution Day, October 16, 2008. From left to right: Lloyd Bertschi, Mayor of Morinville and President of AUMA; George Rogers, MLA for Leduc-Beaumont-Devon; Mary-Anne MacDonald, Deputy Mayor, Leduc County and representing AAMDC; Honourable Ray Danyluk, Minister of Municipal Affairs; Jacqueline Biollo, Deputy Mayor, Town of Beaumont; Doug Wright, CAO, Leduc County; Marc Landry, CAO, Town of Beaumont; Gordon Stewart, former CAO, Town of Beaumont; Bill Cowan, former Reeve, Leduc County; Larry Majeski, former CAO, Leduc County.





2. Local Dispute Resolution

The Local Dispute Resolution Program was created in 2001 after a municipality successfully incorporated appropriate dispute resolution practices into its daily operations. Municipal Dispute Resolution Services staff worked with the municipality and consultants to design a system for managing conflict in different aspects of the working life of the municipality, such as planning and development. Funding was provided by Alberta Municipal Affairs.

The successful outcome of the project suggested that a similar need existed within other municipalities to design systems for conflict resolution in various areas of municipal life. Local Dispute Resolution has provided grants of up to \$35,000 to a municipality for assessment and redesign of conflict management practices within the municipality. The project is typically undertaken by a private consultant. A further matching grant of \$15,000 is available to aid in implementing the recommendations of the consultant.

System design areas covered by the program

- Public policy issues that arise between the public and the municipality from a municipal decision or policy; for example, a planning matter such as a zoning decision, or a policy to impose a fee for service such as garbage pick-up.
- Issues relating to policy implementation or municipal administration; for example, the procedures that address complaints from residents or businesses about the delivery of municipal services.
- Conflict and potential conflict within the municipality between departments, between staff and elected officials, and between elected officials. Protocols can be developed to address such situations; for example, the introduction of a mediation process.
- Contractual disputes between the municipality and the provider of goods or services; for example, between the municipality and contracted-out garbage pick-up service.
- Employment and human resource issues involving non-unionized employees and issues that are not governed by collective agreements and grievance procedures.
- Legal practices where alternative dispute resolution methods might be created as an alternative to adversarial type hearings.
- Intermunicipal relationships; for example where two or more neighbouring municipalities create policies and procedures together for how they might interact in the future when discussing issues of common significance.

Program activity to date

Local Dispute Resolution has helped nine municipalities complete their designs for internal conflict management systems. Planning and development are key areas where many municipalities have implemented a conflict resolution system. Other areas have included human resources, policy implementation, policy development, organizational conflict, and intermunicipal protocols.

In 2008, six additional municipalities are working with grants from the program in diverse areas that include citizen engagement, staff protocols, staff and public relations, planning and development, and human resources.

Some municipalities witnessed the benefits of early planning and expressed a desire to work together with their neighbouring municipalities before contentious issues arose.

These municipalities have been supported by Local Dispute Resolution to meet with their neighbours and develop intermunicipal protocols, which can be used whenever the municipalities discuss issues affected by the protocols. This proactive approach towards problem solving is both creative and innovative. Municipal Dispute Resolution Services is extremely pleased to follow this initiative and support it administratively and financially with resources from Local Dispute Resolution. The development of internal conflict management systems exemplifies the *Let's Resolve* mandate – Local Solutions to Local Issues.

"... the training has accomplished great things; it forces staff to see one another's perspective, gives staff tools for assessing their own reaction to conflict, and generally makes people more willing to address disagreements. It teaches people how to be hard on the problem and soft on the person." Town Human Resources and Communications Team Leader

Future of Local Dispute Resolution

In 2008, the Municipal Dispute Resolution Services team, together with other key personnel, attended a two-day workshop with Dr. David Brubaker from Eastern Mennonite University. Dr. Brubaker is an expert in the field of change and conflict in organizations, including conflict assessment and system management design. The information gained at the workshop led to a review of the processes and philosophy of Local Dispute Resolution.

In addition to learning from Dr. Brubaker's work, the team also considered some other key aspects of the program, including:

- One of the realities of working with municipalities is the municipal elections every three years, which can result in a partial or sometimes complete turnover in the members on councils. Administrative staff also change over time. These changes present challenges in ensuring that conflict resolution systems supported by Local Dispute Resolution are still relevant for new councils and administrations, and continue to serve their purposes.
- In the past, the Local Dispute Resolution program name has caused concern for some municipalities that are simply reviewing their processes and do not wish to be characterized as being in conflict.

