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Legislative Study: Massachusetts Municipal Conflict Resolution Needs Assessment, Interim Report

Massachusetts Office of Public Collaboration, University of Massachusetts Boston

Legislative Study:
Massachusetts Municipal Conflict Resolution Needs Assessment

<u>INTERIM REPORT</u>

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The destructive conflicts documented in this study caused dysfunction and harm to Massachusetts local governments and communities. The report documents how municipal officials are managing conflicts and the impact of current approaches to dealing with destructive conflict. The needs that municipal officials identify as important for dealing with future destructive public conflict are also documented.

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TABLE OF CONTENTS

Executive Summary

All across Massachusetts, municipal officials are at the frontline of solving today's complex problems in such areas as budgets, education, land use, environment, economic development, public works, public safety and public health. These issues may involve several jurisdictions and require the participation of multiple parties to develop comprehensive solutions and may involve a degree of complexity that demands levels of expertise and resources that exceed the capacity of any single entity, whether governmental or non-governmental.

In addressing these complex problems, local public officials tackle public conflicts head-on and bring many to resolution. However, officials also face public conflicts that persist and impair their ability to move forward in serving their constituencies and carrying out their public functions. In order to better manage public conflict, municipal officials, as well as members of the public, members of groups and organizations, and state, regional and federal government officials contributed in numerous ways to this conflict resolution needs assessment study.

This study shows examples of Massachusetts municipal officials managing public conflicts using approaches that range from traditional means to novel methods. In addition, this research documents the impact of those approaches and presents preliminary findings about the impact of public conflict that is not managed well, and that can become "destructive," causing significant harm to government institutions and the social fabric of communities.

Destructive public conflict involves behavior that escalates conflict until it seems to have a life of its own and is dysfunctional and harmful. Destructive conflict degenerates so the parties involved forget the substantive issues and transform their purposes to getting even, retaliating or hurting the other parties to the conflict. In destructive conflict, no one is satisfied with the outcome, possible gains are not realized and the negative taste left by one conflict episode is carried over to the beginning of the next conflict--creating a degenerating or negative spiral.

The evidence in this study demonstrates that destructive public conflict can reduce government efficiency, divide communities, demoralize public managers, and cause a host of other financial and non-financial losses to municipalities and local communities. The destructive conflicts documented in this study caused dysfunction and harm to local Massachusetts governments and communities by decreasing trust in government, eroding civility and civic discourse, reducing community unity and togetherness, harming community well-being and prosperity, and reducing government efficiency, among other impacts.

To address these harms, the study documented specific needs that municipal officials identified as important for dealing with public conflict and for obtaining the societal results they desired. These ran the gamut from resource and process-oriented needs to structural or systemic changes, e.g. re-examination of zoning regulations; gaining the public's support and the cooperation of other government entities in tackling critical issues; managing communications through traditional press media and social media; accessing technical, scientific and conflict resolution expertise and resources to address complex and contentious problems; and building leadership, conflict management and public engagement skills.

The evidence collected through this study documents a pressing on-the-ground need for direct assistance to Massachusetts municipalities and local communities in dealing with destructive public conflict. Other states have responded to similar needs with innovative public-sponsored approaches that can produce measurable results in terms of increased government efficiency, social capital formation, civic engagement, healthy communities and good governance.

Based on the data collected locally and on a review of local government experiences across the country and the benchmarking of successful external models, this study recommends a "state-wide call to action" for the Commonwealth of Massachusetts to establish comprehensive policy and programming to support municipalities and local communities by building on existing Massachusetts resources. A set of preliminary recommendations is presented at the end of this interim report for the purpose of generating further discussion and developing solutions strategies among municipal officials, policy-makers and other stakeholders. The report also includes an asset map, developed alongside the needs assessment that provides an inventory of existing Massachusetts resources identified through this study that can be deployed to support solutions.

A. Interim Report - Preliminary Findings

The preliminary findings from the study presented in this interim report and summarized below were drawn from an analysis of data collected in Massachusetts through the following methods:

- 8 regional focus groups (held in Boston, Greenfield, Holyoke, Orleans, Pittsfield, Newton, Taunton and Shrewsbury) attended by 51 current and former elected and appointed municipal officials, including mayors, selectmen, town managers, police chiefs and school superintendents.

- 226 survey responses from municipal officials; state, federal and regional government officials, members of organizations/groups concerned about public issues and members of the public at large.
- 18 interviews of municipal officials and other stakeholders.*

*Findings based on qualitative analysis of interview data are to be included in the final study report.

1. *Managing destructive public conflict*:

On the whole, Massachusetts municipalities manage public conflict well. Some destructive public conflicts however, were less well-managed and resulted in harmful and lingering impacts to municipalities and their constituencies. Most survey participants indicated that the recent destructive public conflict they experienced was still on-going in spite of their best efforts to manage it.

2. *Substantive issues driving destructive public conflict*:

- Land-use, including zoning was by far the most frequently cited substantive issue causing destructive public conflict in Massachusetts, as indicated by more than one-third of the survey participants.
- Around one-third of the municipal officials surveyed indicated that municipal budgets were also a significant substantive issue in the destructive public conflict they experienced.
- Often the source of the conflict was the complexity associated with resource and service-sharing agreements as well as the failure to engage and successfully collaborate with stakeholder groups within and across municipalities in order to address or reduce these complexities.
- The next highest percentage of responses from municipal officials surveyed indicated that conflicts relating to public schools were a substantive issue in the most destructive public conflict they experienced.
- Another significant percentage of municipal officials surveyed indicated that environmental issues substantively drove destructive public conflict.

3. *Current approaches to dealing with public conflict*:

- A large majority of the surveyed municipal officials indicated that the strategy they most used to deal with destructive public conflict was to participate in a public meeting or hearing.
- In addition to those who were surveyed, municipal officials in the focus group discussions confirmed that they often convened meetings to engage and communicate with the public. Generally, municipal officials convened meetings to address

destructive conflict with positive outcomes. Many of these existing practices contributed to the healthy functioning of government.

- However, public meetings were sometimes convened and conducted by public officials without much thought given to good process for effective problem-solving and collaborative decision-making.
- Providing relevant information to the public and in response to requests from parties was another approach used by the majority of municipal officials surveyed.
- Almost half of the survey responders reached out to personally intervene as a 'go-between' in the recent destructive conflict they experienced. Some municipal officials voiced concern that experimenting in conflict resolution without proper training could result in harm.
- Current approaches to using negotiation and bargaining had mixed results. Evidence from the focus groups showed these approaches sometimes failed to work.
- Conflict resolution expertise and alternative dispute resolution processes like mediation and consensus-building were under-utilized when resolving destructive public conflict.

4. *Progress achieved through current approaches*:

According to a majority of individuals surveyed, major societal conditions like trust in government, community unity and togetherness, civility, participation in government, community safety and security, and economic vitality too often remained unchanged or decreased as a result of current approaches to addressing destructive public conflict.

5. *Needs identified for dealing with destructive public conflict:*

- A large majority of those surveyed identified gaining public support for problem-solving processes and solutions as a critically important/important need.
- A sizable majority also identified the lack of sufficient time to identify and understand substantive issues as a critically important or important need, which would help municipalities and their constituents fully explore issues involved in today's complex social problems and the options for addressing them.
- Another significant majority of survey participants identified obtaining cooperation from other government entities to address destructive public conflict as a critically important or important need.
- A majority of surveyed individuals indicated that there was a lack of access to technical and scientific expertise, which was identified as a critically important or important need for addressing complex social problems and the conflicts faced by municipalities and their constituents.
- A majority indicated that there was a critically important or important need for assistance from outside experts specializing in the resolution of conflict (e.g. third party neutrals and process designers and facilitators).

- A majority of survey participants reported rated funding to manage conflict (e.g., for hiring experts, disseminating information, dedicated staff hours) as critically important or important.
- Decreased levels of public participation in formal meetings generally and overwhelming participation when contentious or significant problems arose, along with increased online engagement, were seen as indicating a need for new approaches to public engagement and communication.
- Over two-thirds of survey respondents indicated that adequate and fair media coverage was a critically important or important need in managing public conflict. Focus group discussions highlighted the challenges posed by the lack of local newspaper coverage and the resultant gaps in public knowledge.
- Additional core skills and competencies for public managers, especially newcomers, were considered necessary to function effectively in their role as elected/appointed officials.
- Training in conflict resolution skills was identified as critically important or important by a majority of the survey respondents overall.
- Funding and human resources to manage conflict (e.g., for hiring experts, disseminating information, dedicated staff hours) were rated important or critically important by more than a majority of all survey respondents.

6. *Desired societal results of addressing destructive public conflict:*

- Trust in government was a critically important societal result desired by more than two-thirds of survey participants when dealing with destructive public conflict in the future.
- Good governance was also cited by most as a critically important desired societal result in managing destructive public conflicts.
- Civility was another critically important desired societal result when addressing destructive public conflict for most of the survey respondents.
- Public participation was identified by many of those surveyed as an important societal result desired when addressing destructive public conflicts in the future.

7. *Assets available to municipalities to manage destructive public conflict:*

The assets and resources available to municipalities in meeting their need for technical and conflict resolution experts as well as training and education in conflict resolution strategies and in civics reside in Massachusetts state, regional and local public agencies; in the state office of dispute resolution and state-sponsored community mediation centers; in the public university system, including state and community colleges; and in professional organizations of various types of municipal/public officials, among others.

8. *Programs and best practices for supporting municipalities in resolving conflicts:*

Public funding of statewide resources to provide municipalities and public officials with technical assistance, training opportunities, and grants for assistance in resolving public conflicts are among the best practice principles for supporting municipal management of destructive public conflict that have been adopted by established programs in nine US states and one Canadian province.

9. *Experiences of local governments in employing non-traditional approaches:*

The experiences of local governments throughout the US, including Massachusetts, illustrate the usefulness of employing such non-traditional problem-solving tools as negotiation, mediation, collaboration, and public participation to address issues relating to local government that are complicated by the involvement of multiple affected parties, the presence of conflict, or the high level of technical expertise and resources required for a satisfactory solution.

B. Interim Report - Preliminary Recommendations

The following is a summary of the preliminary recommendations presented in the interim report drawn from data collection within Massachusetts, comparative evidence and extensive research on how local governments are managing destructive public conflicts in other states. The overarching recommendations and recommendations for state action are presented for further discussion, and solutions strategies development and implementation. Assets and resources to develop and implement these recommendations were identified through research and data collection for this study. Some of these assets are included in the recommendations for the purpose of further exploration. (See full report for details)

Overarching Recommendations:

1. Collaborative refinement of interim report recommendations

Efforts should be made to ensure that the preliminary findings and recommendations presented in this report are vetted and solution strategies are developed with input from stakeholder groups and the public as well as process and substantive experts.

2. Training and education for local government officials and managers

Training and education on relevant matters should be provided to officials and employees of local governments, i.e., to local public servants, to better equip them to handle complex problems and public conflict to the ultimate benefit of the community. Cost should not be an obstacle to receiving the requisite training and education.

3. Institutionalization of state-sponsored technical assistance to municipalities

In order to maximize the effectiveness of the education and training offered to government officials and employees, the feasibility and value of setting policy to institutionalize a system for delivering high quality, accessible and coordinated education and training services as well as technical resources and funding to municipalities for managing local and regional destructive public conflict should be investigated.

Specific Recommendations for State Action

4. Study of local government laws and regulations

The Commonwealth should commission a study to review current laws and regulations that impair local government efficiency and create barriers to cross-municipal and cross-sector public collaboration and public engagement, and to recommend changes to those laws and regulations and/or new laws and regulations as appropriate.

5. Public officials training program

The Commonwealth should deploy state educational resources, such as the state university system and community colleges to develop and implement a comprehensive statewide public officials training program. The training program should provide professional certification and degree programs for municipal managers to become proficient in leadership and conflict resolution skills and in convening public forums, broadening public participation in government and communications, in addition to public management and municipal finance.

6. Conflict resolution technical assistance

The Commonwealth should establish a comprehensive statewide and state-sponsored technical assistance grant program to support Massachusetts municipalities and public entities seeking conflict resolution and public engagement resources and funding to address destructive public conflict.

7. Other technical assistance

The Commonwealth should expand state programs that distribute regional community innovation and district local technical assistance funding to municipalities. Such programs should be adapted to accommodate more pilot projects that address technical assistance needs of municipalities and regional government, specifically with regard to dealing with destructive public conflict.

8. **Community-based mediation**

The Commonwealth should leverage resources of existing publicly-funded local dispute resolution infrastructure (e.g., community mediation centers) to enabling broader and more cost-effective use of mediation approaches at the municipal/local level.

9. **Communications strategy and guidelines**

The Commonwealth should support statewide professional associations of municipal officials and managers, in developing instructions, guidelines and training programs for municipalities on utilizing traditional and new media (social media, blogs, etc.) for improved public communication.

10. **An "Open Government Platform"**

The Commonwealth should launch a Municipal Open Government Platform and Framework that allows citizens to easily access government information at the local-level through the internet. Municipal associations and experts in the University of Massachusetts system could assist in this development.

Introduction

This interim report presents preliminary findings and recommendations from the study on municipal conflict resolution needs commissioned by the Massachusetts Legislature and conducted by the Massachusetts Office of Public Collaboration at the University of Massachusetts Boston. The intent of this interim report is to engage Massachusetts municipal officials, policy-makers and other stakeholders in further exploration of strategies to address identified local government needs and implement practical solutions. A final report on the study will be filed in late 2015.

Background

This study of municipal conflict resolution needs in Massachusetts was the result of a joint effort of municipal officials, legislators, community mediation centers and the Massachusetts Office of Public Collaboration (MOPC) at the University of Massachusetts Boston (author). The study was commissioned by the Legislature in a revenue-neutral outside section 204 of the FY 2015 state budget secured through the leadership of the House and Senate Chairs of the Joint Committee on Municipalities and Regional Government. To fund the study design and activities, MOPC secured a Public Service Grant from the University to cover graduate student research assistants, and drew on its own state operational funding and research trust funds to deploy a team of staff and affiliate researchers and facilitators.

