

Intermunicipal Dispute Resolution Initiative

LETTING GO OF THE PAST

Municipal District of Northern Lights ↔ Town of Peace River

The mediation process brings hope to the table, but for the Municipal District of Northern Lights (MD) and the Town of Peace River, that hope was faint. Their dealings had been acrimonious for almost a decade, and the roots of their dispute ran deep.

“The conflict was so ingrown and historical that we thought of the town as Big Bad Peace River,” recalls Theresa Van Oort, the MD’s Chief Administrative Officer. “The town would have articles in the paper saying their rich neighbours were not sharing their money, and that affected the whole relationship to the point where the two councils were constantly in conflict.”

For the town, the main sore point was over revenue sharing with its three rural neighbours, including Northern Lights. Most of the town’s tax revenue came from residential taxes, but neighbouring municipalities enjoyed a large tax base from industry. “As a regional service centre, we could see an inequity and a disparity there,” recalls Iris Callioux, Mayor of the Town of Peace River and a councillor during the mediation. “We also felt our neighbours were ganging up on the town with their own interests and weren’t listening to the interests and needs of the Town of Peace River.”

A chance to change

The catalyst for change came in 2006, when the two municipalities decided to work with Alberta Municipal Affairs on a mediated negotiation to try and break their impasse. Two seasoned mediators were dispatched to co-mediate – Barbara McNeil and Andrew Fulton, who also happen to be an experienced team.

From the onset, this mediation was different in some ways from those negotiated since the department set up the Intermunicipal Dispute Resolution Initiative in 1998. For one thing, because of the bitter history the municipalities shared, the mediators put the contentious issue of money on the back burner. They also spent considerable time up front working with each council over the course of several meetings.

A different approach

During these meetings, council members explored their motivations and challenges. They talked about their own community, and what they needed to understand about their neighbours. They also considered how the past might be affecting their perceptions. Even so, when the two councils met face-to-face for the first time, the mediation table was weighted down with heavy baggage.

There were memories of a failed regional cost-sharing agreement and many rounds of past discussions over everything from regional governance models to dealing with growth pressures.

Rob Dueck, Reeve of the MD of Northern Lights at the time, remembers the first two meetings were “very tense.” “It took a lot some days to convince everybody that this was the right thing to do and we were actually going to get somewhere. There were a lot of people who said, ‘It won’t work; it didn’t work last time,’ and I kept saying we had to leave the past behind.”

When things got heated, the councils would break off into their own caucus meetings to cool off and compare notes before heading back to the table. “Mediation is all about being able to move forward in small steps,” says Ms. McNeil. “I believe that whatever the issue is, there’s always an answer out there somewhere, and the people in the room are perfectly capable of finding out what that is themselves.”

Talking in a different way

In a successful mediation, there usually comes a point of “Eureka!” when distrust gives way to new perceptions. “As mediators, we look for what we call a shift in one or two people, who begin listening to the things we are encouraging and start coming back with different suggestions,” says Mr. Fulton. “They not only talk differently, but start to listen to each other differently and more collaboratively.” By most accounts, the shift started after the mediators paired people from each municipality and asked them to draft some principles to guide the creation of a fair and wise agreement.

“The whole time I sat there, I tried to look at it from both sides,” says Mr. Dueck, then the MD’s reeve. “At one time, I was becoming frustrated because we were going around in circles and nobody knew where to start. So I said, ‘Let’s just throw them an offer out of the blue and see what happens.’” At that point, Mayor Callioux recalls, you could see electricity in the room as the two councils started working on “a really true, honest partnership.”

Once the councils reached this point of trust, the drafting of their partnership agreement proceeded quickly and smoothly. Their agreement includes a formula for revenue sharing and provides for an opportunity to set up a joint development area in the MD, where the revenue from business and industry would be split between the municipalities. Attached to the agreement are the 18 philosophical principles the two councils wrote together to guide their agreement and future decision-making.

A new viewpoint

“After the mediation, everything totally changed,” said Kelly Bunn, the town’s Chief Administrative Officer at the time. “We immediately went from a position of being adversaries on most issues to one where we were looking for opportunities to work together.” The two neighbours began sharing resources – for a time, the town shared the MD’s airport manager, and the town’s director of protective services continues to act as the regional fire chief. Mr. Bunn says the mediation also had a positive impact on other discussions between municipalities in the region.

For Ms. Van Oort, the Northern Lights CAO, watching the mediators has helped her use the same conflict resolution tools in resolving internal issues, or talking to other municipalities. If a new project or anything comes up, she says, they can always refer to the principles to see how it fits. “The principles I especially like to go back and consider are to recognize the town as a regional centre, and to make decisions that are long-term and sustainable,” Ms. Van Oort says.

Looking back, Mayor Callioux has some advice for municipalities that may find themselves in mediation. If it appears that the talks are bogging down, she says it helps to bring one or two new people to the table to get a fresh outlook. And most importantly: “Make sure when you are examining your agreement that there is a true give-and-take on both sides and that you are happy with it. We are very proud of our agreement, and there is a continued willingness to explore ideas when we meet with Northern Lights. Through this process, we have all come to understand each other and our needs better.”