For the future, the Local Dispute Resolution Program will be renamed the Collaborative Governance Initiative and will be incorporating concepts and processes to implement what has been learned and to improve the experience for municipalities. For example, when working with municipalities, consultants will consider the effect of change upon an organization, work closely with a representative committee from the organization(s), and look to the future for ways in which the new relationships and procedures can be maintained. Emphasis will be placed upon collaborative techniques for municipalities to use on an ongoing basis. The name change will reinforce that municipalities do not have to be in conflict to access the program.

The Collaborative Governance Initiative will apply to single municipalities who wish to access grant funding to look at processes within their municipality, as well as to municipalities who have been proactive in their discussions with their neighbours and who wish to develop intermunicipal protocols and who require facilitation support for intermunicipal agreements. Future work will see more education and encouragement of municipalities to co-operate and collaborate in advance of potentially contentious issues in developing intermunicipal protocols, which will govern their relationships.

Further plans for the future include an evaluation tool that has been developed and is expected to be tested in 2009.

3. Dispute Resolution Education

Education about dispute resolution is now a core component of *Let's Resolve*. The program has significantly expanded since the first course, *Resolving Difficult Issues*, was offered in 1999. That course was held for elected and non-elected municipal officers in a number of locations across the province. The latest program, to be offered in 2009, includes eight different courses for elected and non-elected municipal officers and Alberta Municipal Affairs staff. These courses will also be held in a number of locations. The courses are:

- *Finding Agreement*
- *Negotiating Effectively*
- *Public Input*
- *Facilitation Skills for Public Input*
- *Workplace Conflict*
- *Labour Relations and Conflict Management*
- *Negotiation Skills Refresher*
- *Group Facilitation*

As in other areas of *Let's Resolve*, the education program has expanded in response to needs identified by municipalities and other stakeholders. As more people completed *Resolving Difficult Issues*, they identified a need for training at a higher level. People who took the course were excited by the concepts and wanted to advance their skills.

In response, a two-stage training was introduced. The first course, *Finding Agreement*, focuses on understanding conflict sources, dynamics and attitudes, as well as their impact on the conflict resolution process. The next course, *Negotiating Effectively*, introduces the principled, interest-based negotiation model and builds on the skills learned in *Finding Agreement*.

The education program also offers two courses concerned with public input and facilitation skills for obtaining public input. The development of these courses arose from a symposium called *Beyond the Basics*, which was held in 2006 and led by Alberta Municipal Affairs, working with Alberta Agriculture Food and Rural Development and Alberta Justice. The conference was attended by municipal officials and administrators, and provincial employees. A key theme that arose was the issue of public input for municipalities, particularly in matters relating to planning and development.

Building upon this need, a printed toolkit on public input was developed by a group of municipalities facing similar issues relating to planning and development. Their work was assisted by a grant from Local Dispute Resolution. A pilot course was offered based on the toolkit, and the course feedback indicated a need for education on facilitation skills. Three courses are now offered to cover these skills and concepts: *Public Input*, *Facilitation Skills for Public Input*, and *Group Facilitation*.

Many councillors and administrators have taken all of the courses previously offered and their feedback showed that they would like to maintain their skills and keep learning. In response, two new courses will be offered: *Labour Relations and Conflict Management* and *Negotiation Skills Refresher*, as well as a new *Public Input* workshop targeted specifically to municipal planners.

Evaluation of courses

All course participants complete detailed evaluations upon course completion. A recent compilation of evaluations for a period of two years shows a high degree of satisfaction with all courses. Comments such as “*excellent job*” or “*I really learned a lot*” appear for every course. Instructors are praised for being knowledgeable and experienced, with comments such as “*very professional, very informative*”. Individual course evaluations show high satisfaction levels. For example, for the three *Finding Agreement* courses held in 2005, 81.5 percent of participants were extremely or very satisfied with the course. For the *Public Input* course held in 2006, 100 percent of participants stated that they would be able to use the information provided in the course.

“I will use aspects of what I learned every day in my job. The intervention position can easily be applied daily in my role as Assistant Planner/Development Officer.”

The evaluations also include suggestions for improvements, which Municipal Dispute Resolution Services can then incorporate. As a result of these suggestions, program staff have improved the registration service, made courses available outside of Edmonton and Calgary, and provided more information in course examples. Space for free comments in the evaluations demonstrates a high degree of understanding among participants of the principles of conflict resolution that they have studied.