MOPC is the state dispute resolution office and a research institute at the University of Massachusetts Boston. MOPC's enabling statute, G.L. Ch. 75, §46, sets forth specific legislative authority for the office to provide dispute resolution and related collaborative governance services to public entities, including municipalities. Over its 28-year history, MOPC has gained extensive experience in helping public agencies and stakeholders to collaboratively solve community conflicts and problems in the areas of finance and budgeting; land use, housing and economic development; community policing; forest management; community visioning; inter-municipal resource merger; off-highway vehicle use; and the spread of invasive species. MOPC has laid the groundwork for local conflict resolution infrastructure by awarding operating funds to community mediation centers across the state through a state-funded grant program under G. L. Ch.75, §47.

MOPC Executive Director Susan Jeghelian provided the management oversight for this study and MOPC Associate Director Madhawa Palihapitiya designed and conducted the research aspects of the needs assessment process with the assistance of MOPC Research Associate Kaila Eisenkraft and Graduate Research Assistants Joy Winkler and Virginia Goscinak. Graduate Research Assistant Luke Kupscznk also contributed. MOPC affiliate practitioners John Goodrich and Larry Raskin, and MOPC Program Managers Mette

Kreutzmann and Rosalind Cresswell facilitated the focus group meetings. (See Appendix III for study team) The municipal study Needs Assessment Committee (NAC) provided advice and guidance. (See Appendix I for NAC roles and responsibilities and Appendix III for NAC composition)

Methodology

A needs assessment is a systematic study of a problem or innovation, which incorporates data and opinions from varied sources in order to make effective decisions or recommendations about what should happen next.[1] A needs assessment provides a methodology for defining the gaps between the current state of affairs (or current results) and the sought after situation (or desired results) and also provides a justification for identifying and choosing ways to close those gaps. Before selecting any intervention, a needs assessment provides the data for assuring that solutions, once selected, deliver the desired results. Supplementing the needs assessment process is the inventory of current assets and resources that are available to municipalities. This component acknowledges the contributions of many groups and individuals who are already working to better manage municipal conflict in the Commonwealth of Massachusetts and who can assist in the development and implementation of strategies to meet municipal conflict resolution needs.

The Massachusetts Municipal Conflict Resolution Needs Assessment Study was designed to proceed through four main phases to investigate the initial conditions that would promote the achievement of positive societal results by Massachusetts municipalities and the stakeholders in meeting the needs for constructive resolution of destructive public conflict. The data from Massachusetts was designed to be collected for the study through deployment of a statewide survey, regional focus group discussions, and individual interviews. (See Appendix I: Needs Assessment Methodology and Appendix II: Guiding Vision & Inquiry) Fifty-one municipal officials participated in eight focus group discussions held in different regions of the state (Pittsfield, Taunton, Newton, Shrewsbury, Greenfield, Holyoke, Boston and Orleans). (See Appendix IV) The 18 semi-structured key informant interviews were conducted by telephone with experienced municipal officials, other regional and state government leaders as well as members of constituent groups. (See Appendix V) An on-line survey was conducted, with four categories of participants: out of 117 respondents, 40.9% identified themselves as a local government official; 12.4% as a state, regional or federal government official; 26.2% as a member of an organization/group concerned with public issues; and 20.4% as a member of public concerned with public issues (see Figure 12).

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[1] Kaufman, R. (2013). *Needs assessment for organizational success*. Alexandria, VA: American Society for Training & Development Press.

The societal results desired by Massachusetts municipalities and their stakeholders were defined in collaboration with municipalities and affected stakeholders through, initially an ideal vision that was operationally defined in the statewide survey, and investigated in focus group discussions and interviews. (See Appendix II: Guiding Vision & Inquiry) Subsequently, in the post-assessment phase, the study will engage additional municipal leaders and stakeholders to assist MOPC in prioritizing the needs and in delivering the desired results through appropriate solution strategies.

I. Destructive Public Conflict in Massachusetts

A. What is Destructive Public Conflict

Conflict is a natural part of our personal lives. This is also true of public life. Not all conflict is bad. Some conflicts are considered "good" or constructive while others are deemed "bad" or destructive.[2] However, conflicts that are destructive need proper management before they harm communities.

What makes conflict destructive? Destructive conflict has been defined as behavior that escalates conflict until it seems to have a life of its own and is dysfunctional and harmful.[3] In contrast, constructive conflict includes behaviors that are adaptive to the situation, allowing parties to be functional and productive.[4]

Because of the breadth of its impact, conflicts surrounding issues of public concern become the province of government. In Massachusetts, as in the US as a whole, the core relationship between citizens and the government is one where officials are responsible for managing certain aspects of society while the individual's contribution resides in voting.[5] Accordingly, government has a long-established role in the realms of transportation, law enforcement, public health, education, public safety, and adjudication, among others. Government institutions fulfill their responsibility by exercising their

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[2] Deutsch, M. (1985). The resolution of conflict: Constructive and destructive processes. New Haven, CT: Yale University Press.

[3] Destructive conflicts may degenerate sufficiently so that conflicting parties ignore the substantive issues and transform their purpose to getting even, retaliating or hurting the other parties to the conflict. In destructive conflict, few are satisfied with the outcome, possible gains are not realized and the negative taste left by one conflict episode is carried over to the beginning of the next conflict--creating a degenerating or negative spiral (Deutsch, *ibid.*).

[4] Many conflicts are a mixture of competitive and cooperative impulses. Constructive conflicts appropriately balance the interests of all parties to maximize the opportunities for mutual gains. Constructive conflicts contain an element of creative adaptation born from the realization that one must know both one's own and the others' interests and goals to be able to find a road all parties are willing to walk to discover a mutually acceptable outcome (Deutsch, *ibid.*).

[5] Booher, D. (2004, Winter). Collaborative governance practices and democracy. *National Civic Review,* 32-46; Vigoda, E. (2002). From responsiveness to collaboration: Governance, citizens, and the next generation of public administration. *Public Administration Review, 62:5,* 527-540.

authority through a bureaucratic structure that typically incorporates hierarchy, specialization, managerial power, and limited communication with the public.[6] Thus,

> [i]n traditional policy making the political space is based on government institutions in a hierarchy with clear roles and responsibilities. The local fits within the regional, regional within state, and / state within national. Each level of government has its areas of authority and responsibility, both geographically and substantively.[7]

The modus operandi of government interaction with the public remains "decide, announce and defend."[8] For the most part, the traditional command-and-control approach to governmental decision-making has proven to be an effective way to handle less destructive and complex issues related to the development, implementation, and enforcement of public policy: "[b]y and large, existing institutions and practices work adequately to manage policy issues."[9] Regarding the efficacy of local government, one Massachusetts town administrator noted that for the most part, concerns that constituents brought to the town board were handled well:

> we handle other things too, whether it's dog complaints—and every community handles dog complaints—and for the most part we've been pretty good because the board of selectman's been pretty consistent like when they have hearings for dog bites or barking dogs of how to handle the issue, but you can have neighbors, obviously, are usually the ones complaining about each other, but it's done fairly well. It's fairly open the board keeps people to the topic at hand. It doesn't allow cross conversations and such. So the hearing process works really well and I think, in general, we've seen really good resolutions. We don't see the folks coming back a second time.

On the whole, Massachusetts municipalities manage some types of destructive public conflict well. Other types of destructive public conflicts however, are less well managed. Problems, even apparently simple ones, become complicated and consume time and resources when they are attended by conflict. As observed by one Massachusetts town official, argumentation can complicate even the simple matter of a small town purchase:

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[6] Vigoda, *ibid.*

[7] Booher, *op. cit.,* pp. 32-33.

[8] Beierle, T. C. (1999). Using social goals to evaluate public participation in environmental decisions. *Policy Studies Review, 16:3/4,* 75-103; Oregon Public Policy Dispute Resolution Program. (2006, March). *Collaborative approaches: A handbook for public policy decision-making and conflict resolution.* Oregon Publishing & Distribution.

[9] Booher, op. cit., 44.

Arguments about ** * You know, we spent a good hour talking about a lawnmower. I don't mean a push one, but something you'd see on the side of the road or whatever, but "let's talk about the specifications, let's talk about whether it should have air conditioning in the cabin". You know, it was just, it got to the point where the minutia of buying a lawnmower that we need just gets out of hand.

The destructive conflicts documented in this study were particularly harmful[10]. They caused dysfunction and harm to Massachusetts local governments and communities by decreasing trust in government, eroding civility and civic discourse, reducing community unity and togetherness, harming community well-being and prosperity, and reducing government efficiency, among other things. A number of these examples show municipal officials managing conflicts sometimes using traditional approaches to conflict resolution and, at other times, employing novel methods. This report also documents the impact of current approaches to dealing with destructive conflict and the societal results achieved by those approaches. The needs that municipal officials identify as important for dealing with future destructive public conflict and obtaining the societal results they desire are also documented as are the assets available to meet those needs. The resulting findings presented here were drawn from an analysis of a statewide survey and eight regional focus group discussions.[11]

B. Harms Caused by Destructive Public Conflicts in Massachusetts

Destructive public conflicts can become intractable: Overall, almost two-thirds of persons surveyed (64.1%)[12] indicated that the recent destructive public conflict they experienced was still on-going (see Figure 1). Nearly a third or 31.6% reported that the destructive public conflict they experienced was resolved in part. Only 11.1% indicated that the destructive public conflict they recently experienced was fully resolved while another 11.1% said the conflict had reached an impasse. According to 7.7%, the conflict resulted in litigation while another 7.7% indicated that the conflict was dormant.

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[10] Perhaps this is because of the framing of the research inquiry process where the emphasis was on destructive public conflict management.
[11] Eighteen interviews were also conducted. The findings they generated will be included in the final report.
[12] Unless otherwise indicated, n=117.
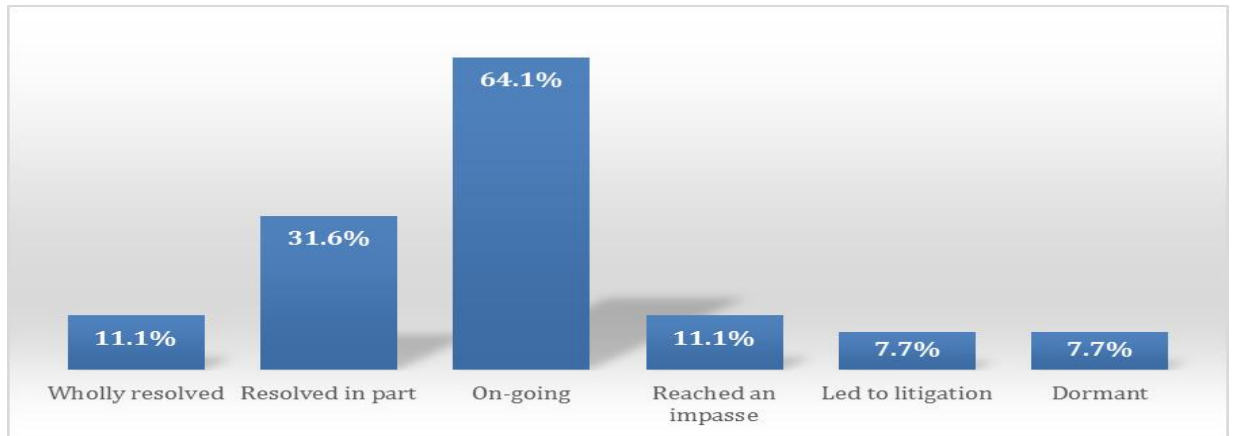
Figure 1: In response to the survey question titled: "What is the status of the recent destructive public conflict that you have been involved in? You may select multiple categories that apply." (*n*=117)

A similar trend in responses emerged when survey responses were disaggregated according to group – that is, as a municipal official, as a member of an organization or group concerned with public issues, as a state, regional and federal government official, or as a member of the public. In the case of surveyed municipal officials, the majority (65.5%)[13] indicated that the most recent destructive public conflict they experienced was still on-going. A majority of members of the public (66.7%)[14] and the majority (56.5%) of persons identifying themselves as a member of an organization or group concerned with public issues[15] also indicated that the destructive public conflict they experienced was still on-going.

When destructive public conflict lingers, the cumulative harm to the community can be significant and long-lasting. In a focus group discussion held as part of this study, a municipal official pointed out that in one community destructive conflict divided the community for decades:

> Division of town into two distinct groups regardless of almost any issue affecting the town and its people based on a divisive issue that occurred nearly15 years ago. This issue related to expanding a business district to include land purchased by a private company that built a distribution center that was out of character with the town culture. A small group sued the owners and the town in land court to prevent construction. The town divided on the issue and the two groups have been at odds over almost every town issue ever since.

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[13] Unless otherwise indicated, *n*=55.
[14] Unless otherwise indicated, *n*=24.
[15] Unless otherwise indicated, *n*=23.

Destructive conflict, if not resolved in a timely fashion, can harm the very fabric of society and destroy community unity and togetherness. As one municipal official indicated:

> The division between the people and the town…The anger, the really… friendships are split, families. People don't talk to each other. I mean, it's…The school has always been a bone of contention in [name of town] even before I got there for many reasons. That split them.

In another example, a municipal official described how a destructive conflict between the police department, town government and the community threatened to tear the community apart and how town government had to take drastic action to prevent possible violence:

> We came within a week one time of disbanding our police department. We called them…we were worried that someone was going to get killed. We called in management. We actually sat them down and said if you guys don't start to get along we are disbanding the department. We were serious.

Destructive public conflict can disintegrate regional school districts, threatening the quality of education. As one municipal official pointed out:

> It's going to impact, obviously, our educational structure and our ability to deliver quality education… there's an economy-of-scale that we're dealing with here and we're not sure how we're going to reorganize.

Due to the inability to resolve disagreements, some municipalities can become less efficient. Destructive conflict can push even resource-scarce cities and towns to forego economic efficiencies attainable through collaboration with other municipalities. As one municipal official indicated:

> [Name of City] is looking to build a $110 million high school 18 miles further away. Now [Name of regional school district] wants to build a $80 million dollar high school. That is almost $200 million dollars of public funds being used and we are not able to figure out how to get back together and be more efficient. If I could have one hundredth of that, I probably could fix most of the roads in [Name of Town] and things like that.

