Facilitator’s Challenge: Building Consensus for Public Policy Decisions

Jeanne D. Maes, Ph.D.
Robert A. Shearer, J. D.
University of South Alabama
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Treasuring the Past and the Spirit of Change
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Expanding Traditional ADR?

- Changing times, changing skill sets
- Expectations for this session?
Dispute Management Alternatives

- Prevention
- Negotiation
- Facilitated Negotiation
- Mediation
- Arbitration
- Litigation
- Appeals

Loss of Control/Damage to Relationship

Time and Expense

Collaboration/Partnering Process
The Process . . .

Neutral facilitator uses mediation skills and collaborative strategies to help diverse stakeholders achieve mutual solutions to issues or problems.
Desired Outcomes . . .

- Collaborative charters or agreements
- Policies & procedures
- Rules, regulations, enforcement
- Licensing & permitting
- HR management
- Inter-agency cooperation
- Time & cost efficiencies
- Public-private cooperation
Applications . . .

Complex public policy issues:
- Zoning
- Development
- Growth management
- Environmental issues
- Water management
- Transportation
- Labor relations
- Health care issues
- Insurance issues
Why Collaborate?

- Draw on collective wisdom
- Obtain acceptance/buy-in
Collaboration is used to:

- Build cooperative relationships among diverse groups to achieve specific objectives.
- Meld key stakeholders into an effective team with common goals, a commitment to resolving issues expeditiously, and a focus on seeking mutually beneficial outcomes.
Collaboration Key Elements

- Commitment
- Shared vision
- Common goals
- Shared risks/rewards
- Cooperation
- Consensus decision-making
- Open communication
- All-win problem solving
- Principled negotiation
- Synergy
- Other?
Role of Facilitator/Mediator

- Help define issues; clarify objectives
- Help identify the necessary parties
- Educate participants about collaborative process
- Help groups establish “ground rules”
- Assist participants in setting agenda
- Help make “physical” arrangements for meetings
Mediators’/Facilitators’ Involvement (Finding Your Niche)

- Chambers of Commerce
- Economic Development Councils
- Civic Clubs
- Nonprofit Organizations
- Legislators & Regulators
- Public Notice Meetings
- Personal Websites
- Writing Articles/Blogs
- Word of Mouth
- Other?
Structuring the Facilitation

- Welcome and introductions
- Team building exercise
- Develop vision
- Present and synthesize common interests
- Identify critical issues
- Develop action plans to address critical issues
- Present and discuss action plans
- Develop issue resolution process
- Develop action plan to monitor progress
Identifying Common Interests

- What are your group’s interests and expectations on this topic?
- What are your expectations of the other stakeholder groups?
Identifying Issues and Challenges

- From your group’s perspective, list the five highest priority issues, challenges, problems, etc. on this topic.
Action Planning Process

- State issue/problem in clear, concise terms.
- Analyze issue/problem
- Brainstorm for options
- Select a solution and formulate plan of action to resolve it
  - What needs to be done
  - Who will be responsible?
  - What is the time frame?
  - Where will the plan be implemented?
  - How will results be measured?
  - Other?
Principled Negotiation

- Separate the people from the problem
- Focus on interests, not positions
- Seek creative options for mutual gain
- Insist on objective criteria
An Actual Facilitation: Alabama Scrap Tire Dilemma

- How to deal with mountains of scrap tires
The Problem

- Over 5M scrap tires generated annually
- 2M recycled
- 2M disposed of legally in landfills
- Remainder disposed of illegally, presenting public health, environmental threat
The Stakeholders

- Tire & auto dealers
- Scrap tire “jockeys”
- Scrap tire processors
- Scrap tire disposers
- Large fleet truck users
- Agricultural concerns
- TDF [tire derived fuel] burners (power company, etc.)
- State/federal agencies (ADEM, EPA, Public Health, Revenue, etc.)
- County governments
- Local regulators
- Legislators
- Public (taxpayers)
Common Goals

