

The Future is Facilitated

2023 President's Summit

March 29, 2023



The background features several abstract geometric shapes in teal and yellow. On the left, there are three teal squares of varying sizes and one yellow square. On the right, there are several teal squares and two yellow squares, some overlapping each other. The text 'Opening remarks' is centered in the lower half of the page.

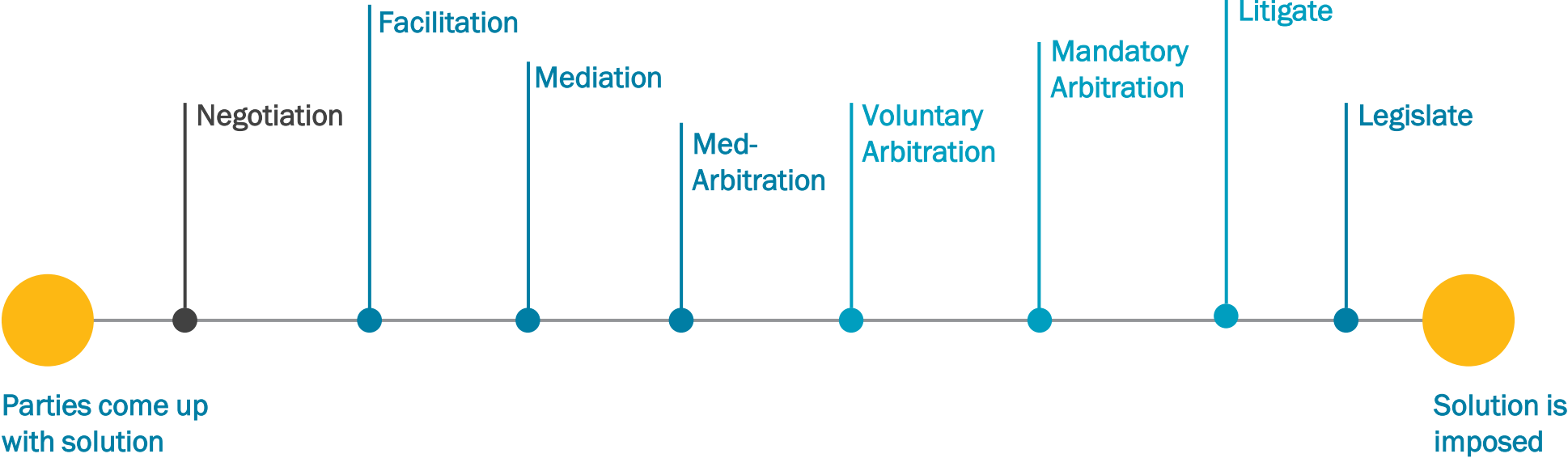
Opening remarks

Strengthen and expand dispute resolution mechanisms

- What are these mechanisms?
- How can their use by municipalities be strengthened and expanded?
- The objectives are:
 - Minimize intermunicipal friction
 - Foster cooperation
 - Improve municipal capacity and viability
 - Improve fairness and legitimacy of governance



Dispute resolution spectrum



Dispute resolution resources

Alberta Community Partnership Grants

- Funding for mediation, facilitation or other dispute resolution alternatives
- Funding flat at \$15.4 million for 2023-24
- 2023-24 program details to be released summer 2023

Municipal Dispute Resolution Services

- Mediator and arbitrator rosters
- Handbooks and videos
- Advice from Municipal Affairs staff (non-legal)

Land and Property Rights Tribunal

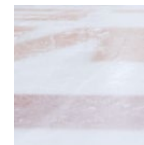
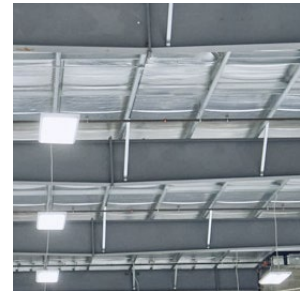
Formerly: MGB, SRB, LCB and NHBPB

- A quasi-judicial tribunal that makes decisions about land use planning, development, right of entry, compensation and assessment matters.
- Historically, all intermunicipal disputes went to the Municipal Government Board (MGB).
 - Municipalities requested other alternatives.