The inability of local communities to reach common ground on maximizing economic benefits and growth opportunities can result in significant missed opportunities for those communities and the state as a whole. As one municipal official explained:

> And the renewable portfolio, authorized by the state, the Governor, the President the United States the renewable portfolio has a structure for energy credits— renewable energy credits with long negotiations, but utilities across the northeast and you have the inability to perform on a community basis at the grassroots to put in a solar farm, a wind farm, a biomass plant and a natural gas pipeline. I mean, think about it. I mean it's just nothing that gets approved whether it's new growth or a hundred and thirty five thousand square foot department store…

The ensuing harm from destructive public conflict can encompass the loss of revenue and jobs that help ailing local economies. As one local government official indicated:

> A few years ago we had a major controversy over a proposed biomass plant. Which tore the entire community apart for several years. The issue was eventually resolved at the state level with some new regulations that were passed rescinding older regulations, which essentially prevented the development of biomass throughout the state of Massachusetts. Being on the finance committee, I felt it was a big loss for our town because the mill that was proposed would have brought in millions of dollars of revenue, which we badly needed and still need.

Destructive public conflict diverts time and municipal resources to conflict management, which, in turn, can result in significant opportunity costs.

> The time and resource issue is big. Spending a ton of time on the process and spending more. It is incredible how much time we are spending and that gets to whether staff in particular are not spending time doing other parts when they could be doing all kinds of things.

As another municipal official further indicated, the opportunity cost of diverted public resources to manage destructive public conflict includes opportunities to improve local communities:

> For some things there might be a savings because you have avoided some court cost. Right? So it's kind of thinking about… that there are some savings in time. What could all those public officials be doing if they weren't fighting about that? Right? What could they be doing to improve the community if they weren't fighting about stupid stuff?

Destructive public conflict is harmful even when such conflicts do not incur straightforward financial loses. Sometimes the cost is losing community peace and unity. As a municipal official observed:

> I think for some of the conflicts that people have, there's not really going to be a budgetary savings. It's not like there's going to be a savings in the budget if you solve the fire department problem. But there'll be a peace of mind that comes with knowing you solved an intractable problem.

Public discourse can deteriorate in the course of such conflict. One official noted how fierce some public attacks and vilifications were:

> It was the vilification—the personalization of the fight which ultimately, and I'm still…there's wanted posters all over town of me […].

Analysis of the feedback provided by municipal officials at focus group discussions also indicated a public deficit in social deliberative skills. These skills are necessary for civic discourse and not having such skills may drive incivility and subsequently, destructive public conflict. Lack of social deliberative skills[16] can reduce the ability of individuals and groups to engage in constructive dialogue on issues that matter to them. This may increase uncivil behavior in public meetings and online forums and harm the sense of community unity and togetherness. As one municipal official described:

> It's gotten to the point where those who are for or against are talking at or by each other rather than to each other or with each other in that the folks who are against it, many times are just completely, "I don't care what it is, I'm not voting for it, because you're going to raise my taxes. I can't afford it" or "you don't deserve it" or there's any number of other reasons they might come up with.

The destructive nature of municipal conflict can daunt even the most seasoned professionals in office today. As an Iraqi war veteran and current school official noted:

> I joke about this because I served in the military and I served in Baghdad, Iraq in 2003. And I tell people that I'd rather face bullets in Baghdad than what I went

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[16] Social deliberative skill are defined as "the capacity to deal productively with heterogeneous goals, values, or perspectives, especially those that differ from one's own, in deliberative situations…which include social perspective-taking, question-asking, meta-dialog, and reflecting on how one's biases and emotions are impacting a dialogue" (Murray, T. (2013). Toward Defining, Justifying, Measuring, and Supporting Social Deliberative Skills. *Proceedings of Workshop on Self Regulated Learning* — in association with AIED 2013 (Weerasinghe, du Boulay, & Biswas Eds.). July, 2013, Memphis, TN, USA.).

through facing the elementary parents about the prospect of closing their local school.

There is no doubt that the prolonged effects of destructive public conflict are taking their toll on some municipal officials. As one official noted:

> Well these jobs that we're sitting in, these are heart attack jobs. You'll die in these jobs if you don't develop resiliency skills.

Continued stress from destructive public conflicts can deter volunteerism in government and discourage high quality professionals from entering public service. The service life of those who are already in public service could also be shortened. As one official noted:

> Often we become the targets...The bull's eye. The fall guy and I think we accept that we come into this career. I think the average span is four or five years. So that is a good run. So we end up convenient baggage for a lot of the conflicts ….

The evidence is clear that destructive public conflict can reduce government efficiency, divide communities, demoralize public managers, and cause a host of other financial and non-financial losses to municipalities and local communities. The statewide survey and regional focus groups provide an insight into which substantive issues tend to involve destructive public conflict in Massachusetts. These issues are explored in depth in the following section.

C. Substantive Issues Driving Destructive Conflicts in Massachusetts

While the harmful effects of destructive conflict are widely felt, the substantive issues that underlie destructive public conflict need to be investigated. An issue may involve several jurisdictions and require the participation of multiple parties to develop a comprehensive solution. Often enough, in many municipal areas, decisions about transportation and land use issues such as congestion, infrastructure, pollution, open spaces, etc., "are spread across a range of entities, particularly because of the large number of municipal governments in these regions."[17] For these types of issues, the relations among the parties become an additional factor in addressing the issue. And so, in Massachusetts municipalities, the involvement of multiple government entities in budgeting, including school budgets, can be a source of contention. The chair of a select board in one Massachusetts town, remarked on the conflict between the select board and

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[17] Margerum, R., Brody, S., Parker, R. & McEwen, G. (2011). Regional transportation and land use decision making in metropolitan regions: Findings from four case studies. p. 1. Retrieved January 22, 2015, from http://www.policyconsensus.org/publications/reports/trans_landuse.pdf

the school committee and their respective allies in local government during budget deliberations:

> the bite of the budget is always on the floor and it's... every-... the select board's resentful because they know the school committee will win every single time. *** But what happened is that my select board fought against the school committee who was standing the line. So at the end of this, did I succeed at anything? No, because now the school... the select board is again at battle with the school committee before it even began and any promises... I even told them last year, I'll really fight for you when it comes down to labor contracts next year and getting that. It's not going to happen because we're going to be back in the same conflicted area and so in many ways, I'm frustrated to say okay, so there *is* a way of forming groups and coalitions and relationships, but when you have so many moving pieces and different people getting in and roles and responsibilities, it's a mess. No one knows what their role is, what their responsibility is whether it's finance committee, select board chair, town manager, and I think we're going to run into the exact same conflict and it very well could end up another blood bath on the town floor

Alternatively, the issue may involve a degree of complexity that demands levels of expertise or resources for its resolution that exceed the capacity of any single entity, whether governmental or non-governmental.[18] In Massachusetts, for example, perennial conflict over school budgets was exacerbated by the complexity of funding for regional school districts. As one town mayor observed:

> the state is going… has voted to give regional school districts a big bump in regional transportation aid that we weren't expecting. So naturally the towns all have their hands up, "give us back some money." That reflects a complete lack of understanding with how money flows in school systems. So I've got a conflict on my hands right now to figure out how to educate the select boards on how money flows because I don't know if we're going to get this money until June of next year. There's something called 9C cuts where we get whacked once in a while on these things, so I don't know if we're going to get it until next year. So what I can say to school committee is that we can flow these savings into next year's budget, but I can't write a check in this coming year without incurring that kind of risk. It's the school committee's call on this but… so the conflict now is going…

Furthermore, when an issue implicates the interests of affected parties, neglecting those interests can lead to conflict, which impedes solution of the issue.

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[18] Bryson, J. M., Crosby, B. C., & Stone, M. M. (2006, December). The design and implementation of cross-sector collaborations: Propositions from the literature. *Public Administrative Review,* 44-55.

The statewide survey and the focus group discussions conducted as part of this study provide a picture of several substantive issues that involved destructive public conflict. In the following section, this study's findings from the statewide survey will be presented alongside the findings from the focus group discussions.

In the present study, municipal officials, members of the public, members of organizations/groups and state, regional and federal officials surveyed as part of the study were asked to identify from a list of substantive issues the ones which, in their experience, involved destructive public conflict. The list of substantive issues included: land use (including zoning), transportation, schools, facility siting, animal control, budget, capital planning, public nuisance (e.g., noise, odor), trash collection/waste management, fire protection services, policing, emergency services, library services, housing, parks and recreation, public records (e.g., open meetings), social services (e.g. veterans, seniors, children), inspectional services, infrastructure (e.g. road & sidewalk maintenance), health services, environmental issues, personnel administration (not workplace grievances), compliance with federal requirements, compliance with state requirements, customer services, and accessibility (e.g., disability).
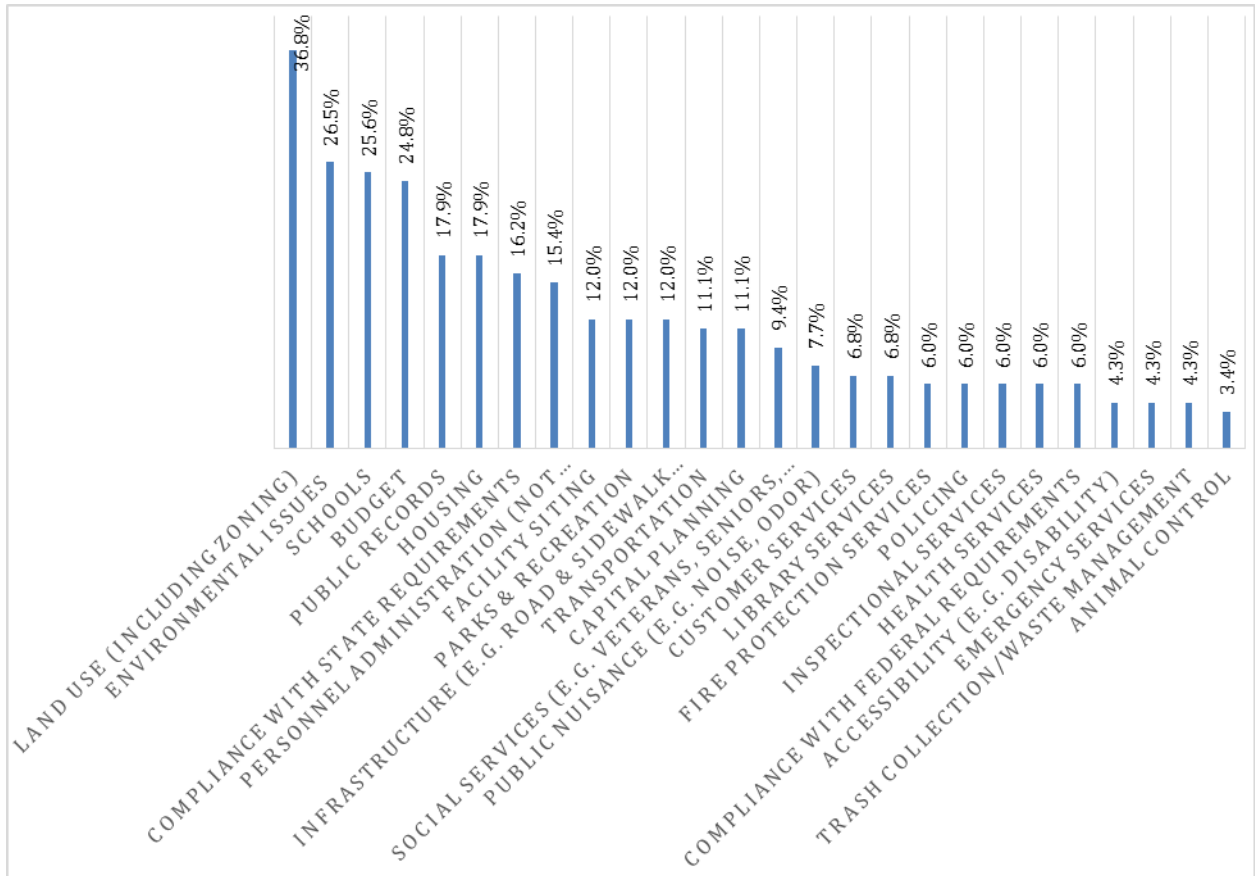
Figure 2: Responses to the survey question: "In the most destructive public conflict that you were involved in, what were the major substantive issues? You may select multiple categories." (*n*=117)

Overall, 36.8% of the survey respondents[19] indicated that land use, including zoning, was a major substantive issue in the recent destructive public conflict they were involved in, followed by environmental issues (26.5%), schools (25.6%), budgets (24.8%), public records and housing (17.9% each), compliance with state requirements (16.2%), personnel conflict (15.4%), infrastructure (12%), parks and recreation (12%), facility siting (12%), transportation (11.1%), and capital planning (11.1%). Less than 10% of respondents identified substantive issues like social services (9.4%), public nuisance (7.7%), customer services (6.8%), library services (6.8%), policing (6%), fire protection services (6%), inspectional services (6%), health services (6%), compliance with federal requirements (6%), trash collection (4.3%), emergency services (4.3%), accessibility (4.3%) and animal control (3.4%) with destructive public conflict (see Figure 2).

Key issues that involve conflict - Issues over land use (including zoning), budgeting, and schools were attended by destructive public conflict according to a significant

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[19] Unless otherwise indicated, *n*=117.

minority (over 24%) of survey respondents and were the subject of discussion in most of the focus group discussions (17 comments). Although the difficulties with complying with state and federal requirements, including open meeting laws and problematic personal relationships, were brought up in several focus groups, issues involving the environment, housing, transportation, etc. received little if any attention.

