

## Intermunicipal Dispute Resolution Initiative

### MEDIATION LESSONS LEARNED

#### Municipal District of Rocky View

The Municipal District of Rocky View believes that having good relationships with your neighbors is important. They should know. Rocky View has no fewer than 15 municipal neighbors – including the City of Calgary, Kananaskis Country, two First Nations, and many other smaller municipalities and jurisdictions – each with differing needs to consider and issues to accommodate.

“We have learned that being a good neighbor means being flexible, and really understanding the unique needs of those around you,” says Lorie Pesowski, Director of Planning and Community Services for the MD of Rocky View. “I think we can credit the mediation process for helping us relate to our neighbors in a more positive way.”

Pesowski is referring to a collaborative process where two parties work towards a negotiated agreement when conflicts arise. Usually, there is an independent facilitator who assists with the mediation and helps the parties reach a positive result that they can both live with.

The MD and its employees were first introduced to this process by Dispute Resolution Services at Alberta Municipal Affairs, a group that offers support to municipalities who want to improve how they deal with conflict. Once they tried the mediation process, they knew they’d found a successful way to relate to their neighbors and reach workable municipal agreements.

Two people in the MD of Rocky View – Pesowski and the MD’s Reeve, Al Schule – have been involved in four mediations since 2002. These seasoned participants share what the mediation process has taught them along the way.

#### **Sometimes, we’re more alike than we think**

Reeve Al Schule says that often it’s a communication problem that gets in the way of two parties agreeing on an issue. “Most often conflict arises from a misunderstanding resulting from a lack of communication. Usually, the two sides are not so far apart, they’re just not hearing each other. The problems can be rooted in HOW they communicate with each other as much as the particulars of what they are disagreeing about.”

Pesowski agrees. “Mediation forces you to talk through the feelings beneath the issue. It’s not only about the general priorities, but coming to an intimate understanding about why these decisions are made. Although that’s not necessarily why you go into mediation, it’s a valuable outcome of successful mediations.”

Schule says that after mediation, two municipalities often respect each other quite a bit more. “Mediation shows those involved – as well as the elected officials who review the agreements made in mediation – that they’re not really on opposing sides. Through mediation, we always learn more about each other and have a better understanding of what each other needs. For example, we had a mediation with the Town of Cochrane, and through the process we learned to work together to find a win-win situation. What mediation did for us was help us see that there ARE ways we could both win.”

#### **Having an independent facilitator helps keep discussions on track**

Not all of the mediations that the MD of Rocky View was involved in started with an independent facilitator. However, according to Pesowski, usually one was employed by the end. “Having that independent person running the discussions does help a lot,” she says. “It brings structure to the dialogue. By agreeing on certain things up front – how and where you meet, what each party’s expectations are, and how you communicate – we

ironed out potential hidden bumps that tend to sabotage the meetings. Having a facilitator provide that structure gave me a true appreciation of what the process does for the overall discussions.”

She says that another benefit of having an independent facilitator involved is that someone outside the conflict can spend their time reviewing timelines, checking the tone or intensity of the meeting, and evaluating the needs of the parties as discussions evolve. “They are a barometer, in a sense, but they are also there to reaffirm or confirm what they've heard. They repeat back what’s been said so that both parties are hearing the same information twice. This echoing definitely improves the group’s understanding.”

### **A structured process can help resolve an issue sooner**

One of the lessons Pesowski learned over those four mediations is that both parties need to have an acceptance of the fact that mediation takes time. This is also true for other parties not at the table – like councillors or other elected officials who will be reviewing the progress of the discussions or agreement.

“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.”

She says that members at the table who have been involved in a prior mediation work with a very different perspective because they’ve learned that not everything is a hill to die on. And, that can help the deliberations move along more quickly.

### **Mediation builds agreements, but also builds valuable interpersonal skills**

Reeve Schule also agrees that when people have been exposed to the mediation process, they bring a special outlook that can help meetings run more smoothly. The group benefits even if only one person has prior experience with mediation.

“We are currently working on a new annexation agreement with a couple of our neighbors,” he explains. “One of the players has been through the mediation process before. Having just one person advocate for a more collaborative process benefits the whole group. Their example and the skills they’ve gained change the whole tone of the meeting.”

Pesowski also sees mediation as a skill-building exercise. “There's definitely a knowledge gained in this process. I have seen people apply these cooperative skills to other circumstances that come along later. So, mediation not only improves the tangible outcomes of an agreement, it improves the relationships we have with our neighbors going forward.”

Pesowski and Schule credit the mediation process for showing both the MD’s administrators and politicians that good things can come out of a more collaborative way of relating to your neighbors.

“I've seen a change in perspective among those who’ve gone through mediation because they have a better understanding of those around us,” says Pesowski. “But, another positive outcome is that our employees have learned how to more clearly articulate our needs as well.”

“I would definitely recommend mediation,” says Reeve Schule. “It is a very, very valuable process, and it works. When we see those final agreements, and the progress that's been made, that's when we know the process is working.”