

Intermunicipal Dispute Resolution Initiative

A GOOD DEAL

Town of Swan Hills 🏡 Municipal District of Big Lakes

Mediation helps municipal neighbours find a mutually-acceptable solution. From the outset of the negotiations on their new intermunicipal cost-sharing agreement, officials of the Town of Swan Hills and the Municipal District of Big Lakes wanted to arrive at a workable financial arrangement and they wanted it to be fair to both parties. But when it came to setting out specifics, they found the going tough.

After five or six meetings some headway had been made, but a satisfactory solution still seemed out of reach. For the time being, the talks stalled. At this stage, a potential route to resolving the matter began to look good to municipal leaders on both sides of the table. "We decided, 'Why bat our heads against the wall?'" recalls Reeve Helen Henderson. "The mediation process is there, let's use it."

Reeve Henderson and Mayor Gary Pollock, along with their negotiation teams, wanted to keep the lines of communication open and the discussions moving forward. The decision led to a meeting last fall between the municipal representatives and Bill Diepeveen, a mediation advisor with Alberta Municipal Affairs. Mr. Diepeveen described the mediation process and explained how the province could help with funding and other assistance through the new Intermunicipal Dispute Resolution Initiative. He supplied the names of qualified mediators in the private sector, and the municipal teams selected one they knew well: Archie Grover, a former deputy minister of Municipal Affairs.

Mediation sessions were subsequently planned for the spring of 1999. As it turned out, a new four-year agreement was reached over the course of only two mediator-facilitated meetings, each about a day long. "It was a good deal," says Mayor Pollock of the mediation process. "It worked the way we thought it should." He says the exercise helped the two municipal neighbors see that "there was some middle ground here, and that's where we should be."

The new cost-sharing arrangement covers a range of municipal services for town residents, many of whom work for oil-field and waste-treatment industries in the rural municipality. The intermunicipal deal addresses the costs of recreation, fire, ambulance, library, FCSS, landfill and other services. Its terms are more flexible than the previous formula-based agreement for the transfer of funding, and the municipalities decided on a review of the new agreement in two years time. They also decided to apply jointly to mutually-beneficial grant programs.

Why did the mediated talks prove successful for the urban and rural neighbors, whereas the initial discussions had come to a stalemate? The presence of an unbiased and independent third party made a big difference, participants say. Town Manager Brad Watson says the mediator worked diligently and professionally to help each party understand the issues from the other's perspective. "That's very difficult to do when you're in a dispute position," Mr. Watson says. It's not that the parties aren't trying to see the other's viewpoint – and they may believe they see it – but by their very nature these matters tend to be rather territorial and it's not easy for participants to take a fully objective look at the overall scenario. He says mediation brought the municipal negotiation teams to the table in an amiable environment to examine each other's needs more closely. "It really boiled down to communication and listening to the other party."

Bill Diepeveen says a mediator acts as a guide who helps two (or more) parties proceed through the decision-making process with a focus on the issue at hand (rather than, say, personalities involved or problems of the past). "The important thing is that the interests of both parties are met," he says. In the process of looking in a

collaborative way at options that could potentially meet the interests of each municipality, participants tend to relax their grip on positions that may have become somewhat rigid over the course of prior meetings. Another thing working to the advantage of Swan Hills and Big Lakes was a strong political will to see the mediation attempt succeed.

Archie Grover, a municipal mediator and senior associate with Activation Analysis Group Inc., says this kind of commitment is a major key to success. "If the parties go into the process with good intentions of wanting to settle – and are willing to negotiate in good faith – then the possibility of resolving the issue is much greater." The mediator's task is to guide the discussions in such a way that the parties involved reach their own "made-at-home" agreement. The mediator doesn't impose or dictate a solution – but encourages the parties to explore alternatives. It's sometimes difficult to see what is fair without a little outside assistance, says John Eriksson, Chief Administrative Officer for the M.D. of Big Lakes. There's nothing wrong, he adds, for municipal negotiators to come to the conclusion that they need help. We all do sometimes. It's a far more useful approach to seek help through a process such as mediation, he suggests, than to stop talking altogether. "And quite frankly," he confides, "we had two happy councils afterward. And if you have two happy councils, I guess that tells you it was a win-win solution."