Land use (including zoning) caused destructive public conflict:[20] Over a third of all survey respondents in this study indicated that land use, including zoning, generated the most destructive public conflict that they had recently experienced, including 34.5% of the municipal officials who responded,[21] 41.7% of the members of the public,[22] 34.8% of persons identifying themselves as a member of an organization or group concerned with public issues,[23] and 40% of the state, regional and federal government officials.[24] As one municipal official noted, land use issues evaded simple resolution:

> I think the ones that really don't sort themselves very well are these more local land-use issues. I want to build thirty houses here. I don't want any houses here. *** It's my property, I can do what I want. Yeah, but your house is going to fall down or blow away. I mean those kind of local—really local—land use issues that there's no…you know what I… the only way to solve is go to court are really kind of…those become really destructive. And I think that they're hard to figure out in communities like a [Name of Town X] or [Name of Town Y] or [Name of Town Z].. .you know those… those kind of things I think are really…

Zoning regulations were mentioned a number of times (40 comments) as a key driver of destructive public conflict. The following observation by one municipal official was instructive:

> Massachusetts has the oldest zoning statute in the country – it was the first and it's the oldest. It's very archaic. And it leaves local communities grappling with a disproportionate power on the part of developers, so you know there's some stuff that has to be fixed at the state level. But you end up in court a lot.

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[20] Municipalities frequently face the challenge of balancing "… the competing needs of protecting the quality of life for its citizens and preserving its relationship with the industry which provides needed jobs and tax revenues in the community… [as in the case of] [p]aper mills, quarries, power plants, pharmaceutical companies, incinerators and sewage treatment plants[,]" etc. In Esterman, P., Kenneally, Jr., M., & Protter, H. (2011, January). The benefits of alternative dispute resolution for resolving municipal disputes. Dispute Resolution Section, NYSBA, p. 14.

[21] Unless otherwise indicated, *n*=55.

[22] Unless otherwise indicated, *n*=24.

[23] Unless otherwise indicated, *n*=23.

[24] Unless otherwise indicated, *n*=15.

Permitting processes regarding land use created destructive public conflict, particularly when such processes were not successfully led. As noted by a municipal official:

> Sometimes you can't put an industrial plant in an industrial park. You got 43D expedited permitting at the state level […] and you can't put in a certain type of business and expedite […] permitted location. So I think there's the confrontation is at a level that there needs to be more leadership.

Another official identified the state building code as a source of conflict:

> there is a line between top down and local decision making, but… and there are certain examples, there are definitely examples of where I think top down could solve so much conflict. So my example is the green communities. And within the green communities, oh, I'm going to blank on it, there's a special building code…*** The stretch code. The state loves it, the Governor loves it, the Legislature loves it, DOER loves it, and yet it's the biggest conflict piece of green communities. If they love it, just make everyone do it and it wouldn't be a conflict. And there are cases like that where I believe the state could make it simple. *** It's the state building code.

The challenge of striking a balance between competing interests in land use and zoning decisions confronted another town official:

> I'm talking about there's a lot in a in a dense neighborhood where somebody want to do—not thirty—let's say they want to do eight units. That neighborhood doesn't want it. What do you do? Those get… those are really *hard* fights. Intractable fights. The leaders in the community might want it because it's tax revenue. The neighbors don't want it because it's cars.

Budget issues: During an economic recession, with diminished financial support from state and federal governments, municipalities are finding it difficult to fund all sectors of government at an optimum level. Increasingly, different local priorities clashed with one other—over funding for schools, police, or fire departments. As one official commented:

> Everybody thinks government is your enemy; we're there to stop you from doing something. We're not trying to *stop* you from doing something we're trying to make sure you do it right and that's what we're trying to do. And we seem to fight that problem every time. You go to town meeting and you vote against the school, oh you hate the school. No I don't *hate* the school, but we think that maybe some of this money may be better spent in the police department, may be better spent in the fire department, the health department, finance, whatever. Us says the people

who developed the budgets are looking at that town wide. We have a town-wide perspective where our department heads have a department-level perspective. And they can't sometimes jump to that town level to say where we're putting the money is best for the residents. It's best for the town at this point in time. Until you can tell me why you need that money better than another department. And I think that's one of the biggest problems we run into.

Over time, resource allocation issues caused destructive conflict. As a public official indicated at a focus group discussion:

It's money in the end, most of the issues you are talking about, and if you have been in this business for the last eight years or so it's nothing but money and it's crazy. My whole tenure in [name of town] has been hard economic times. I don't know what good economic times are. I have never seen them. So every dollar they have a job to do and they have to fight for every dollar they get and that doesn't mean they are trying to steal it from me.

Around one-third or 34.5% of municipal officials surveyed indicated that budgets were a substantive issue in the destructive public conflict they experienced, as did 26.1% of persons self-identifying as a member of an organization or group concerned with public issues and 13.3% of the state, regional and federal government officials. Only 8.3% of the members of the public indicated that budgets were a substantive issue driving destructive public conflict. The allocation of public money and the conflict associated with managing budget-related disagreements within government and/or across government entities was also a prominent issue raised by municipal officials in the focus group discussions (88 comments).

The complexity associated with budget formulas can cause distrust in government. As one official attending a focus group discussion described:

People have distrust. People have distrust for government anyway, but if there's a formula that tells you how you receive a very important funding that people can't comprehend, it also causes [distrust].

Sometimes government officials themselves could not decipher the complexity associated with their own budgets, let alone constituents. As a municipal official noted:

I'm a fairly well-educated guy with a background in numbers and it took me several years to really understand how the school budget works. My school committee members, a few of them kind of get it, but none of them really understand the complexity of it and when you get to the towns, it's even worse.

School issues: Whether it's financial disparity in a regional school district or issues relating to how money was allocated in the school budget, destructive public conflict was caused by disagreements around educational expenditures. As a municipal official noted, the allocation of money in the municipal budget for education is a 'universal' cause of conflict in Massachusetts:

> …generally, there's a conflict over the municipal budget, particularly as to how much in that budget goes to education. And that's probably a universal issue throughout the commonwealth.

This study's survey results were consistent with the persistence of conflict around school funding: 29.1% of municipal officials surveyed indicated that disputes relating to schools were a substantive issue in the most destructive public conflict they experienced while 33.3% of the members of the public and 21.7% of persons identifying themselves as a member of an organization or group concerned with public issues agreed.[25] This, as one municipal official remarked, was "the conflict between educational public local government and the non-educational public local government."

Officials in the focus groups often cited the allocation of public funds for school districts as a cause of destructive conflict. According to one municipal official:

> We have a situation where there are more students in [Name of Town] than there are in the other two districts, towns and that presents hostility between the towns even though our formula was based on the number of students and we have more. We have more affluent and more second homeowners. So there is just inherently just you know tension and pretty nasty comments between the towns, which doesn't generate the type of thinking about how to really establish what is needed for a school district.

The destructive win-lose framing surrounding school budget negotiations was pointed out by another official:

> What I'm dealing with is a school committee and a school administration that want what they want; it's just dollars and cents, do what you gotta do to provide us with those dollars and cents, that's the way it's been. That's the way it is.

Harmful conflict arose because of actual or perceived injustices relating to how towns with significant financial disparity were assessed in a regional school district. As one municipal official noted:

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[25] Only 6.7% of the state, regional and federal government officials identified conflicts around schools as a substantive issue that led to destructive public conflict.

I guess you could say that the root of all evil is money and the tap root of all that is one party or another feels economically disadvantaged; they're not getting a fair shake for what they're putting in or getting out. And as you know in the case of regional school districts, there can be very big disparities between the way one town is assessed versus another. There's a formula that the state can apply or the towns can go by whatever formula they agree on, but the terms and conditions that apply in those cases vary enormously. So this one town felt that they were not... they were being unfairly taxed and were not getting a quality of education that they wanted for their children, so they are looking at a number of different options including sending their kids to another school district, home schooling—well I don't mean home schooling—but opening their own school within their town for the elementary school kids. They're determined to divorce themselves from the rest of the district.

Compliance with federal or state requirements*:* Although one-sixth or fewer surveyed individuals identified compliance with state (16.2%) or federal (6%) requirements, as a subject of conflict, the controversies attending compliance issues were discussed by a number of municipal officials attending the focus group discussions (14 comments).

Compliance with state education regulations stirred up controversy in the experience of one official:

> The school committee has this mindset that we're all that not we they're going to march to Boston and get the Chapter 70 formula changed just for them because that's what we need to do. And I'm not being active enough if I am not going there and getting that formula changed because *that's* the problem. It's the formula. They need more money and they want it now and they cannot survive another year. That is the message that's provided, but to me, that's very difficult to work with. And I have, through this, established a very good working relationship with our superintendent and the school committee, but I have to tell you that the candidate that I was successful candidate, the one that was not was the Chairman of the School Committee, so it's not like they were ready to see me with open arms. So it's a difficult situation that to me is a system tearing down their own system. You know, why not to buy our product.

For many municipal officials in the focus groups, state regionalization initiatives occasioned destructive public conflict (18 comments). Often the source of the conflict was the complexity associated with resource and service-sharing agreements as well as the failure to engage and successfully collaborate with stakeholder groups within and across municipalities to address or reduce these complexities:

So we debated all the time these issues and regionalization, which I am a big fan of actually […] But within that school district side there are like ten different layers. So when you talk about, I just thought of the example you gave on the bus drive. That would be like 100 cars to Superintendent's office immediately […] I suspect it's that layer so It is looking at all of those stakeholders that you might think of it as the district has this response or this interest or this position and what it is a bunch of different interests actually and that's what drives. I think that is what adds the perplexities.

Officials highlighted the problems attending regionalization when applied to school districts. Opposition to regionalization was fueled when underlying problems did not remain solved, as in regional school districts where student enrollment continued to decline and school costs to rise. As observed by one town selectman:

[Name of School District] ...same thing, a regional school plan. It is interesting, when we went through that process, the Superintendent and the Building Committee, the School Committee came back with an option for the high school, the middle school and two elementary schools. And everyone was up in arms. No way you can't take away our schools. It's going to cost more. It will cost more and if we want have a declining enrollment situation, we may be faced with tough decisions down the road. And 12 years later that is exactly way where we ended up. And because of all those tough choices, one town is well on its way to leaving the district and saddling the rest of the district with substantial cost. And asking a lot of questions and raising the ire and the disappointment and the ...between citizens and town, the school district.

Legislation that established overlapping fire districts within a single town to deal with problems in the delivery of firefighting services during the 1900s, created the conditions for present-day conflict over EMS services:

a very contentious relationship regarding a provision of EMS services and fire services for those one overlapping district in that one little section of town. We've tried to have our fire chiefs come up with procedures for dual response to the area. We've had accusations of two ambulances showing up at the same site and haggling and fighting to get the resident inside one ambulance or the other so they can get their money. We have our medical control saying that because [town] has an advanced life support ambulance that all residents are entitled to that where the district only has a basic level service. So we get into fights like that.

The exemption from property taxes for private educational institutions provoked disputes:

In particularly those private schools whether it's the five colleges or … some of the others and it seems to me that's potentially destructive conflict because you're

determining what is fair in terms of the services that you provide uh and what recourse do you have in terms of negotiating?

The complexity of certain laws and regulations not only contributed to conflict, but also caused government inefficiencies. As one official indicated:

> Rules and regulations and mandates and things that we are required to do that in some cases make no sense whatsoever. There just added things that we need to do that cost us extra money that take away from what little resources that we have and put them towards things that we don't view or our communities don't view as community priorities.

Moreover, a number of municipal officials in focus groups considered the impact of complex laws and regulations to be burdensome (17comments), particularly for small towns that were managed by part-time staff and/or volunteers. As one municipal official pointed out:

> For a small town, […] mostly by volunteers, boards and through all these regulatory boards […] All of us are governed by laws of Massachusetts that are too hard to understand. And I have been involved in the Open Meeting Law, lots of complaints and […] unbelievable amount of paperwork and lawyers' time and open meeting laws…I am not disinterested; it's a mess. […] Selectmen and the Planning Committee can't understand it. The public really doesn't understand it. So what it becomes is a tool of frustration as opposed to an operation for government and it leads, I think it allows us to get lost in the trees rather than the spirit of transparent, open and deliberate to the public, those kinds of things. […] As a result, we get lost in the process and we miss what is it we were meant to be doing.

Certain laws and regulations meant to create transparency and promote good governance were creating the perception of impropriety on the part of municipal officials and were therefore harmful to the relationship between officials and their constituents.[26] As one municipal official observed:

> The other comment I would make and this is … things like the Open Meeting Law and Freedom of Information Act give the impression that everyone is doing something wrong and so we need to fix you people because you people are not doing it right. So when people come into us with the Freedom of Information or

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[26] Laws must be deemed acceptable to those being governed by them. The legitimacy to the exercise of political power is gained through the exercise of power under legally valid rules and the grounding of those rules in shared beliefs (Saward, M. (Ed.). (2003). *Democratic innovation: Deliberation, representation and association*. Routledge).

the Open Meeting Law, they think they need to come in with that in order to get stuff when in reality when they ask for stuff. In my office, most of the time we say okay we will get it for you. […] But I think these laws feed into this whole thing that government is somehow corrupt on its face and it needs to be managed by these law.

Other issues that emerged in the focus group discussions*:*

Inter-personal issues were identified many times in focus groups by municipal officials as a cause of destructive public conflict that resulted in inefficiencies in government (19 comments). One municipal official described how two fire districts could not merge into one district because of the personal conflict between the fire chiefs:

> When District 1 and District 2 both had their fire chiefs retire, basically at the same time they couldn't even get together to merge into one district. Because that would probably be the best solution for all of us: District 1, District 2, and [Name of Town] merge into one regional district. To be honest with you, but we can't get the chief of fire District 1 to talk to the fire chief of District 2.

The delivery of critical municipal services like fire prevention and ambulance was undermined by conflict. As one municipal official noted:

> We have a very contentious relationship regarding a provision of EMS services and fire services for those one overlapping district in that one little section of town. We've tried to have our fire chiefs come up with procedures for dual response to the area. We've had accusations of two ambulances showing up at the same site and haggling and fighting to get the resident inside one ambulance or the other so they can get their money.

Environmental issues: Additionally, 27.3% of municipal officials surveyed agreed that environmental issues were a substantive issue that drove destructive public conflict, including 26.7% of the state, regional and federal government officials; 26.1% of persons identifying themselves as a member of a group concerned with public issues; and 25% of the members of the public. One focus group participant confirmed the prevalence of conflict concerning environmental issues:

> Probably the area where I've encountered most conflict is in terms of municipal relations with the department of environmental protection and I've seen a whole series of conflicts.

