

THE NORTH BAY CONSENSUS COUNCIL¹

Introduction

Sonoma County faces increasingly contentious issues that have profound quality of life implications for us all:

- Growth/no growth/managed growth debates are commonplace.
- Transportation is routinely identified as the biggest concern of local residents.
- Conservation of natural resources is a critical concern.
- Health care delivery is in a constant state⁴ of flux and uncertainty for the rich, the poor and those in the middle.
- Even local security is now a concern due to recent events in New York.

Organized and casual constituencies with agendas regarding these issues have become more highly defined, engaged, and able. No longer is local government seen as the agent of sole responsibility and authority when the welfare of the community is at stake. Environmental groups, citizen action groups, community alliances, religious groups, educators, watershed councils and business leaders have increasingly higher expectations for inclusion and participation in decision-making processes and greater ability to block or delay decisions if they do not feel included.

Interested parties have at their disposal an arsenal of traditional strategies for influencing decisions:

- Mobilizing public opinion,
- Testifying before legislative bodies,
- Confrontational electoral campaigns and ballot initiatives,
- Lobbying, and, ultimately,
- Lawsuits.

While all of these methods have a place in a democratic society, people are becoming increasingly dissatisfied with the costs of the processes in dollars and in energy and increasingly dissatisfied with the results of pursuit of these options. Adversarial conflict takes a toll on the community as a whole that is disproportionate to the benefits it provides.

Over the past 30 years, experience with consensus-building processes has demonstrated that bringing people together to do collaborative negotiating can be a successful and effective complement or alternative to more traditional and formal methods for setting policy and resolving public disputes.

Unfortunately, these collaborative approaches are under-utilized and are not readily available. RECURSE and other services provide professional mediators routinely mediate mediation for disputes between individuals and cases in litigation. Sometimes professionals are brought in to lead collaborative processes for government and “upper level” disputes involving sophisticated

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corporate and environmental parties. But in practice most public disputes and policy-making negotiations remain primarily adversarial, with the parties isolated and unable to communicate effectively and reach across the divides.

The North Bay Consensus Council will fill the existing gap by providing an infrastructure to respond to the need to develop agreements and to resolve disputed public issues in a more collaborative, constructive and inclusive manner. It will provide convening, facilitation and mediation, educational, research and communication services.

Obstacles to Collaborative Negotiation on Public Policy Issues

Constituencies with agendas regarding public policy issues face many obstacles to participating in collaborative negotiations. These include:

Unfamiliarity with the option

Most organizations and individuals do not understand the collaborative option. If they have heard of it, their understanding is often vague and includes many misconceptions. Unfamiliarity and misunderstanding breed suspicion and concerns about issues of power and compromise, turf, authority, and responsibility.

Lack of confidence and competence

When parties are unfamiliar or have limited experience with collaborative processes, they tend to lack confidence in both the process and their own ability to participate effectively. They are often more skilled (and comfortable) using the traditional adversarial options and are hesitant to abandon those avenues for fear of appearing vulnerable.

Lack of organizational resources and capacity to participate

Most public and private organizations do not have the internal resources and have not developed the organizational capacity to participate effectively in collaborative negotiations. The resources and skills directed to adversarial strategies are not readily transferable to collaborative approaches. Effectively conducted collaborative negotiations require skill, discipline, knowledge, and resources just as do the adversarial options.

Lack of social infrastructure to support the use of collaborative approaches

Until the development of the North Bay Consensus Council there has been an absence of a convening agency to bring constituencies to the negotiating table. In those relatively rare cases in which the parties agree to meet, there is often a mis-match between the needs and expectations of the professional service providers and the needs and resources of the constituencies at the community level. Parties are suspicious of “ambulance chasing” when providers of collaborative services attempt to educate and introduce themselves. These providers have limited resources for addressing the obstacles that face the parties. Everyone involved is challenged to link the ability to pay collaborative service providers with legitimate fee requirements.

The Non-Profit Consensus Council Model

The North Bay Consensus Council will address these obstacles by:

Educating the constituencies about the collaborative option and addressing concerns and reservations.

Helping constituencies develop individual and institutional negotiating capacity and assisting constituencies in developing internal consensus for participating in collaborative negotiations.

Tracking emerging issues and trends and proactively identifying opportunities and needs.

Acting as a convening agency to bring constituencies to the table.

Providing collaborative process facilitation.

Partnering with other mediation providers, acting as a broker for service providers and providing opportunities for internships for students of organizational development and conflict resolution.

Establishing partnerships with local agencies and organizations to develop credibility as a neutral, build trust in both the approach and the neutral service providers, and to generate case referrals.

Developing creative funding solutions including resource pools, blind trusts, grant sources, and fees for service.

Though there are many examples from around the county of successful collaborative negotiations applied to public disputes at the community level (See the asterisked items in the bibliography.), and there are a few established Consensus Councils (including the Montana Consensus Council and the North Dakota Consensus Council), access to collaborative negotiations is limited or non-existent in most communities. The Consensus Council will provide the education, support, and infrastructure that are needed to convene collaborative consensus-building negotiations for the good of the community.

The Consensus Council is a 501 (c) 3 organization with a governing board; it will be led by an Executive Director with a small staff. The services of the Council will be provided by staff and by outside professional experts working as consultants on a project basis. Funding for the Council will be developed from a variety of sources including fees for service, on-going contracts with government agencies, a blind (in order to protect the Council's actual and perceived neutrality) pool to which corporate, organizational and other sponsors could contribute and foundation support. The financial and social benefits of consensus building for all the constituencies and constituencies involved can be translated into financial support for the Council.

Benefits of Collaborative Approaches for Communities

There are many potential benefits of using collaborative negotiations to address environmental/public policy decision-making:

- Decisions that are reached will more likely be implemented because all interested constituencies have participated in building the agreements.
- Decisions will be based on shared information and technical knowledge.
- Government agencies and elected officials can more effectively and efficiently fulfill their mandate to create sound public policy by supporting and participating in the building of consensus on contentious and divisive community issues and avoiding the common pattern of decide, announce and defend.
- Organizational resources can be conserved and targeted more efficiently.
- Constituencies can develop a better understanding of the full dimensions of the issues and the need to consider various points of view when crafting a resolution.
- Constituencies can gain a better understanding of “the other side’s ” needs and concerns.
- Relationships among the constituencies are often improved, leading to more cooperation and respect in the future.
- The quality of civic dialogue is improved as people begin to understand the value of sharing information and points of view.
- Areas of agreement and disagreement can be clarified and constituencies can use their areas of agreement as the base upon which to build solutions.
- There is the opportunity to craft "win/win" rather than "win/lose" solutions, leaving the community stronger and more able to cope with future challenges.

Conclusion

Our community does not currently have an institutional convening agency that can catalyze the use of collaborative negotiation processes in the public policy arena. Our region, so rich in natural and human resources, should take steps to make the benefits of collaborative problem solving a part of the way we do business. Building on the expertise that is present in this area we can develop the capacity to manage public policy development inclusively and collaboratively.

References

Note asterisked items particularly good for specific case examples.

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