

## Collaborative Governance Initiative

# A PROCESS FOR RESOLVING INTERMUNICIPAL PLANNING ISSUES

Sturgeon County 🌀 City of Edmonton 🌀 City of St. Albert 🌀 Town of Morinville

When Robert Fulghum wrote his book, *All I ever needed to know, I learned in Kindergarten*, he was probably *not* thinking of intermunicipal land-use disputes. Nor was he likely thinking about finding solutions to intermunicipal disputes. However, “Play fair; Don't hit people; Put things back where you found them; Clean up your own mess; Don't take things that aren't yours...” somehow seem appropriate to four central-Alberta municipalities who have recently embarked on a journey of cooperation. So does the phrase: “no matter how old you are, when you go out in the world, it is best to hold hands and stick together.”

Four municipalities have taken the first steps towards the development of a system to resolve intermunicipal planning disputes. Sturgeon County, the City of Edmonton, the City of St. Albert and the Town of Morinville joined in a collaborative spirit to develop the system that focuses on intermunicipal land-use planning but could be used for other types of disputes.

The challenge came from the Municipal Government Board when it said in a ruling about Sturgeon County's country residential development that these four municipalities had to find a way to solve their problems. The Board gave the municipalities a year to come up with mechanism to deal with these land-use planning disputes. Basically, to quote Fulghum, the Board said: “Clean up your own mess” or “See to it that it doesn't get messy.”

The four municipalities, supported by staff and funds from Alberta Municipal Affairs' Collaborative Governance Initiative, worked together to develop a system which met the particular interests of each municipality.

The system is based on alternative dispute resolution principles and uses a consensus or interest-based model. It's usually a process outside the court system that sees disputing groups come to a mutual agreement on a solution.

“We really wanted to take this process beyond the Board order,” says David Dmytryshyn, Director of Public Services with the County of Sturgeon. “We wanted to do this because we wanted to—because it's a good way to conduct the affairs of a municipality. I see this process as a prevention to future disputes as much as a process that deals with disputes that already exist.”

He adds that the County is using the principles of the report in other areas. The principles—mostly the Protocol for Collaboration and Communication—has been used in Sturgeon's Area Structure Plan, and the Urban Services Committee is considering the protocol.

“We're not only applying these principles inter-municipally,” says Dmytryshyn, “we're going *intra*-municipally.”

Curtis Cundy, Director of Planning and Development with the *City of St. Albert*, concurs. “This report and this process really have a lot of promise,” he says “However, there is a need to pay attention to the plan. The proof is in the pudding. And the pudding is in the next steps, the implementation.”

Cundy was one of nine members of the Intermunicipal ADR Design Team. “What we really have here,” he adds, “is a promise to make an effort, in good faith, to **not** go right to the MGB when we have a dispute.”

The team had three main objectives. They wanted to develop a framework of preventative measures to apply to intermunicipal issues; they wanted to develop a practical framework to identify the types of disputes that could be addressed by the Alternative Dispute Resolution; and they wanted to develop a procedural framework, a detailed sequence of steps that the municipalities would pursue to resolve a dispute when one arises.

Marlene Exner, Senior Planner with the City of Edmonton, says Edmonton was well on the way to promoting a more collaborative approach, including alternative dispute or issue resolution, in *Plan Edmonton*, a document that was approved by City Council in August 1998. The fact that the MGB ordered the four municipalities to work together came along at a good time.

“Even though it was initiated out of something negative, it has become something very positive,” she says. “People who were in active conflict with each other have within a couple years been able to sit down and come up with a process to deal with issues.”

Edmonton’s Senior Management Team was impressed with the report, adds Exner. In fact, they asked that it be presented to all departments in the corporation. Edmonton has also begun the process to create similar partnerships with its five other neighbours.

“The idea is that when an issue pops up that we head it off before it becomes a full-blown dispute.” The response from those other neighbours has been positive.

“For municipalities who are having conflicts with their neighbours, they should know that there’s always hope,” says Exner. “It is possible to turn these situations around and produce more positive results.”

Even though it’s far too early in the process to say whether or not this collaborative approach is going to really take off, says Morinville’s Town Manager, Cathy Clarke, the awareness seems to have seeped through to other departments.

What are the next steps?

“We’re starting to talk about the actual implementation and the psychology of mediation,” says Clarke.

Now that the process has been endorsed by all the municipalities involved, a more detailed implementation plan will be coordinated by the ADR Team. The implementation plan will deal with a policy framework, roles and responsibilities, documentation, selection and possibly further training.