Panelists

- Carol Zukowski, Q.Arb,
Counsel, RMRF
- Bill Diepeveen, Principal,
Bill Diepeveen Mediation
Associates



Preventing disputes and building relationships

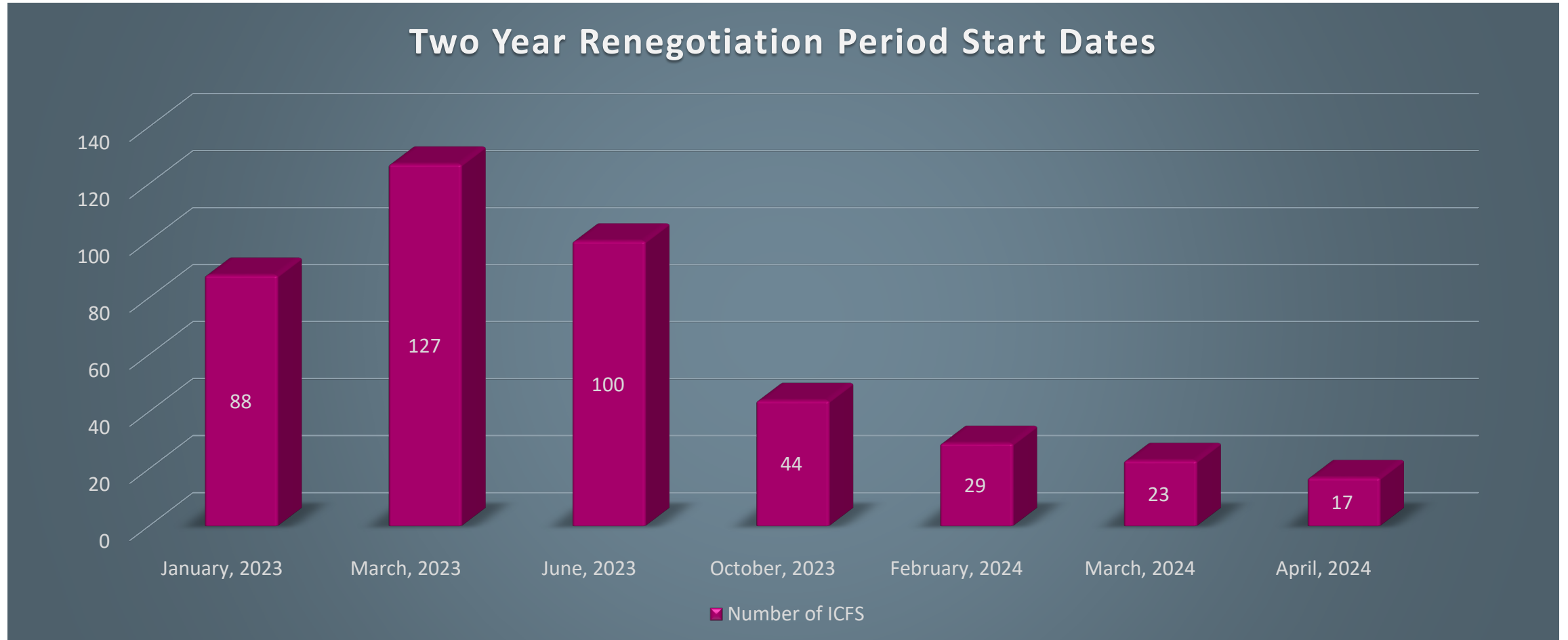
- Consider your attitude about regional cooperation
- Connect during the good times
- Develop intermunicipal cooperation protocols
- Ensure the right people are in the room
- Proactively engage a facilitator or mediator
- Use an arbitrator as a consultant

Embedding collaboration

- Review and renegotiation of ICFs
- Collaboration starts at home
- Collaboration on intermunicipal services is now a purpose of municipalities (s. 3(d) MGA)