Transportation, housing, and public records: A minority (11.1%) of surveyed persons reported that controversy over transportation was an issue. Over one-fourth or 26.1% of individuals identifying themselves as members of an organization or group concerned

with public issues identified transportation as a substantive issue that led to destructive public conflict; 21.7% of the same group identified conflicts regarding parks and recreation as a substantive issue that led to destructive public conflict. Similarly, 20% of the state, regional and federal officials surveyed indicated that conflicts around facility siting, housing and public records were substantive issues that led to destructive public conflict; 20.8% of members of the public agreed that conflict around housing and public records were substantive issues that led to destructive public conflict.

The participants in this study provided evidence that destructive public conflict was caused by such complex substantive issues as land use (including zoning), laws and regulations, budgets and financial issues, resource-sharing issues in regionalization initiatives, and environmental issues, to name a few. As a result, it is important that the best approach to dealing with controversial issues be determined and that relevant stakeholder groups be engaged. The following section focuses on how municipal officials as well as other stakeholder groups dealt with destructive public conflict.

II. Conflict Management Practices of Massachusetts Municipalities

A. Current Approaches to Dealing with Destructive Public Conflict

All across Massachusetts, municipal officials, who are at the frontline of solving today's complex social problems, tackled destructive public conflicts head-on to bring about resolution. To this end, municipal officials, as well as members of the public, members of groups/organizations, and state, regional and federal government officials contributed in numerous ways. Some of the approaches they used to work toward resolution were traditional and/or managerial in nature. Alternative approaches were new or innovative. In this section of the report, some key findings from the statewide survey and regional focus groups on how these different groups managed destructive public conflict are presented.

Preferred approaches to dealing with destructive public conflict:

In this study, survey respondents undertook a range of activities to engage with the public on controversial public matters, with efforts at communication predominating over the other types of approaches undertaken by survey respondents to manage destructive public conflict (see Figure 3). Respondents' communication activities included attendance at public meetings, providing information to parties or to the public, organizing a public meeting, or using web sites, blogs, or social media.
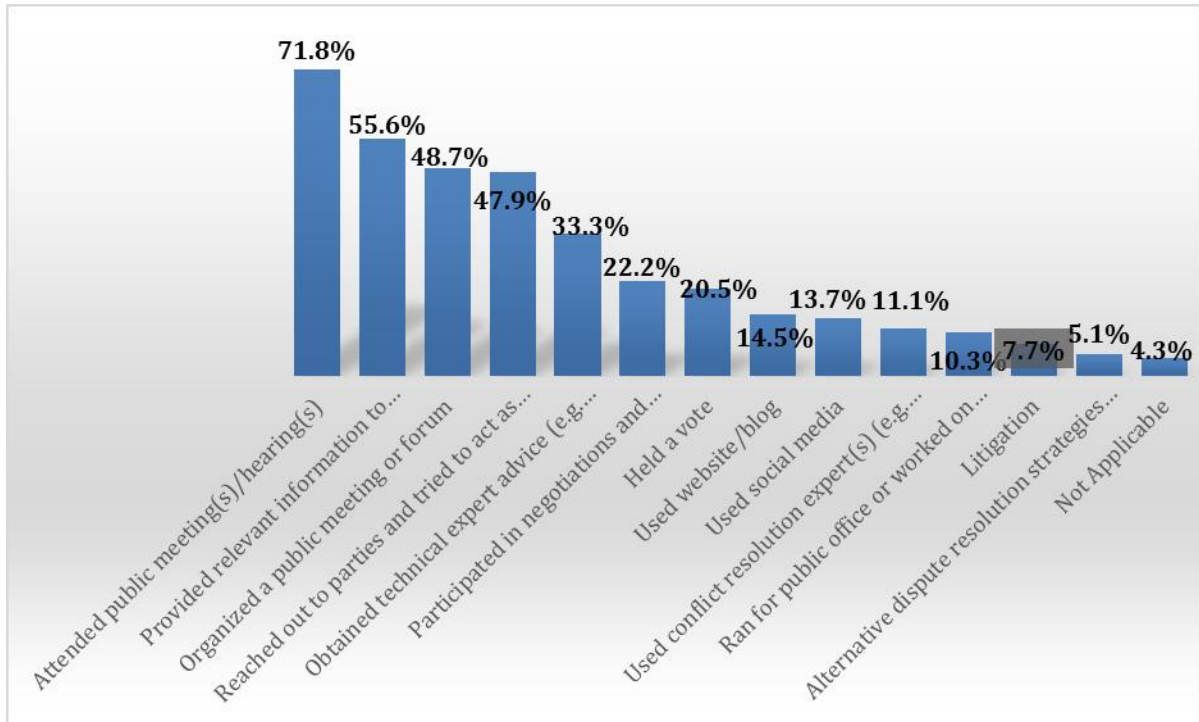
Figure 3: Responses to the survey question: "What strategies did you use (or are using) to address the destructive public conflict that you experienced? You may select multiple categories." (*n*=117)

Communicating at public meetings: Attendance at a public meeting to address a public conflict was reported by a substantial majority (71.8%) of those surveyed in the study. When responses were disaggregated by group, a large majority (70.9%)[27] of the surveyed municipal officials indicated that the strategy they used to deal with destructive public conflict was to attend a public meeting or hearing. Attending a public meeting or hearing was how a large majority (75%)[28] of the members of the public dealt with destructive public conflict. As a municipal official in a focus group noted:

> We meet, not on a regular schedule, but as needed, but typically six or eight times in a budget cycle and we kick it off every year in the middle of October with a four-board meeting—well, the four main boards. The library, select board, the school committee, and the finance committee, convene a town hall and the finance director spends an hour here's our ten-year history and here's our three-year projection, here's our... here's what we think are the key budget issues... and kind of frames here's how much money we have or what we're likely to have. Here's the high end, low end of what we might get out of the state. And it kind of frames the conversation before I, or the superintendent, ever propose a budget to be considered.

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[27] Unless otherwise indicated, *n*=55.
[28] Unless otherwise indicated, *n*=24.

The usefulness of public meetings to get input from members of the community was noted by another official:

> But a structure that we've been trying out for about a year now, which seems to be working with anything that's a hot button issue are what are what we call "community conversations." We call a public meeting we advertise it high and low and invite people in to talk, so it's really mostly about letting people vent and hear what they have to say.

Communicating at Town Meetings: Municipal officials involved the public in decision-making through Town Meetings and Special Town Meetings pursuant to G.L. ch. 43A. The Town Meeting form of government, in which eligible voters meet to legislate about local matters, is a more direct form of democracy that is central to the policy-making process of the people of New England and is a common method of local government in Massachusetts.[29]

As one municipal official remarked:

> What happens here is that people because of the town meeting form of government, people are more empowered to have a more authoritative view as a citizen rather than going to your Legislator or City Counselor or Mayor and saying this is what I want. There is a much more, "I want this" kind of thing so there is much more sort of empowerment, which is good and bad but when it goes sour it has sort of a viral impact.

Public participation at Town Meetings: Public participation in the Town Meeting form of government has traditionally been low – it has been low for over a century.[30] Broad

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[29] The United States has a rich history of 'inclusive, community-oriented, common problem-solving societies', which is the hallmark of 'American-style democracy' (McAfee, N. and Gilbert, D. 1995. The political Anthropology of civil practices, *Collective decision making around the world: Essays on historical deliberative practices,* edited by Ileana Martin, 9-14, Kettering Foundation Press, 2006). The first towns in the Massachusetts Bay Colony were governed by an informal system similar to the Town Meeting known as *folkmoot* (Zimmerman, Joseph F. March 1999. *The New England Town Meeting: Democracy in action.* Praeger Publishers).

[30] Zimmerman observes how public participation in this form of government was once mandatory in New England: "All matters affecting the welfare of the town, such as the division of land, building of a church, hiring of a minister, and admission of new inhabitants, were discussed, and decisions made. Attendance at town meetings was compulsory; absentees were punished by a fine, and early records contain the names of citizens who failed to attend the meetings." (Zimmerman, *op. cit. pp.* 18-19).

As mentioned in the Boston Town Records in 1906: "it is very seldom, that men of the best intelligence and most capable of conducting public business will leave their important private concerns to attend affairs in which they have only a general interest; it therefore unavoidably happens that the affairs of a large town are conducted by a very small number of persons, who represent and act for the whole, but who are not chosen by them, who do not possess their confidence and act under no or a very slight responsibility (*A Volume of*

public participation was clearly not the norm and focus group discussions provided evidence of dissatisfaction among local officials with public participation in local government. As one town official observed:

> I've gone back and looked at town participation from over 50 years ago, 250 people would show up at the annual Town Meeting. Now in a town of 1800 people, we're lucky to get seven people that show up at an annual Town Meeting.

However, when a hot-button issue was taken-up for discussion, public participation at Town Meetings and Special Town Meetings would surge. As one municipal official noted:

> I've also experienced another time where the issue of taxes and money… spending of money is sort of a lightning rod issue. And it was an effort once in [Name of City] to do an under-ride—not an over-ride—on proposition 2 ½. I remember seeing 300 people in city hall and which I've never seen so many people in my life at city hall and it was because of what we were talking about.

Small towns in particular were unable to accommodate unexpectedly large swells in participants at Town Meetings. The Town Meeting or Special Town Meeting format of public participation in government at times proved unsuitable for managing public participation needs around a destructive public conflict.

In one official's experience, when a Special Town Meeting was called and large numbers of angry and/or confused people turned up, the meeting became unmanageable:

> At our last Town Meeting, 1500 people in the room. There is nowhere in the annals of time that it was designed for 1500 people can even say 3 minutes worth of stuff. So we look back at the form of government and we look at the Town Meeting, it works less well when there are so many people who want to participate because the whole idea is every man and woman who shows up has an opportunity to speak. They feel empowered with that opportunity. So it's a complicated and complex and complicated form of government to try to do what we need to do and educating people...

The public tended to engage in an issue only when they were energized by a serious public problem. In the normal course of events, the vast majority of the public did not feel the need to engage with local government in decision-making. As one municipal official noted:

Records Relating to the Early History of Boston Containing Boston Town Records, 1814–1822 (Boston: Municipal Printing Office, 1906)).

I think society has changed from when I grew up 48 years ago or so that people are engaged when they are faced with a problem that they want attention to, but if there's not a problem that they are concerned about right now, then I don't feel they have any feelings or any need to feel engaged…

Organizing meetings: In addition to attending a regular public meeting or hearing, nearly half of survey respondents indicated that they "organized" a public meeting or forum (48.7%). The majority (50.9%) of the public officials surveyed indicated that they would organize a public meeting or forum to deal with destructive public conflict. Municipal officials often used meetings to engage and communicate with the public. Public meetings were also used to communicate and engage others within government and across government on key issues like regionalization, budget allocations, zoning and land-use issues, environmental issues, community policing and other such issues affecting municipal government and their constituencies.

Municipal officials effectively convened meetings with representatives of different stakeholder groups affected by conflict and facilitated constructive dialogues to resolve that conflict. Many of these existing practices contributed to the healthy functioning of government. For instance, one municipal official described the measures taken to minimize the competitive nature of contract negotiations between teachers and the school committee and administrators:

Take the lawyer and the union rep out of the room. I worked with the president of the teachers' union to get the right people in the room so we had good representation from the teaching staff, good representation from the school committee and the administrative staff. And we just talked to each other and it took us a long time, but we were at least able to communicate. You know, the other… the other ways that we were trying to do this just wasn't happening, so we were able to get to a tentative agreement on the contract. It took a long time to get there, but it's one of those endings where you didn't get up from the table and just you know sort of grimace and say "I can live with it" you know, it felt like, you know. We didn't get everything we wanted, but this process was healthy.

Communicating by providing information to parties or the public: A majority of surveyed individuals also indicated that they provided relevant information to parties/public (55.6%).[31] A comparable majority (52.7%) of municipal officials surveyed indicated that they would provide relevant information to parties and/or the public to resolve destructive public conflict. However, a greater majority (82.6%)[32] of the persons self-identifying as a member of a group concerned with public issues indicated that

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[31] Unless otherwise indicated, *n*=117.
[32] Unless otherwise indicated, *n*=23.

providing relevant information to parties and the public was the way they dealt with destructive public conflict. A small minority of survey respondents – under 15% – indicated that they used websites or blogs (14.5%) or social media (13.7%).

One municipal official noted the importance of timing in sharing information with the public:

> I've found that preemptively getting the information out even before something. So budget: getting out in the community early on before the whole budget is hooked up and here's the basic facts or just getting information out.

Some municipal officials preferred a more hands-on approach to communication. For them, person-to-person communication was an effective approach to dealing with conflict. As one municipal official noted:

> Yeah, as far as our individual roles are in this, because I have been there for ten years in a smaller community and I know a lot of these people personally, so I'll call individual select board members that I never used to talk to privately before and then say, listen [Name], here's the back story….

As another municipal official noted, an in-person approach to communication could be more effective and more conducive to conflict resolution than email:

> You know, my mantra with email is if you have a topic that is can have any sort of an emotional element to it, put the mouse down, pick up the phone or go see that person. Stay away from that because you need to see body language. You need to really be able to understand what's going on and email doesn't work.

Municipal officials sometimes employed experimental forms of meeting facilitation techniques. A municipal official described how a Town Clerk experimented with a public engagement approach with some success:

> They have a facilitated town clerk who ran the town and basically pulled everybody in and they had a feather, which the facilitator used and fortunately somebody was familiar with that, and so it went over okay.[33] So that one person would speak, and basically everybody gets to hear the same information and it dispels, you know, a lot of stuff and everybody's in the same room. And it worked.

Another municipal official described how the same approach had failed: "We tried the feather thing in [Name of Town] and it was… it backfired so badly I can't even tell you."

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[33] A feather would be handed from one person to the next at a meeting, and the individual holding the feather would get to speak.

This official commented that having buy-in from the meeting participants for this approach was necessary for this approach to have worked.