- Control unauthorized disposal on scrap tires
- Give incentives for using scrap tires for fuel
- Create & fund a “superfund” for cleanup
- Improve method of licensing & permitting dealers, jockeys, & disposal site operators
- Provide for proper program administration through state or county agency
Priority Issues

- Tire disposal fee
- Tax/investment incentives
- Unified regulatory program
- Creation/management of “superfund”
- Reimbursement by property owners
- Penalties for disposal
- Bonding/financial assurance requirements
Outcome

- Alabama Scrap Tire Environmental Quality Act, 2003
  - Remediate existing stockpiles, prevent new ones
  - Provide uniform, statewide regulatory system from point of origin to end use or disposal
  - Stimulate end use market development
  - Provide funding mechanism for cleanup, enforcement, promoting end use markets
Specific Regulatory Actions

- Accumulation limits
- Transporting permits
- Processing permits
- Detailed manifests
- Financial assurance for problems caused by transporters or processors
- Administration
- End use market development grants
- Point of sale fees
- Enforcement
- Scrap Tire Commission & Fund
The City of Floodville’s storm water drainage system reached overcapacity in the late 1990s. Severe flooding caused substantial damage to both commercial and residential areas and nearly resulted in several fatalities due to flash flooding.
A three-mile stretch of Main Street overlaid the obsolete drainage system. After consulting with the city engineer and a design firm, the city made plans and obtained funding commitments to proceed with replacing the entire antiquated system. Three phases of construction have been scheduled.
Phase I

- Phase I (February 1 - February 28) is to begin at Downtown Merchants Plaza, a direct access to the Big Bay Tunnel, one of the two arteries to Bigbee County. This area is in the heart of downtown Floodville and includes the side street in which Mardi Gras parades line up.
Phase II

Phase II (March 1- March 31) and Phase III (April 1- April 30), encompass residential and commercial properties, including a long stretch of historic buildings. Some of the city’s oldest and most prominent families reside and maintain offices and businesses in this area.
The construction period includes the Mardi Gras season, a major event in the City of Floodville attracting hundreds of thousands of visitors with a multi-million dollar economic impact. During the entire three-month period of construction, all traffic, including trucks hauling equipment and materials, will be rerouted through narrow streets on which three schools and a hospital are located.
The New System

- The new drainage system will require street-widening which will result in the loss of approximately fifty historic live oaks and destroy the natural habitat of the endangered South-Alabama nutria. Funding for completion will be available only until June 1. The contractor has commitments for other municipal work in adjoining Bigbee County beginning May 15.
A Controversial Project

This project has been controversial. There have been widely publicized threats of lawsuits and community protests to halt construction. Because of the significant public interest in this project, before proceeding city officials have called a meeting of the following stakeholders. Their task is to draft a statement indicating collective support for the project. This statement should be sufficiently detailed to satisfy the concerns and interests of all stakeholders.
Stakeholders include:

1. **City of Floodville**
   - Public Utilities, engineering/design, Mayor’s staff

2. **Business & professional**
   - Chamber of Commerce, Mardi Gras societies, merchants, professionals with businesses/offices in affected areas.

3. **SDEM and environmentalists**

4. **Main Street residents & Historic Commission**

5. **ABC Constructor and subcontractors**

6. **Hospital officials, school officials, and parents**
Group Assignments

1. What are the goals of the various members of your group?
2. What are the particular concerns and issues of the various members of your group?
3. If the stakeholders do not reach consensus, what is the likely outcome?
4. What is your group’s proposal for an interest-based resolution?
Conclusion

- What kinds of issues might be addressed by these processes?
- Do you have any specific issues that you’d like to discuss or have ideas that you’d like to share?
Contact Information

Jeanne D. Maes, Ph.D.
Professor and University Ombudsperson
Mitchell College of Business
University of South Alabama
Mobile, AL 36688
251/460-6737
jmaes@southalabama.edu

Robert Shearer, J.D.
Professor
Mitchell College of Business
University of South Alabama
Mobile, AL 36688
251/377-0042
rshearer@southalabama.edu