

## FROM HOSTILE TAKEOVER TO ANNEXATION AGREEMENT

### Urban and rural neighbours

#### Overview

A town and a county had a long-standing dispute over a proposal by the town to annex a portion of the rural municipality. With a strong adversarial history that included lawsuits, mediation provided a solution that didn't involve the courts and satisfied both municipalities. The Minister of Alberta Municipal Affairs met with and encouraged both municipalities to try mediation. Financial assistance was offered as an incentive.

For the rural municipality, with a number of urban neighbours, both the process and any decision was likely to set a precedent.

#### Process

Over five months the parties, assisted by mediators, spent 105 hours developing an annexation agreement to resolve the concerns of both sides. To start, each municipality formed a team of five people—three councillors and two staff—to bring forward names of potential mediators. Eventually, a team of two mediators was chosen.

At the first meeting, ground rules were set including when the group would meet and the protocols of who could talk at the mediation table. Mediation meetings were held weekly, often for three hours in the evening.

Occasionally, a half-day Saturday meeting was used. A team made up of the chief elected officer (mayor or reeve), one councillor and a staff member attended the meetings. Alternates were also appointed.

One key to the success of the mediation process was that past issues between the municipalities weren't on the table. Instead, the focus was on current and future issues. One mediator encouraged the participants to imagine packing the past in a suitcase and leaving it at the door. The imagery allowed for self-monitoring and if anyone brought in their "baggage" they were reminded to go back and leave it at the door.

During early mediation sessions each team identified what they wanted and why. Each issue was brought to the table individually and given fair time for discussion. Only one person spoke at a time and everyone was given an opportunity to speak. About three-quarters of the way through the meetings, work began on drafting a preliminary agreement.

#### Results

The final annexation agreement provided for a staged annexation, a joint drainage study, a schedule for road transfer and maintenance and an agreement to leave the farm land as is for as long as possible.

One of the benefits of using this type of process is the transfer of skills to participants. One of the parties involved in this dispute was able to use this same process to resolve another conflict.

As a result of using a consensus process decisions are often better informed, more creative, balanced and enduring.

By focusing on the future, mediation allows parties to move beyond past issues.