

## Intermunicipal Dispute Resolution Initiative

# MEDIATION BRINGS AGREEMENT AND UNDERSTANDING

City of Lloydminster ↔ County of Vermilion River

When the City of Lloydminster and the County of Vermilion River sat down to create a mediated municipal agreement, little did they know the result would be much more.

In addition to agreeing on the land use matter in dispute, the two parties built a mutual understanding that could serve as the groundwork for future cooperation.

Glenda Thomas, Chief Administrative Officer with the County of Vermilion River, picks up the story.

“Each party’s priorities were different, for sure,” she recalls, “but that doesn’t necessarily mean they were wrong. We just needed some help to broaden our perspectives. Sometimes we all have blinkers on for our own situation, and fail to see how it is affecting others.”

When the city and county disagreed on a proposed Land Use Plan, and an appeal was filed to the Municipal Government Board, both sides dug in for what could have been a long and adversarial situation. Then, the Municipal Government Board, in keeping with legislation, recommended that the two parties consider mediation.

### Avoiding litigation a key motivation

Although neither had entered into a formal mediation with the other before, they agreed to mediation because it seemed preferable to litigation, according to

Peter Green, Reeve for the County of Vermilion River. “Compared to going to the Court of Appeal, where we had been in the past and the outcome could be a bit unpredictable, we preferred having more control rather than having a decision imposed on us by the courts or the Municipal Government Board.”

Mediation was offered to both parties through the Intermunicipal Dispute Resolution Initiative, a program offered by Alberta Municipal Affairs. They help municipalities find a private-sector mediator who can guide them through the mediation process, as well as offering financial compensation for a portion of the cost of mediation.

David Elliott, a private mediator, was selected to work with the parties and in October 2000 initial meetings got underway. They began with a negotiating team from each side, with roughly the same number of people, representing similar levels of government. This included both administrators and elected officials.

### A structured approach

At the first meeting, protocols were established and agreed upon. This included such things as when the two parties would meet, and some of the guidelines for interaction and language they would use in talking to each other.

The mediator has many techniques to draw groups closer together, but since this case had several levels to it, Elliott’s preferred method was to act as an impartial recorder and clarifier of issues and discussions.

“Many mediations need strong facilitation to get the parties talking, but these folks had good communications skills,” he says. “They really needed someone to sort out the many levels to this agreement. I would sit back and listen, then at the next meeting I would present a written summary of what I thought the groups were saying. This became the foundation for the next discussion.”

## **Review, regroup, move forward**

Roger Brekko, Lloydminster's Chief Commissioner, really found this approach helpful.

"David was very good at recapping the notes from our previous sessions, and getting to the heart of what we meant. When you're one of the parties in negotiation, it's hard to recap for yourself because you're across the table and don't want to be seen as emphasizing your own opinion, or theirs for that matter."

Vermilion River's Glenda Thomas agrees that this was a strength of involving a mediator: "He was able to phrase the issues in a positive and constructive way without really being involved in the direction of the discussions," she says. "He made it clear it was up to us to work it out, but he was there to help."

This process of "review-regroup-move forward" helped to move the mediation along in under six months. By mid-April 2001 the parties had a Memorandum of Agreement. In general terms, it gave both the City of Lloydminster and the County of Vermilion River a broad-based strategic plan for how land use and development would be handled. The agreement documented the types of land use acceptable to both, outlined development and annexation guidelines without freezing the land to current use, and included special considerations for the Lloydminster Airport, road paving, regional drainage, water connections, and more. All in all, it was a lot of agreement in a short period of time.

## **Agreement creates long-term understanding**

"The whole process got us to look at the bigger picture," says Brekko. "It taught us that even if we don't agree, we can find things to work together on that benefit everyone in the region. Relationships are more than just making one- or two-year deals. It's about coming up with systems for planning and services for the long term."

Vermilion River's Peter Green agrees that mediation helped both parties find a shared belief they didn't know they had.

"We found that we were both inclined towards commercial development," he says. "Although we had different points of view, finding that common ground really helped."

Herb Flieger, Councillor for Lloydminster, saw the group becoming less dependent on the mediator as the process gathered steam. "When we started to build on these common concepts, we really got our own momentum going, and started not to need the mediator as much," he says. "It wasn't just about striking a deal any more, but rather building a plan for how to work together in the future."

To mediator David Elliott, that's exactly what the two parties achieved. Beyond short-term agreement on a specific land use question, they built a solid long-term strategy to communicate their needs and look at issues in context of the benefits to the region as a whole.

"This has potential far-reaching implications," says Elliott. "In order to attract industry to an area, a relationship between municipal partners is critical. If industry can't see them working together, they may not want to go there."

While everyone professes to want good relationships with neighbors, Herb Flieger believes municipalities should tend to those relationships with care.

"We were lucky to have access to this program," he says. "When you agree to mediation, you really agree to have an open mind discussion. It helped us reach an agreement, but it will also help us moving forward because we have agreed not to forget each other in our future dealings."