The Future for Dispute Resolution Education

The eight courses now offered are instructed by some of the most experienced trainers and educators in the field of conflict resolution. The courses are offered regionally. Municipalities have also expressed interest in hosting joint training sessions on a regional basis to allow them to address common issues and develop relationships with their neighbours. Municipal Dispute Resolution Services will support these initiatives and will continue to follow emerging trends and issues identified by participants regarding their educational requirements. In particular, a new course called *Coaching for Conflict* is being developed. This course will focus on helping outside third parties through conflict situations. An in-depth evaluation of the education program is also being planned.

Officials from municipalities at celebration for ten year anniversary and International Conflict Resolution Day, October 16, 2008. From left to right: Lloyd Bertschi, Mayor of Morinville and President of AUMA; Julian deCocq, CAO, Town of Cochrane; Greg Boehlke, Deputy Reeve, Municipal District of Rockyview; Honourable Ray Danyluk, Minister of Municipal Affairs; Joann Churchill, Deputy Mayor, Town of Cochrane; Lorie Pesowski, Director of Planning and Community Services, Municipal District of Rockyview.



4. The Peer Network

The Peer Network is a partnership program between the Alberta Association of Municipal Districts and Counties (AAMDC), the Alberta Urban Municipalities Association, the Alberta Rural Municipal Administrators Association, the Local Government Administration Association, and Alberta Municipal Affairs. The Peer Network group was initiated by the AAMDC in 2000. The AAMDC continues to manage the program's finances through an annual grant from Alberta Municipal Affairs. Overseeing the program is the Dispute Resolution Peer Network Committee, which includes representatives of the municipal partner associations.

The Peer Network uses the knowledge and experience of municipal leaders across the province. These leaders have successfully resolved disputes and are designated as peer mentors after being nominated and reviewed by the Peer Network Committee. The mentors include councillors and senior administrators. The names of the peer mentors are made available to all council members and senior administrative personnel in municipalities in Alberta. As a result, municipal employees can, in confidence, seek the opinion of a mentor on issues where they would like to consider an alternative perspective, discuss options for action and gain from the mentor's experience.

Currently, six senior administrators and councillors serve as peer mentors for two-year appointments. During that time, the mentors receive training in facilitation, communication and current alternate dispute resolution practices to enhance their skills. The Peer Network program is an effective method to share knowledge and experience and provides one more avenue for the effective resolution of disputes.

In 2006, the role of the Peer Network was expanded to include delivering provincial advice on intermunicipal cost-sharing agreements.

The Future for the Peer Network

Involvement and participation in the Peer Network is growing and Municipal Dispute Resolution Services continues to be an active partner in the program. A business and communications/marketing plan is being developed for further promotion and dissemination of information about the program.

Research and Program Growth

Municipal Dispute Resolution Services is committed to expanding its knowledge and practice in the specialized field of municipal mediation. To accomplish this goal and to consider best practices that can be incorporated into *Let's Resolve*, staff organized conferences on various subject matters and joined with academics and practitioners to participate in the discussions. These have included:

- In 2004, the *Beyond the Basics* conference was held for municipal and provincial staff to discuss common themes and problems.
- In 2006 and 2007, a series of seminars on *Managing Deep Rooted Value Based Conflicts* was held. The seminars were attended by staff from Municipal Dispute Resolution Services, mediators and peer mentors. Gordon Sloan of ADR Education was the facilitator and Dr. Jayne Seminare Docherty, Professor of the Center for Justice and Peacebuilding at Eastern Mennonite University, presented a paper on the issue.
- In 2007, a conference on *Public Apology* was held in conjunction with the Queen's Bench Mediation Program of Alberta Justice. Attendees were roster mediators from both programs and staff personnel. The conference was facilitated by Dr. Dean Peachy, Professor of Conflict Resolution Studies at Menno Simons College, University of Winnipeg. Presentations were made by Dr. Mark Umbreit, Director of the Center For Restorative Justice and Peacemaking and Professor in Mediation and Conflict Resolution at the University of Minnesota; Dr. Neil Funk-Unrau, Assistant Professor of Conflict Resolution Studies at Menno Simons College, University of Winnipeg; and Patrick Field, Managing Director of North American Programs at the Consensus Building Institute, Associate Director of the MIT-Harvard Public Disputes Program, and Senior Fellow, the University of Montana Public Policy Research Institute.
- In April 2008, Dr. David Brubaker, Academic Director of the Center for Justice and Peacebuilding at Eastern Mennonite University, hosted a symposium on *Assessment of Organizational Conflict and Design of Internal Dispute Resolution Systems* for Municipal Dispute Resolution Services staff and key municipal administrators. This course focused on the causes of organizational conflict and how conflict resolution systems can be designed to address such causes.
- In June 2008, as part of the strategic planning sessions, a seminar was held with Robert M. Jones of the Florida Collaborative Resources Consortium at Florida State University, and Christine Carlson, Senior Advisor with the Policy Consensus Initiative at Portland State University. Robert Jones presented a paper on *Collaborative Governance: Leadership tools for new challenges at local and regional levels – The Florida experience*. Christine Carlson also presented a paper on *Collaborative Governance*.