A communication challenge – the media: In this study, focus group discussions provided evidence that the media posed challenges to the efforts of local public officials to communicate effectively with the public. A key aspect of communication was the way municipal officials dealt with the media, and in most cases it involved the local press. According to one municipal official, it was beneficial to cultivate a close relationship with reporters so that whenever there was an issue about communication and/or reporting, they could be more hands-on in dealing with the media:

> And even though we all make jokes about the reporter—call it "the distorter," or whatever you want to call it—people still read that, take it as truth, and react to it. So I also just went out of my way to make friends with reporters and you know say listen, [reporter's name], this is what I need in the newspaper.

Broadly speaking, however, current approaches to dealing with the media needed improvement. As another public official indicated in focus group discussions:

> You're playing three-dimensional chess when you're in the public sector. Because the press is in there. Even if that's theoretically a private employee discussion, the public gets drawn in you know and it's just, it's kind of a crazy three-dimensional game. It's very complicated.

In the meantime, the role of the traditional media, like local newspapers, has diminished to the point where the importance of such media for public communication can be questioned. As one municipal official remarked:

> I think the role of the media is greatly been reduced and quite frankly I find almost irrelevant at this point more to the comments made earlier on social media on critical issues. I know when I first started if you had a negative article in the newspaper, it could ruin your year. And now I don't even read the newspaper to see what they are reporting most of the time because I find it to be completely a waste of time and energy to get excited about what may or may not be in the newspaper. Primarily because other people don't get their news or information about town from the local newspapers at all.

Whether it was the traditional media or the new media, more media outlets could mean more opportunities to influence the course of public conflict. As one municipal official indicated:

> So I don't think the role of media is less. I just think there are more media outlets today then the traditional newspaper or radio. I think that the negative article in

the newspaper can still ruin your year. I think people still do read the newspaper. However, more people now are into the social media aspect of it and news travels a lot faster today than it did when anybody in this room started their careers. I think it is not necessarily that the roles diminished. I think there are just more players in the field. So it appears that the newspapers and radios had the field to itself, now it doesn't. In some ways it's correct; in some ways it's [not].

With the rise of the new media, new approaches were explored to promote positive public communication and participation. A municipal official described a case of successfully harnessing the potential of the new media to increase public communication and participation in decision-making:

I use social media all of the time and when it's done from grass roots and not the elected officials, people do show up. There is a difference. There is a difference. Whether it's a light bulb on my side because I spend most of my time on the other side of the table, but I put out a survey about the traffic getting downtown: 767 people responded. You're talking about a town of 8000 voters. That is a huge response. I've done that several times in my lifetime, you know, it's a huge response. What is the difference here?

Another municipal official described how social media helped increase public attendance at town meetings:

At both of these meetings there were over 100 people. With one meeting 130 and the next meeting a 120. They would not have been there if it were done by the town. The town may have called the meeting, but getting the people there it was the use of citizen's social media.

A municipal official explained how media management should span both the old media and the new media:

I think we are all in agreement that the media management is on the social media, press media and the radio media is different depending on where your location is. And I will tell you that in a large in a large city and I'm sure it is Boston, Lowell, Chelsea those kinds of cities are still going to have that kind of media management problems that for the smaller towns is a little bit different.

Glitches in communication: traditional forms of public engagement to allow for public input, whether formal or informal, can run the risk of failure. The focus groups in this study also pointed out some of the deficiencies of hearings as a way to communicate about issues (3 comments). As one municipal official observed about a hearing in [Name of City]:

> In [Name of City] sometimes you go to a hearing and you know you want to say something and these guys are talking to one another and they are going in and out of the room. And you're sitting there, "What the hell am I doing?"

And another municipal official observed:

> I grew up in 60's, an agitator and all that stuff and if I am sitting at a hearing that I feel passionately about and some guy isn't there and now going to the next hearing. It's a very different dynamics when someone is staring at you eyeball to eyeball and you have 20 angry people in an audience sitting at home and listening to something on a tape.

On occasion, municipal officials might ignore opportunities to obtain the public input needed to gain broad public support for policies and administrative actions, particularly when there was a contentious public issue at hand. These missed opportunities could be costly and require leadership and initiative from public managers. As one municipal official indicated:

> It's a very large field and there's proposal without any community input and the proposal has been not well received and the level of conflict was evident at two community meetings that were held quite recently, actually. And it's a fairly strong voices on both sides overwhelmingly I think the voices are against the proposal. The effort to find common ground seems to be there, but it's not presently followed up.

Dealing with conflict through active intervention as a go-between: Almost half of survey respondents (47.9%) reached out to personally intervene in the conflict as a 'go-between.'[34] With respect to municipal officials in particular, a majority (56.4%) said they would reach out to parties and try to act as a go-between. For example, a municipal official indicated in a focus group discussion how he resolved a destructive conflict between nurses and a local hospital by communicating each side's offers to the other side:

> I would intervene by going to each side for example, when the nurses and the hospital were having an issue, the nurses came to me…there's also a nurse who came to me and they were saying "blah, blah, blah, blah" and "will you do something?" So we had a conversation about the times and I asked them "what if we did…if we did this, would you be in favor of that?" They said "yes, oh yes, we'd be in favor of that." So I went to the hospital and said, "what if we did this, the nurses, the unions would be in favor of this." And they said they can't do that

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[34] Acting as a go-between can be problematic when the municipal official in question is a party to the conflict. Other impediments to the official's role as a neutral may arise due to his/her actual or perceived role/bias or if he/she is rejected by one or more parties to the conflict.

now. So that was kind of like my involvement and making the attempt, I think both sides were pleased.

Dealing with conflict by using experts: Furthermore, 30.9% of the municipal officials surveyed indicated that they would use technical experts to resolve destructive conflict, including experts on substantive issues. As one municipal official noted:

> The other thing we've done, here in [Name of City] is on some issues we have really expert volunteer boards in [Name of City], who can play really important role in blunting and dealing with criticism and evaluating projects, a design review committee of expert construction professionals, architects, planners, who have a great deal of respect in the community and I think they are very good at evaluating projects and then giving a blessing on a project for our decision makers and I think in the end that helps block some of the opposition to projects. So using, depends on the topic, you can have an expert panel of respected people who are willing to volunteer for such thing for free over a number of years. That can be very helpful.

Dealing with conflict through negotiation and bargaining: Over one-fifth or 21.8% of the municipal officials surveyed indicated they used negotiation and bargaining to resolve destructive public conflict. In this study, evidence from the focus group discussions showed that negotiations and bargaining sometimes failed. As one municipal official participating in a focus group discussion observed:

> And it's a structure that I know a few people around the table know about, but it's contract negotiations. Which can be extremely contentious between the two sides and so we try a radically different approach to negotiations. We tried this interest-based bargaining hoo-ha stuff…And that didn't work. Traditional bargaining was just terrible.

Dealing with conflict by using conflict resolution strategies and conflict resolution experts: Only a small percentage of the surveyed individuals (11.1%) indicated that they used conflict resolution experts such as facilitators and mediators. The utilization of alternative dispute resolution strategies such as mediation or arbitration was also very low at 5.1%. In the focus group discussions, it was evident that in some cases there was no recognized conflict resolution process used at all (that is, the use of a neutral third party to conduct a facilitation or mediation). Impacts such as reaching agreement in destructive public conflicts were sometimes achieved without significant thought given to good processes. As one official in a focus group indicated:

> So we set up a committee and each selectman, the members at large, and each selectman got to pick a member because we were divided and we were going to

make our town administrator chairman of the committee and the town administrator, we had just hired him poor guy he wasn't from our town so he didn't know any of the local players. So in the short term, the committee was a total disaster. People brought accusations and the plan and some committee members were being paid by [name of private corporation]. I mean it went on and on and on and on...I was not a fan of the project, but to the point, well anyways the committee was a total disaster. The process was a total disaster, but in the end, they actually came out with a plan for the parking lot that everybody on all sides liked so it was sort of an interesting exercise.

Dealing with conflict using alternative methods*:* Some municipal managers experimented with reactive, rather than considered, approaches to resolve a conflict with mixed results. As a municipal official indicated:

> You can't call it a process. It was reactionary each step of the way. It wasn't that anyone attempted to do this outreach and sit down and talk with one another and so forth and so on, but it just failed. They didn't have a neutral outside third party to help; to sort of take-sprinkle some water on these embers. Let it cool down. Now let's back up and talk. And that's what I thought it was time for.

Municipalities interested in leveraging the benefits of regionalization initiatives may have used different approaches to collaboration that eventually succeeded, but the efficiency of these methods was questionable. As one municipal official noted:

> You know it's interesting because [Name of Town D] just regionalized. We tried three times. Never passed regionalization and then in 2012, beginning we regionalized with [Name of Town E] and [Name of Town F]. After two failed attempts this was the third one.

In many of the instances documented above, municipal officials did remarkably well in dealing with destructive conflict, largely through traditional approaches to conflict and, in some cases, through new and innovative approaches like the use of social media. However, significant challenges still existed in terms of increasing public participation, improving public communication, managing media relations (both traditional and new), instituting good processes for meeting management and facilitation, using substantive and conflict resolution experts and the utilization of existing alternative dispute resolution resources and infrastructure. The impact of these approaches to conflict resolution currently used by municipal officials warrants further investigation.

B. Results Achieved through Current Conflict Resolution Practices

An examination of the survey respondents' reports about the impact of the performance of approaches to dealing with destructive public conflict that were used by public managers, citizens, members of organizations or groups and state, regional and federal officials revealed that these practices achieved some progress in the areas of civil and respectful interactions, and in implementing solutions that were durable, were satisfactory to parties, received wide-spread support and were in the best interests of the city/town. However, a sizable percentage of respondents indicated that there was no progress achieved in any of the above categories of impact. The majority opinion among all groups surveyed was that no progress was made in improving party relationships and over 40% indicated a lack of progress in party communications, party satisfaction with solutions and in the problem-solving skills of conflicting parties. Only a small minority of persons (16.2% or less) indicated that the above impacts were fully achieved. A breakdown of the survey findings is presented in Figure 4 below:
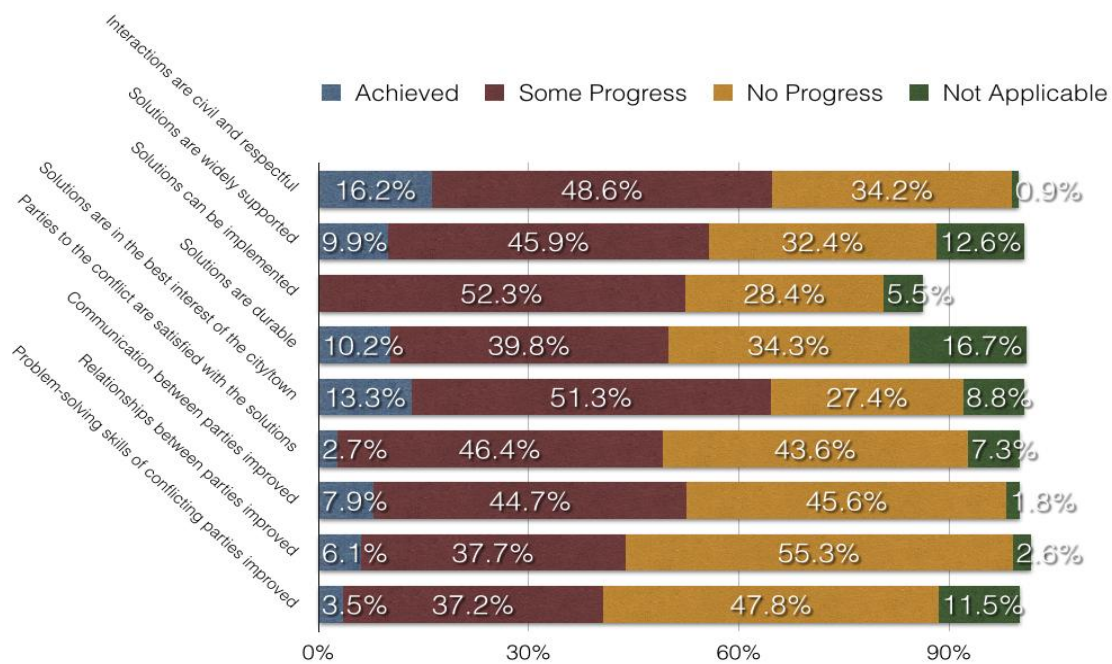

Figure 4: Responses to the survey question: "Please rate the progress in achieving the following results from efforts to address the destructive public conflict you have been involved in." (*n*=117)

The majority of those surveyed in the study indicated that some progress was achieved in that solutions could be implemented (52.3%) and that solutions were in the best interest

of the city or town (51.3%).[35] However, a majority of 55.3% indicated that there was no progress in the relationships between conflicting parties. A somewhat lower percentage of survey respondents indicated that there was no progress in the problem-solving skills of parties (47.8%), in communication between parties (45.6%) or in party satisfaction with solutions (43.6%).

A substantial percentage of survey respondents (over 40%) indicated that all or some progress was achieved in the various impact categories through current approaches to dealing with destructive public conflict, with a high of 64.8% reporting progress in achieving civil and respectful interactions and a low of 40.7% reporting progress in parties' problem-solving skills. At the same time, sizable minorities agreed that no progress was achieved, ranging from 27.4% finding no progress with solutions serving the best interests of city or town to 47.8% indicating no progress in problem-solving skills among disputing parties.

The impact of conflict resolution practices according to group

Survey responses from municipal officials indicated that some progress was achieved through current approaches to dealing with destructive public conflict in terms of party satisfaction with solutions (62.3%),[36] solutions being widely supported (61.8%), solutions being in the best interests of city/town (60%), solutions being implemented (53.8%), communication between parties improving (49.1%), community interactions and civility improving (44.4%), and solutions being durable (37.3%).

The majority (60%)[37] of individuals identifying themselves as a state, regional or federal government official agreed that there was some progress achieved in solutions being in the best interests of the city/town. The majority of the same group (60%) indicated that there was some progress with solutions being implemented. Half the group (50%) also agreed that some progress was achieved in terms of interactions between parties being civil and respectful. A substantial minority agreed that some progress was achieved in the durability of the solutions (40%).

