

GUIDELINES FOR USING COLLABORATIVE AGREEMENT-SEEKING PROCESSES

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In the last decade, municipalities have experimented with the use of collaborative decision-making processes to resolve conflicts among citizens, economic interests, environmentalists and government entities. These processes tend to be characterized by the use of negotiating groups which

- represent the stakeholders (including the city government) who are impacted by the decision
- jointly define the problem and search for options
- reach decisions through finding an agreed-upon solution to the problem, rather than voting
- use a neutral facilitator to assist in convening the group and in managing the consensus-building process

Cities have used collaborative agreement-seeking processes for a variety of issues including siting decisions, health care problems, recreational and land management planning, neighborhood disputes and the development of environmental standards. The benefits of a collaborative approach to community decision making is clear: more broad based support for decisions, better quality decisions and enhanced relationships among community groups.

It is often the city managers and their staffs who introduce these processes to the Council and to the community. Fortunately city managers can now draw on the experience of others for managing these processes which to many may seem unfamiliar, complex, and politically risky.

In 1997 The Environment/Public Disputes Sector of the Society of Professionals in Dispute Resolution published *Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes*. This publication reflects the experiences of government officials and dispute resolution practitioners throughout the country. The result is a series of practical guidelines to be considered whenever municipal or other governmental agencies are bringing people together to reach consensus. The following is a summary of the key recommendations.

- 1. An agency should first consider whether a collaborative agreement seeking approach is appropriate.** For a collaborative process to be successful, a city government must first assess its willingness to share the decision-making role, clarify which aspects of the decision are negotiable, and determine whether the timing and political climate is right for collaboration. (For a more detailed discussion on this topic, see "What's Negotiable? The Appropriate Use of Collaborative Processes" in the November 1999 edition of *Management Exchange*.)

- 2. Stakeholders should be supportive of the process and willing to participate.** A collaborative process that has key stakeholders missing or sabotaging the process will undermine the legitimacy of the process. For this reason, municipal governments need to be thorough in educating potential stakeholders about the process and securing agreement to participate in good faith.
- 3. Agency leaders should support the process and ensure sufficient resources to convene the process.** Key city leaders such as the mayor and council members need to demonstrate interest and involvement in the process in order for it to be seen as credible. In some cases, a stakeholder group has invested an enormous amount of work to reach consensus only to have the agreement voted against by the Council because the Council members' interests were never represented at the table. In addition, the city must be willing to commit the time, staff, and technical assistance necessary for an effective process.
- 4. An assessment should precede a collaborative agreement-seeking process.** The assessment phase of an agreement-seeking process often addresses the first three guidelines listed above. The assessment is often conducted by a neutral facilitator who may recommend against convening the process if it is apparent that the issue is not appropriate for negotiation or that there is not sufficient support by the stakeholders or the city leaders.
- 5. Ground rules should be mutually agreed upon by all participants, and not established solely by the sponsoring agency.** Stakeholders will often be suspicious of the process unless they have a hand in developing key ground rules: definition of the problem, discussion guidelines, attendance requirements, scheduling of meetings, contact with the press, etc. When the city or government agency dictates the ground rules, the participants tend to blame the convening agency for all process problems. Having ground rules developed by the entire group makes most process problems the responsibility of the entire group to resolve.
- 6. The sponsoring agency should ensure the facilitator's neutrality and accountability to all participants.** To be perceived as neutral, the facilitator must be seen as working on behalf of the entire group, not just on behalf of the sponsoring agency. The use of a facilitator from within the municipal organization should be avoided unless the stakeholders agree that the facilitator is seen as neutral. In cases where the facilitator is hired before the stakeholder group is convened, the group should have the authority to review the facilitator's performance and if necessary replace a biased or ineffective facilitator.
- 7. The agency and participants should plan for implementation of the agreement from the beginning of the process** For an agreement seeking process to be effective, the issues of implementation must be addressed from the very beginning of the process. Groups responsible for implementation must be involved up front as decision makers. Formal lines of communication must be established between the stakeholder groups and their constituencies, including any groups who may need to ratify the group's final agreement. The group's agreement will need to include very

specific action steps, assignments and time frames and provisions for monitoring the implementation process.

8. **Policies governing these processes should not be overly prescriptive.** Texas has recently enacted general policies that relate to the use of collaborative processes. In the 1997 legislative session, The Governmental Dispute Resolution Act (SB 694) encouraged the use of alternative dispute resolution processes by state agencies and set forth specific provisions regarding statutory authority, confidentiality, and hiring of third party neutrals. In 1999 the passage of HB 826 extended the applicability of the Governmental Dispute Resolution Act to municipalities, counties and other government agencies.

A copy of *Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement Seeking Processes* can be ordered through the Association for Conflict Resolution website at www.acrnet.org.

This article is part of a series on collaborative processes for municipal government. Judy Corder and Mary Thompson, Corder/Thompson & Associates, Austin, Texas, specialize in collaborative approaches to dispute resolution, planning and policy development. For more information or to suggest future topics, contact Mary Thompson at (512)458-4427 or e-mail her at emmond@aol.com.