ICF Renegotiation Start Date – 2 Years Out



Facilitation versus Mediation

Facilitation	Mediation
Facilitator may have different or less training	Mediator more often has extensive training
Neutral facilitator is beneficial	Neutral unbiased mediator is essential
May be used when no dispute exists (i.e. manage a process or meeting)	More often used to resolve conflict/dispute
Objectives vary from exchange of ideas to informal or formal agreements	Objective is more often a formal agreement or documented resolution of an issue
Can provide groundwork to move into mediation	Can provide groundwork to move into arbitration

Alternative roles for Arbitrators

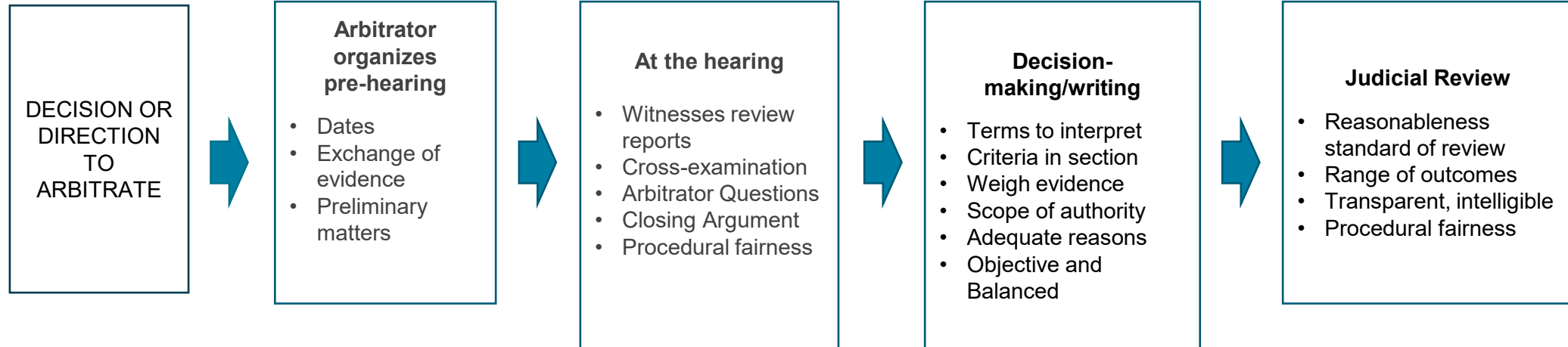
- Mediation-Arbitration (Med-Arb)
- Consultant/Advisor
 - Possible outcome based on current evidence
- Issue specific arbitration
 - Provide a decision a certain issue(s) in dispute as opposed to entire agreement or ICF



Arbitration

- Voluntary or mandated by legislation or contract
- Decisions are based on evidence submitted to arbitrator by parties
- Arbitrator interprets and applies applicable legislation
- Mandatory arbitration applies when parties cannot agree on a replacement ICF during their review process (s. 708.34(b) MGA)

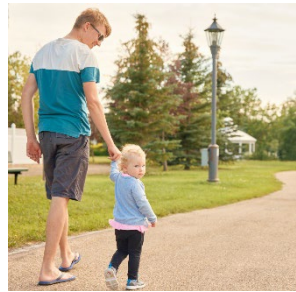
Arbitration Process



The slide features a white background with several abstract geometric shapes. On the left side, there are three teal squares of varying sizes and one yellow square. On the right side, there are several teal and yellow squares of various sizes, some overlapping. The text 'Final thoughts' is centered in the lower-left area.

Final thoughts

Q&A



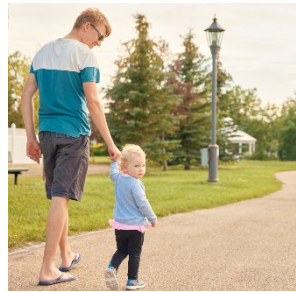
Lunch

Table discussion

1. What has worked well in your municipality to build relationships and resolve disputes?
2. What dispute resolution resources do you most need?



Report back



Taneen Rudyk FCM President