The information gained through the seminars and conferences has been directly applicable to both Intermunicipal Dispute Resolution and Local Dispute Resolution. In particular, these events prompted Municipal Dispute Resolution Services to consider long-term conflicts between municipalities and what the mediation process can achieve to alleviate these conflicts. Program staff also considered how the introduction of new conflict resolution procedures can cause changes in municipalities and how these changes can be maintained. In addition, the conferences have led to a focus on the concepts of public apology and collaborative governance.

Municipal Dispute Resolution Services hopes to continue exploring these and other areas of mediation practice to offer a service that continually incorporates both best and new practices to its clients.

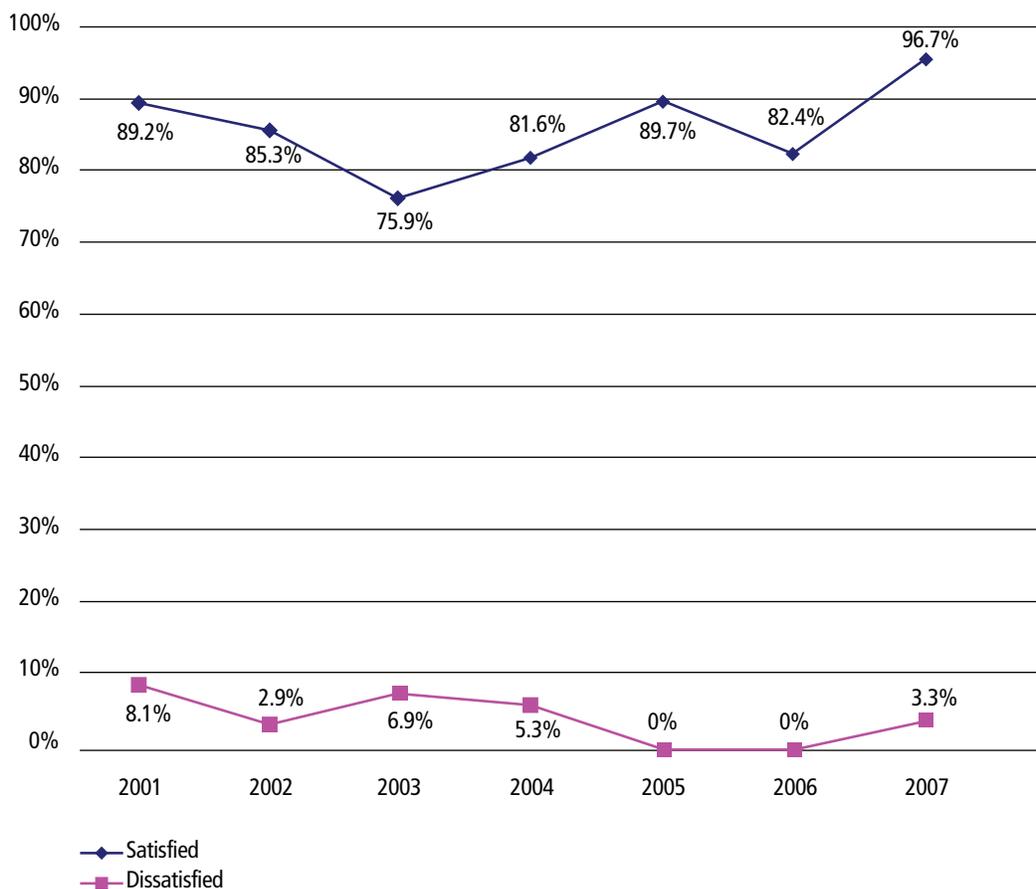
Administrative, Marketing and Educational Activities

The ongoing maintenance of the components of *Let's Resolve* is accomplished by a variety of activities carried out by Municipal Dispute Resolution Services.