The majority of the municipal officials surveyed reported that there was no progress in relationships between parties (50.9%). A near majority of these officials indicated that the problem-solving skills of parties were not improved (45.5%). The majority (59.1%) of the persons identifying themselves as a member of an organization or group concerned with public issues agreed that relationships between parties did not improve. A near majority (47.6%) of the same group also indicated that there was no improvement in the problem-solving skills of parties. Another near majority (46.7%) of individuals

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[35] Unless otherwise indicated, *n*=117.
[36] Unless otherwise indicated, *n*=55.
[37] Unless otherwise indicated, *n*=15.

identifying themselves as a state, regional or federal government official agreed that relationships between parties did not improve.

A majority of the members of the public concerned with public issues felt that there was no progress achieved in communications between parties (66.7%),[38] problem-solving skills of conflicting parties (63.6%), party satisfaction with solutions (59.1%), and wide support for solutions (50%). A near majority also indicated that there was no progress in solutions being in the best interests of city/town (45.5%). A sizable minority indicated that there was no progress in solutions being implemented (36.4%). Both the municipal officials and the members of the public agreed that some progress was achieved in civil interactions (54.5%) and that some progress was achieved in solutions being implemented (36.4%).

A near majority (46.7%) of individuals identifying themselves as a state, regional or federal government official indicated no progress in party satisfaction, and a significant percentage (33.3%) indicated that there was no progress in solutions being widely supported.

The survey results revealed a divergence of opinion between the majority of the municipal officials and the majority of the public on key areas of performance like communication between parties, problem-solving skills of conflicting parties, party satisfaction with solutions and wide-spread support for solutions. There was agreement among the majority of those surveyed that there was no progress achieved in party relationships and problem-solving skills as a result of the current approaches to dealing with destructive public conflict. Without an improvement in relationships, communication and problem-solving skills, destructive public conflict may persist and continue to harm local communities.

C. Societal Impact of Current Approaches to Destructive Public Conflict

As the previous section indicated, some progress was achieved in the way municipalities and their constituents dealt with destructive public conflict while significant other performance indicators like relationship between parties, communication and problem solving did not progress as much. Cumulatively, what impact did these current performance practices in reducing destructive public conflict have on improving the societal bottom-line of communities and the state? The following bar graph, Figure 5, is a compendium of aggregated survey responses that indicated the cumulative societal impact of current practices in dealing with destructive public conflict.

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[38] Unless otherwise indicated, *n*=55.
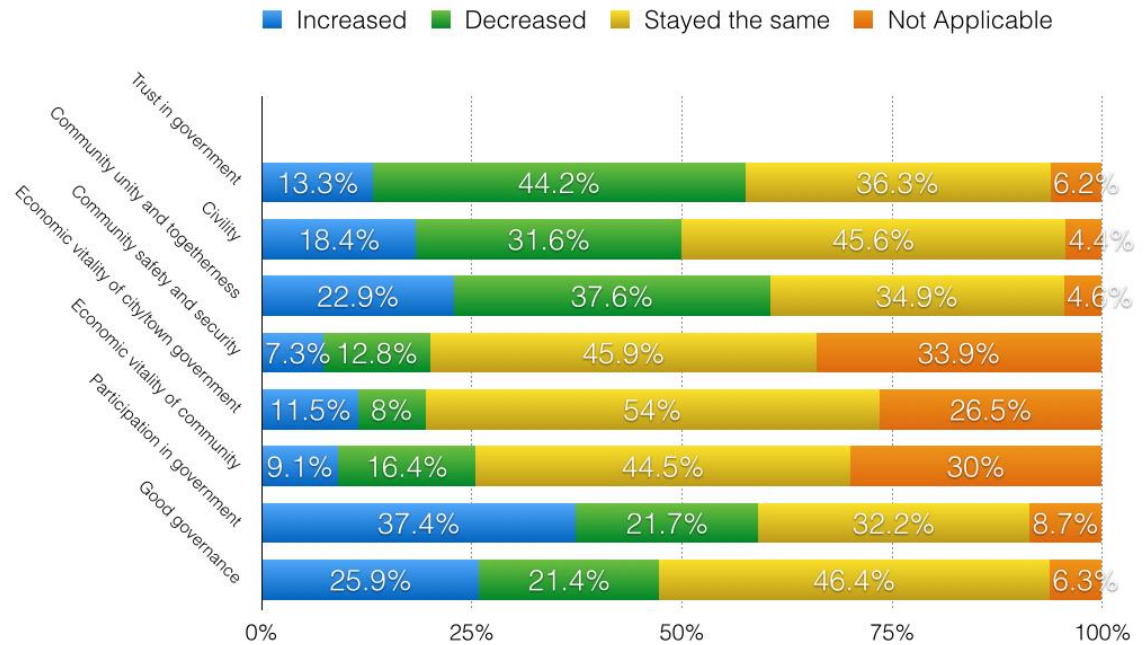
Figure 5: In response to the survey question titled: "Please indicate how the efforts to address the destructive public conflict that you have been involved in has changed the following societal outcomes. Select all that may apply." (*n*=117)

A large percentage of survey respondents (44.2%) indicated that trust in government decreased while a smaller, but still sizable, percentage (36.3%) indicated that trust in government remained the same. Overall, the majority of the survey respondents felt that all societal conditions such as trust in government, civility, community unity and togetherness, community safety and security, economic vitality of city or town, economic vitality of community, participation in government and good governance either stayed the same or decreased. Smaller minorities – between 37.4% and 7.3% – considered that these societal outcomes increased.

For many municipal officials responding to the question about changes in societal outcomes as a result of efforts to address destructive public conflict, the societal impact of dealing with destructive public conflict through current approaches involved no change in the status quo. The majority of the municipal officials who responded to the question[39] indicated that economic vitality of city/town (64.8%), good governance (56.6%), civility (53.7%), and community safety and security (50%) remained the same.

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[39] Unless otherwise indicated, *n*=55.

A near majority agreed that trust in government (48.1%), community unity and togetherness (49%), and economic vitality of community (47.2%) remained the same. A significant minority agreed that participation in government (38.9%) remained the same (neither increased nor decreased) as a result of the conflict resolution approach they adopted to deal with destructive public conflict.

In comparison, for sizable percentages of the members of the public responding to the above question[40], important societal results like trust in government (59.1%), community unity and togetherness (50%), civility (39.1%) and good governance (36.4%) decreased as a result of current approaches to dealing with destructive public conflict while community safety and security (40.9%), economic vitality of city/town government (54.5%), economic vitality of community (47.6%) and good governance (36.4%) stayed the same. Over half or 53.3% of surveyed persons identifying themselves as a state, regional or federal government official[41] agreed that trust in government decreased and 50% felt that community unity and togetherness also decreased. A large minority of 45.5% of the persons identifying themselves as a member of an organization or group concerned with public issues[42] also indicated that trust in government decreased, and 40.9% of the same group indicated that community unity and togetherness had also decreased.

III. Massachusetts Local Government Needs

A. Needs for Successfully Managing Destructive Public Conflict

As shown in this study, what municipalities needed to address destructive public conflict ran the gamut from process-oriented needs to structural or systemic changes – e.g., re-examination of zoning regulations – to resources for such things as outside experts, training and skill-building. (See Figure 6) The needs presented in the survey – namely, gaining public support for process and solutions, time to identify the substantive issues of the conflict, cooperation from other government entities, time to develop solutions to the conflict, adequate and fair media coverage, obtaining technical expertise about substantive issues of the conflict, dedicated staff hours, funding to manage the conflict, obtaining outside expertise to resolve the conflict, and training in conflict resolution skills – were all considered as critically important or important by a majority of survey respondents. Additional needs emerged in the course of focus group discussions, including increasing community awareness and education, gaining public support on budgeting issues, adding human resources, providing professional development, leadership training, improving civility and civic discourse, increasing public engagement

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[40] Unless otherwise indicated, *n*=24.
[41] Unless otherwise indicated, *n*=15.
[42] Unless otherwise indicated, *n*=23.

and participation, introducing structural or systemic changes, and improving communication. In this section, the needs identified by the study participants are discussed, followed by an examination of existing resources and assets available to be leveraged to meet some of these needs.

Needs for addressing destructive public conflict according to study participants

According to survey results, the majority of the municipal officials, members of the public, individuals identifying themselves as members of an organization or group, and state, regional and federal officials surveyed indicated that when dealing with destructive public conflict, their critically important or important needs included: gaining public support for process and solutions (86.4%); time to identify the substantive issues of the conflict (79.1%); cooperation from other government entities (75.5%); time to develop solutions to the conflict (70%); adequate and fair media coverage (67.2%); obtaining technical expertise about substantive issues of the conflict (60%); dedicated staff hours (57.9%); funding to manage the conflict (57.3%); obtaining outside expertise to resolve the conflict (55.4%); and training in conflict resolution skills (53.7%) (see Figure 6).
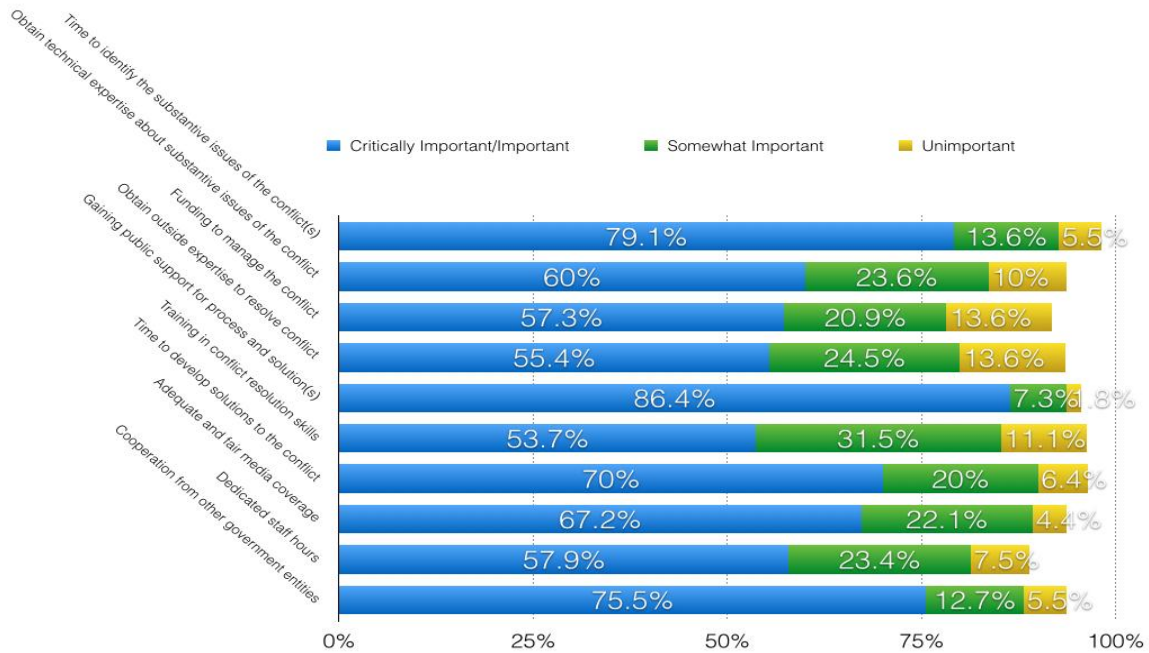

Figure 6: In response to the survey question: "If you had to deal with this type of conflict again, how important would it be to get more of the following resources?" (*n*=117)

Gaining public support –

Gaining public support for process and solutions: Based on survey results, over three-quarters or 86.4% of all survey respondents identified gaining public support for process

and solutions as an important need or as a critically important need.[43] Further analysis of responses indicated that public support for process and solutions was a critically important need according to a majority of the public (57.9%), of persons identifying themselves as members of a group/organization (56.5%), and of state, regional and federal government officials (53.5%). In contrast, the majority of municipal officials (54.7%) identified the need for public support for process and solutions as only important. As one municipal official put it at a focus group meeting, the best indicator for public support for process and solution was the satisfaction on both sides of the conflict:

> I think the outcome […] hope for is satisfaction on […] both sides of the conflict and […] sometimes it's not possible, but that's really what you hope for and the process as [Name of public official] was saying for me it is as important in getting to that result as anything, because it does build, you know, relationships and community.

Increasing public engagement and participation: At focus group meetings, with public participation remaining at traditionally low levels, municipal officials expressed the need for new approaches to cultivate and maintain a healthy level of public participation in government.[44] The challenge of increasing public participation was mentioned by one official:

> How do you start it because, if you want to engage, you have to think how to do it and you may want to make it a priority. Where do people go? What are the places that people engage, where you can give them the message of what's happening in their community?

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[43] "It is a necessary condition for attaining legitimacy and rationality with regard to collective decision making processes in a polity, that the institutions of this polity are so arranged that what is considered in the common interest of all results from processes of collective deliberation conducted rationally and fairly among free and equal individuals (Benhabib, S. (Ed.). (1996). *Democracy and difference: Contesting the boundaries of the political* (Vol. 31). Princeton, NJ: Princeton University Press).

[44] Research indicates that the engagement of large numbers of the public in decision-making results in more possibilities for testing the legitimacy of power. Dalton (1996) calls this *cognitive mobilization* where 'more citizens now have the political resources and skills necessary to deal with the complexities of politics and make their own political decisions' (Dalton, R. (1996). *Citizen Politics: Public opinion and political parties in advanced industrial democracies*. Chatham House. Chatham, NJ). Similar to what Fung and Wright called empowered participatory governance "where ordinary people can effectively participate and influence policies which directly affect their lives. They are participatory because they rely upon the commitment and capacities of ordinary people to make sensible decisions through reasoned deliberation and empowered because they attempt to tie action to discussion'. (Fung, A. (2003). Thinking about Empowered Participatory Governance Archon Fung and Erik Olin Wright. *Deepening democracy: Institutional innovations in empowered participatory governance*, *4*, 3)

Why people don't come to meetings? There's a cycle of dissatisfaction and town leaders need to figure out where they can intersect. I would love to see town leaders where they can intersect on that cycle of dissatisfaction to increase more participation.

