

Intermunicipal Dispute Resolution Initiative

MEDIATION ROSTER

History and Introduction

In 1998, Alberta Municipal Affairs requested the assistance of the Alberta Association of Municipal Districts and Counties and the Alberta Urban Municipalities Association to develop guidelines for a new initiative. The initiative would promote the use of alternative dispute resolution methods, including mediation, at the local government level. Alberta Municipal Affairs' Intermunicipal Dispute Resolution Initiative was established with input from the two Associations and with support from the Alberta Arbitration and Mediation Society.

The decision to develop this new initiative was driven by a number of legislative changes. In 1994, changes were made to the *Municipal Government Act* (MGA) to give municipalities "natural persons power". Municipal councils now have the authority to "govern municipalities in whatever way the councils consider appropriate".

This change was made in order to give local governments the ability to develop unique responses to issues within their own jurisdictions.

In 1995, the MGA was amended to include Part 17, which provides a procedure to be followed in the event there is a dispute between two or more municipalities regarding an annexation, a statutory plan, or amendment or a land use bylaw or bylaw amendment. The procedure outlined allows a municipality to file an appeal with the Municipal Government Board (MGB). The MGB then has the authority to hear the cases and render a decision.

In 1999, the MGA was further amended to require that all municipalities negotiate in good faith and attempt mediation before making an appeal to the MGB on issues related to land use planning or annexation. The decision to implement this step formalized mediation as a required activity in the intermunicipal dispute resolution process.

The Intermunicipal Dispute Resolution Initiative is based on the following guiding principles:

- parties strive to reach a settlement that meets their interests acceptably;
- parties have neutral mediators;
- the process is open and transparent;
- parties decide how they wish to proceed; and
- parties are responsible in determining the final outcome.

Services

The Ministry assists municipalities by providing:

- convening services (convening refers to getting the parties together to discuss the possibility of mediation);
- financial assistance to offset the cost of hiring mediators; and
- a roster of mediators.

The Ministry is committed to establishing and maintaining a roster of experienced mediators who are available to provide services to municipalities.

The roster is not to be seen as a certification of competency of any mediator. Instead, the Ministry will provide municipalities with a list of mediators who have achieved a certain level of training and experience. It should be noted that the Alberta Municipal Affairs does not restrict the selection of mediators to its roster and municipalities are free to select a mediator who is not on the roster. The Ministry will use its roster in responding to requests for recommendations of qualified mediators.

CRITERIA AND FRAMEWORK

Criteria for Selecting a Mediator

To be eligible for inclusion on the roster of mediators, the applicant is **required** to:

- possess verification of membership to a relevant professional association along with a copy of the subscribed code of ethics and conduct the mediator is practicing under;
- provide evidence of completion of the Alberta Arbitration and Mediation Society (AAMS) Mediation Level 2 accreditation for a total of 91 hours of training or its equivalent;
- include a detailed list of relevant courses taken, and demonstrate competency in information gathering, effective listening and communication skills, and have a working knowledge of interest-based mediation and negotiation;
- provide documented ability (documented ability may include a written description of one or more relevant cases, including protocols or ground rules);
- document the types and number of disputes you have mediated;
- document your experience with a co-mediation model;
- possess a working knowledge of the *Municipal Government Act* or completion of the Ministry's one day training session on the *Municipal Government Act* and specifically the sections that pertain to mediation;
- provide proof of liability insurance as required by the Government of Alberta;
- possess a minimum of 20 hours of related educational training each year (note: this can be mediation or municipal training); and
- provide the names and contact information of three references.

To be eligible for inclusion on the roster of mediators, the following would be an **asset**:

- ability to mentor and coach other mediators (documented);
- experience dealing with aboriginal communities and issues (documented); and
- experience with multi-party disputes (documented).

Review of Applications

The Intermunicipal Dispute Resolution Initiative Advisory Committee (Advisory Committee) will be responsible for vetting all applications to ensure applicants meet criteria requirements. Applicants who meet the criteria will be invited to submit a two-page resume detailing training and relevant experience that will be used in the referral process.

The Advisory Committee consists of representatives from the:

- Alberta Urban Municipalities Association (AUMA);
- Alberta Association of Municipal Districts & Counties (AAMD&C);
- Local Government Administrators Association (LGAA);
- Alberta Rural Municipalities Administrators Association (ARMAA);
- Society of Local Government Managers (SLGM)
- Alberta Arbitration and Mediation Society (AAMS);
- Canadian Bar Association Alberta – Municipal Law Subsection; and
- Alberta Municipal Affairs.

Completion of Application

All applicants are to complete the standard attached template entitled “Request for Inclusion on the Roster Intermunicipal Dispute Resolution”. A standard template provides the Advisory Committee with consistent information that is used in the selection of mediators for the roster.

Applicants chosen for the roster will have their resume posted on Alberta Municipal Affairs website at <http://municipalaffairs.alberta.ca/1495.cfm>.

Grandfathering

Provisions may be made to vary the **required** criteria for an applicant who possesses extensive mediation experience, or who has demonstrated the ability to assist local governments in resolving disputes.

Mentoring

As part of our commitment to encourage the use of mediation and development of mediators, the Intermunicipal Dispute Resolution Initiative will seek to provide mentoring opportunities for applicants who possess the minimum training requirements but do not possess municipal experience. With the parties’ approval, and in consultation with the chosen roster mediator(s), the less experienced mediator (mentoree) will be paired with a mediator with municipal experience (mentor). Mediators placed on the roster must agree to serve as a mentor, on a voluntary basis, for mentorees entering the program.

Alberta Municipal Affairs will cover the fees of mentorees.

Maintenance of Roster

In consultation with the Advisory Committee, the Ministry will update the roster on a regular basis.

Training/Orientation

Successful applicants may be required to attend an orientation session which will include an overview of the *Municipal Government Act* and information on the AUMA and the AAMC&C. The Ministry will also provide other skill based training opportunities for roster mediators.

Non-working Mediators

At the discretion of the Advisory Committee, a roster mediator who has not conducted a mediation in the past two years may be required to provide information on their interest in maintaining their position on the roster and resubmit a “Request for Inclusion on the Mediation Roster” application form.

Availability of Roster

The mediation roster will be made available to any person on request.

Upon receiving a request from a municipality for a mediator referral, Alberta Municipal Affairs will provide a list of all mediators.

The current roster of mediators is made available to the public via Municipal Dispute Resolution Services website at <http://municipalaffairs.alberta.ca/1495.cfm>.

Role of Alberta Municipal Affairs

The role of Alberta Municipal Affairs with respect to the parties’ use of mediation and the program roster will be to:

- provide ongoing support to maintain an up-to-date roster;
- engage parties in a review of their process options;
- undertake the initial case building and ensure that the parties have been identified and contacted;
- support the parties in selecting a mediator;
- brief the mediators on the circumstances of the dispute;
- maintain an ongoing system of evaluating the mediation process.

Final Mediation Roster

The mediator roster will be published within thirty days of the closing date for applications.