- **Strategic planning** – In 2008, Municipal Dispute Resolution Services participated in several strategic planning sessions on the program's future. The sessions included gathering information on the economic future for Alberta, considering information from the research sessions held over the past few years and targeting specific areas of work and growth for the future.
- **Education** – As well as the education courses offered to municipalities, Municipal Dispute Resolution Services is committed to advancing the training and education of its mediators and staff. In addition to the conferences previously mentioned under Research and Program Growth, other educational sessions included:
 - In February 2008, a conference was held on *Insight Mediation* in conjunction with the Queen's Bench Mediation Program of Alberta Justice. The conference presenter was Dr. Cheryl Picard, Professor of Law at Carleton University.
 - In March 2008, Karen Ridd of Mediation Services in Winnipeg presented *Coaching for Conflict* to municipal mediators and Municipal Dispute Resolution Services staff. The course focused on the role of the third party, who may get drawn into a conflict situation.
 - In September 2008, training was held for all the mediators on the Alberta Municipal Affairs roster. The training covered aspects of the *Municipal Government Act* and the processes of the Municipal Government Board, and included discussions on working with municipalities.
- **DVDs for training and information purposes** – Two DVDs have been produced: *It's About the Process* and *More Ice Time – The Power of Mediation*. The materials are used extensively in convening sessions with municipalities to educate participants about mediation.
- **Website** – The *Let's Resolve* website is updated on an ongoing basis to reflect current activities, education programs, current mediator listings and to promote Mediation Dispute Resolution Services: <http://www.municipalaffairs.gov.ab.ca/ms/mediation/>.
- **Presentations** – Staff from Municipal Dispute Resolution Services make frequent presentations at conferences and seminars about *Let's Resolve*. Recent attendances have included the 17th Annual Symposium for Conflict Resolution hosted in 2008 by the University of Ottawa, Carleton University and St. Paul's University in Ottawa.
- **Promotional Materials** – *Let's Resolve* promotional materials are updated annually to reflect recent success stories about mediation or local programs. The materials were revised extensively in 2008 to reflect new colour branding and to add information, such as a new brochure with Frequently Asked Questions.
- **Attendance at Municipal Association Conferences** – Each year, staff from Mediation Dispute Resolution Services attend all municipal association conferences in Alberta such as those held by the Alberta Urban Municipalities Association and Alberta Association of Municipal Districts and Counties. Staff attend as delegates or participate in the trade shows to promote and educate delegates about *Let's Resolve* and peer mentorship.

- Citations of Excellence** – *Let’s Resolve* was the recipient of Bronze Alberta Premier’s Awards of Excellence in 2000 and 2002 and a Silver Premier’s Award of Excellence in 2008. In addition the program was awarded a Canadian Award of Excellence from the National Quality Institute 2008. (www.nqi.ca/excellenceawards/index.html) The program was cited as a proven program in *Responding to Streams of Land Use Disputes*, a policy report from the Public Policy Institute at the University of Montana and the Consensus Building Institute affiliated with Harvard University. Bill Diepeveen, the Manager of *Let’s Resolve*, has been awarded the national Lionel J. McGowan Award of Excellence in Dispute Resolution from the ADR Institute of Canada for 2008.
- Alberta Government Dispute Resolution Network** – Municipal Dispute Resolution Services is a member of the Alberta Government Dispute Resolution Network, which incorporates all conflict resolution programs within the Alberta government. Joint activities are undertaken to promote the program. In 2007, a poster was distributed to Albertans for International Conflict Resolution Day through agencies such as public libraries. Further information can be found at www.justice.gov.ab.ca/drn/. For International Conflict Resolution Day 2008, Municipal Dispute Resolution Services worked with other members of the Alberta Government Dispute Resolution Network and provincial agencies that offer conflict resolution services, to provide public information sessions across the province about conflict resolution.
- Liaison within Alberta Municipal Affairs** – Municipal Dispute Resolution Services is a unit within the Municipal Services Branch of Alberta Municipal Affairs. Staff from Municipal Dispute Resolution Services keep informed of municipal developments throughout the province by liaising with other units, such as Planning Services.

Figure 4 – Level of Satisfaction with Mediation or Dispute Resolution Services



The Future for *Let's Resolve*

From 1998 to 2008, Municipal Dispute Resolution Services was part of the Planning and Coordination Unit of Alberta Municipal Affairs. The unit worked with municipalities in the areas of planning advice, interagency projects, special projects and strategic issues. Within the unit, Municipal Dispute Resolution Services practised conflict resolution services.

Starting in 2008, Municipal Dispute Resolution Services became part of the Planning and Dispute Resolution Unit. The planning team works on province-wide planning issues and with individual municipalities on planning matters.

Municipal Dispute Resolution Services will continue to pursue its commitment to continuous improvement to *Let's Resolve* and to achieving excellence in appropriate dispute resolution practices for municipalities. In particular, staff will:

- Explore and encourage the concept and theme of collaborative governance ;
- continue to consider strategies to meet the challenges of change and the electoral cycle, and;
- develop programs to educate and stimulate municipal officials.

From left to right:
Mediator Barbara
McNeil; Honourable
Ray Danyluk, Minister
of Municipal Affairs;
Mediator Jeanne Byron.



In 1994, changes to the *Municipal Government Act (MGA)* gave municipal councils the authority “to govern municipalities in whatever way the Councils consider appropriate” (sec. 9). The *MGA* was amended in 1995 to include a process for resolving disputes between two or more municipalities regarding a statutory plan, land use bylaw or bylaw amendment. If the municipalities cannot resolve the problem, the *MGA* allows them to appeal to the Municipal Government Board (MGB). The Board has the authority to hear cases and render a decision. This decision is binding and can be appealed to the courts only on matters of law or jurisdiction.

In 1998, Alberta Municipal Affairs requested the assistance of the Alberta Association of Municipal Districts and Counties (AAMDC) and the Alberta Urban Municipalities Association (AUMA) to develop guidelines for an initiative to promote the use of alternative dispute resolution methods, and mediation in particular, at the local government level. The input of these stakeholders and the support of the Alberta Arbitration and Mediation Society led to the creation of the Municipal Dispute Resolution Initiative.

In 1999, amendments to the Act required municipalities to attempt mediation before making an appeal to the MGB. This amendment formalized mediation as a required activity in the intermunicipal dispute resolution process. The decision to take this step was a direct result of three successful pilot mediations that the Minister had initiated.

The Local Dispute Resolution component originated with a request from a municipality for assistance in managing and resolving disputes with its ratepayers and other internal stakeholders. The success of the Intermunicipal Dispute Resolution Initiative had led municipalities to request support from the Ministry to address disputes internal to the municipality. However, disputes such as bylaw infractions, contractual disputes and conflict between council and administration were not within the Initiative’s scope.

In 1999, two councillors from a rural municipality attending a *Finding Agreement on Difficult Issues* workshop (sponsored by Alberta Municipal Affairs and Alberta Agriculture, Food and Rural Development) requested a workshop for their council and administrative staff. After the workshop, the municipal district council asked for Alberta Municipal Affairs’ assistance in incorporating new methods of dispute resolution into its daily operation.

The municipal district and the Municipal Dispute Resolution Initiative staff developed terms of reference for a pilot project and hired a consultant. A series of workshops with council, ratepayers and municipal staff identified the conflict resolution systems used by the municipal organization and highlighted areas where improvements could be made. The consultant’s final report was received in July 2000. Council implemented a number of the recommendations and Alberta Municipal Affairs provided additional funding to assist the implementation of others.

Another pilot project was undertaken and results led to the creation of the Local Dispute Resolution Initiative in 2001. The detailed development of the initiative involved direct input from both the AUMA and the AAMDC.



The Municipal Dispute Resolution Initiative is an innovative program that promotes the goals of Alberta Municipal Affairs and advances the people, prosperity and preservation components of the Government of Alberta's business plan. Our mission statement, vision, motto and values for the initiative are provided below. These statements guide the actions of Municipal Dispute Resolution Initiative team members as they work with clients, stakeholder groups and contractors to enhance regional cooperation and advance the Alberta Advantage.

The focus of Alberta Municipal Affairs' Municipal Dispute Resolution Initiative is on municipalities and municipal organizations within Alberta.

Mission

To promote public confidence in local government by providing effective and innovative leadership and support to municipal organizations by encouraging intermunicipal cooperation and self directed dispute resolution through mediation and/or related dispute resolution activities.

Vision

Our vision for the Municipal Dispute Resolution Initiative is for all municipalities in Alberta to have access to and the ability to use dispute resolution services that allow them to effectively and efficiently develop local solutions to local issues.

Service Motto

Local Solutions to Local Issues

Values

1. We make client service and confidentiality a priority.
2. We acknowledge the importance of goodwill among team members, clients and stakeholders.
3. We will inform all affected team members, stakeholders, contractors and clients of shared interests.
4. We will build trust by living up to commitments and avoiding surprises that may compromise the team members, stakeholders and clients.
5. We will involve all legitimate stakeholders to the fullest extent possible.