The need for increased community awareness and education: During focus group discussions, the need to develop new approaches for public entities to increase community awareness, education and engagement on the ways government was addressing community problems like school budgets was expressed. As one official remarked:

I don't want to use bad words here like black-out, but there is certainly a misperception on the behalf of the public that stems from their own unwillingness or inability or lack of time to educate themselves and understand how all of this works to the other end, having the School Committee and the Superintendent figure out meaningful ways to bring along and engage the public so they understand what their tax dollar is actually buying and that can apply to everything from schools to highway projects to anything you're doing with people's tax monies.

Time to identify substantive issues: Additional time to identify the substantive issues of the conflict was rated critically important or important by 79.1% of all survey respondents. A lesson on how to manage time was provided by a municipal official at a focus group meeting:

I focused on the things that I could actually impact, which had to do with efficiencies and bringing money into the district and just streamlining what was there and just making smart management decision so that bought time. That bought about eight years of time and we're […] going back down this trajectory again and so… but this time, we're doing things differently.

Gaining cooperation from other government entities: Survey results showed that the third most frequently identified critically important or important need for addressing destructive public conflict was gaining cooperation from other government entities, selected by 75.5% of survey respondents. Based on focus group discussions, the need for cooperation between different municipalities appeared to be a reaction to statewide regionalization efforts. Although not always easy, regionalization has been gaining ground as a method to increase government efficiency. As one municipal official attending a focus group discussion indicated:

In the Berkshires they're having a lot of challenges financially and a lot of other ways and I think to do anything in that area I think it would be the greatest thing that we are hoping schools either school district merge or helping getting a better

relationship between educational and non-educational leaders, something like that.

Need for expertise –

Obtaining technical expertise on substantive issues: Based on survey results, obtaining technical expertise on substantive issues of the conflict (e.g., from scientists, engineers) was rated as a critically important or important need by 60% of survey respondents. The need for technical expertise was considered a critically important need by 42.9% of the surveyed public.

Obtaining outside expertise to resolve conflict: Survey results also showed that, overall, obtaining outside expertise to resolve conflict (e.g., from third party neutrals, designers and facilitators of process) was rated a critically important or important need by 55.4% of survey respondents. Over a third of members of the public or 35% rated obtaining outside experts to resolve conflict as critically important, as did 36.4% of persons identifying themselves as members of a group/organization.

A number of respondents in the focus group discussions cited the value of neutral third parties to managing municipal conflict, e.g.:

> I feel strongly that it is often necessary to have third party that is neutral to identify and gain a better understanding of the issues. This also helps to build trust between the parties involved.

Another municipal official participating in the focus group discussions expressed the need for outside experts to manage destructive public conflict[45] as follows:

> I think that there may be some point where there may be an understanding of when outside resources may be more beneficial than trying to solve something in-house. Whether it be by a facilitated meeting. A facilitated meeting gets a lot of information out gets a lot of information on the table type of thing. Personnel issues or whatnot, there are resources available, but come in and work with people directly to see if they can improve a particular office or environment or whatnot. And I think that sometimes trying to do everything within the town itself may be counterproductive, may not be counterproductive and you have to weigh that.

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[45] Research indicates that within the town meeting scenario, external technical assistance can be provided in organizing and delivering a public decision-making process provided that the external resource is not too close to the issue. However, outsiders can never develop priorities and strategies independent of the residents who will ultimately be responsible (Zacharakis-Jutz, J. (2001). Strategic planning in rural town meetings: issues related to citizen participation and democratic decision making. *Participatory Practices in Adult Education*, 143-163).

> Sometimes somebody coming in from outside may cause resentments from people or not. So I think there's a point though where sometimes you can look at it and say, "hmmm, these resources are available, let's talk about using those resources. We can use them to bring in people that are willing to at least facilitate a conversation between department heads or whatnot."

Yet another municipal official noted the usefulness of outside mediation services:

> You kind of know where you think you might want to end up as a leader in your town but you need an outside perspective to kind of put a stamp of approval on it. And other opportunities on the mediation side where there could be some sort of more organized mediation services available that is not like an ad hoc thing, but is an established resource to go to. And higher ed, I'm biased… but there's opportunities there.

Need for resources to manage the conflict:

Funding needed to manage the conflict: According to survey results, funding to manage the conflict (e.g., for hiring experts, disseminating information) was rated as important or as critically important by a majority or 57.3% of all survey respondents. The proportion of members of the public who rated it critically important was 40.9%.

Human resources needed to manage conflict: Funding may affect the quantity and competency of the human resources available for dealing with destructive public conflict. Municipal managers need to be prepared to face a vast array of public conflicts on a daily basis, and as focus group discussions revealed, municipal managers would often meet these needs with very limited resources in hand. As survey results showed, a majority of respondents (57.9%) identified dedicated staff hours as an important or critically important need. Focus group discussions further revealed that smaller town administrators in particular had very limited human resources to deal with day-to-day needs, let alone destructive public conflicts. As a result, many small town managers had to rely on regional entities for support. As one official from a small town noted:

> The resources are very limited in smaller towns and I don't have a planner. I don't have a management analyst or anything like that. The closest we have is probably Berkshire Regional Planning with funds that can do certain specialized things you know maybe they can be encouraged to do more. In this area Berkshire Regional Planning is the only entity around that can really do such financial stuff.

Many small towns in the Berkshires, for example did not have managers. As one Berkshire municipal official indicated:

It would be great if we had all of the five or ten towns of the Berkshires. I just think if we had the five to ten towns of the Berkshires and each one of those averages one or two assistant managers, what kinds of stuff we might be able to get done, but we don't. You know, we have 32 municipalities, a third of which have no mangers at all. That is something, which I think is quasi-criminal and should be mandated. If you are going to have a town, you better have at least a one-day a week manager who can at least respond to state inquiries why is this dump polluting this river or something. There's nobody there. When a small town, very part-time selectmen don't even have cell phones or a number to reach them so that is something.

Need for professional development for municipal officials –

Need to develop requisite skills for governing by officials and staff: Municipal leaders and staff are able to better serve the public if they are well-informed and skilled in their role in municipal government. The value of skilled personnel was discussed repeatedly in the focus groups. The problem was especially pertinent for small towns where officials and staff held volunteer positions:

> One thing that's important to understand in the towns in which I work is that they're all... extremely small rural towns, so their town government is run by volunteers and are not professionals at administering the laws or the budgets or taxes of the towns. They do their best, but problems arise in interpreting of zoning legislation, in permitting land use projects, to sort of unusual circumstances happened in one town around a particular hurricane and the conditions that sort of ensued afterwards in trying to clean up after the hurricane.

Several focus group participants commented (25 comments) on the need for municipal leaders to have a better understanding of procedure, state law, and municipal bylaws:

> I think there's a concern of there more on the education of the town officials or how to properly run hearings and properly make decisions that they understand the general laws the Massachusetts statutes, and the town bylaws and how they have to be used to make a decision.

Not all officials were considered to have the required skills and competencies to function in their role as public managers, let alone the skills to manage destructive public conflict.[46] As one official indicated:

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[46] Across the country, decision-makers are becoming aware of the need for increasing public knowledge of decision-making processes. In response, decision-makers are increasingly convening problem-solving mechanisms. In doing so, these legislators are defying ingrained procedures, norms and rules within the

You deal with people that have moved up from the ranks… you know through the ranks and have become department heads that probably aren't qualified for those positions. They don't have sometimes the job skills; they don't have the people skills to manage those departments.

Training and education were also frequently identified by focus group participants (referenced 14 times) as necessary for competent governing and for resolving destructive municipal conflict. As one official observed, acquiring the knowledge and competencies necessary for good municipal management were key needs:

I am going to keep coming back to the education piece because one of the things I found very interesting lately is we have asked applicants for jobs: What can you tell us about the town dump? And they can say well you have no shopping mall; we have nice beaches, but these are people who are showing up to work in your organization that are in their twenties and they can't tell you anything about municipal government or the form of government or anything like, and the whole level of education, civic knowledge is so rough that I am not surprised to see so little response.

Training in conflict resolution needs: According to survey responses, training in conflict resolution skills was rated a critically important/important need by a majority of surveyed persons (53.7%). According to one official, training in facilitation was sorely needed:

We've actually tried to hire facilitators. I did hire a facilitator for the first joint meeting and people were very angry that I would bring the facilitator and that was actually one of the reasons that people gave for refusing to attend the meeting. So we can't get a facilitator, but I agree that… I was reading multiple books on how to run high-conflict meetings. And I was piecing it together. I would have loved a workshop at the MMA where it says… this is how you run the meeting, this is how you… because I was winging it all the time.

As a former municipal official and mediator attending a focus group discussion observed, further education about alternative conflict resolution processes was required since municipal officials were unfamiliar with mediation and facilitation, and the quality of the external conflict resolution resources was important:

Having been in local government for over 30 years and a mediator for almost that long, I've been in many processes, visioning processes, charrettes facilitated both […] on all the sides of the table as a facilitator, as a public official, as a town member, and I think it's key that the people who might be available are really

traditional institutional framework (Policy Consensus Initiative. April 2006. *Legislators at a crossroads: making choices to work differently*).

good at what they're doing because I've been through bad processes that ruined it for a long time. ....You can't just say oh let's get a facilitator, and that the people who do this work through their office that are vetted and are subject matter informed...And I said, what do you think about mediation, he said, "well, it's kind of like chiropractic." I'll never, ever forget that. I also tend to think that public officials, particularly in the larger communities, equate mediation with labor arbitration and so there needs to be better education about what a facilitator is…

Training in leadership skills: During focus group discussions, a key need identified by municipal officials was leadership skills to deal with destructive public conflict. Municipal officials identified the need for a system to identify and cultivate high quality public managers. As one municipal official noted:

> I wanted to make a point earlier about [local official name's] comments about leadership really having a vacuum of leadership and ranks going all the way down. […] You know and I mean that in different departments. One of the things though is how do you develop them and have them be part of the succession program and how are they going to grow in those.

According to some focus group participants, training in leadership skills and competencies and conflict resolution skills was needed by volunteers and by newcomers to elected and appointed office in municipal governments across the Commonwealth:[47]

> I'd like to say that I think our basic issue here is leadership skills in everyone here at the table needs to know what good leadership skills are you know how do you get more civic engagement in your community. How do you get training when you need it? Where are the resources that you need to be a more effective leader, a mediator, whatever it is? And I think the state is already doing a pretty good job of finding those resources and making them available, but in fact, in town government, so many things change from year to year. You get new people in new positions, volunteers with no prior experience or good training. Somehow, there has to be a readily accessible system that we could all get into and get training from. From the state government or county or whatever regional sources there are maybe through the university systems. But it should be extremely easy

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[47] Leadership skills and competencies are critical to managing conflict. Multiple skills are required to address destructive public conflict. According to William Ury, one must become a provider, a teacher and a bridge-builder to solve destructive public conflict: "When people are able to meet their basic needs, thanks to the providers among us; when people have skills for handling their everyday tensions, thanks to the Teachers; and when people know, understand, and trust one another, thanks to the Bridge-Builders, destructive conflict diminishes in quantity and intensity" in Ury, W. (2000). *The third side: Why we fight and how we can stop*. New York: Penguin Books, p 139.

for volunteers to go to conferences or forums or workshops like this and get the skills that they need. There's a really, really big lack of those skills out there, in my opinion.

Communication needs:

Improving civility and civic discourse: The need to increase current levels of civility and civic discourse in local communities, particularly when solving complex social problems, was expressed by focus group participants. A municipal official pointed out the need for civility and civil discourse even in the midst of conflict:[48]

> I think the ability for people to continue talking to each other even when there's been a disagreement. Because nobody's moving. I mean everybody's still going to be there. I mean some of them probably will move. Some of them, you hope will move, but most everybody's still going to be there. And have to live in the same community and have discussions about other things.

Another official highlighted the need to create conditions that enable individuals and groups to deliberate about controversial issues of broad significance to the community:

> The first thing, before conflict exists is to establish environment where, as we say in [Name of City], you can have "adult conversations about things." So it's different when you're in the middle of a conflict, but it's important to establish environments where people recognize that everyone has the right to speak. And has the right to their own opinion and people recognize that you're going to treat each other with a certain level of respect.

A second municipal official opined that the best way to counter opposition to process and outcomes was improved communication with the public, as well as increased oversight and documentation:

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[48] "Real-world deliberation is a mix - people read, watch, and listen; people ruminate; people discuss. But it does seem safe to say that deliberation quite centrally involves discussion, and indeed that at least some of the benefits of deliberation would be harder to attain without it" (The Quest for Deliberative Democracy', in Michael Saward (ed.) Democratic Innovation: Deliberation, Representation and Association. London: Routledge, 17-28). Dialogue and deliberation is a useful tool to ensure the proper course of citizen engagement in governance. Forums of citizen deliberation could both offer citizens a meaningful way of participating in policy-making processes and a way of increasing the democratic legitimacy of decision' (Smith 2006, 39). In the example of the Sacramento Water Forum, Innes and Booher demonstrate how dialogue can assist in policy-planning (Innes, J. E., & Booher, D. E. (2003). Collaborative policymaking: governance through dialogue. *Deliberative policy analysis: Understanding governance in the network society*, 33-59).

Really I think the results were and I've seen this also on the school committee over the years, is after a lot of self-reflection, a lot of internal working, more transparency in our process, better reporting internally and to the public, better documentation and how we're doing things, which goes with reporting, better oversight, just more eyes looking at things and these kinds of things I think help decisions makers feel more comfortable about what they're doing and that can go a long way in terms of when inevitably the opponents who are still out there, still don't like what you're doing try to throw/ lobbing bombs again at you […] So I think there are a lot of things that you can improve, especially in processes that have been in place for decades that you think are going well, but everything can be improved.

Communicating about complex issues: Another municipal official noted the importance of communicating with the public about complex issues:

People, rather than focusing on one piece of the puzzle like explaining the budget, if people in leadership positions or in key positions in town can be made to understand all the different factors like all the different things we are bringing to the table today, and say hey let's talk about variables and people just have the wrong understanding about how complex the issues are. It gives them a better idea on how to approach different issues because again, we are not one size fits all solutions. It could be one big thing for school issues, can be another thing for road issues and another thing for a by-law issue...

Communicating about budgeting issues: At focus group discussions, municipal officials cited the need for greater understanding of budget issues. According to one official, officials themselves failed to completely understand school budgeting:

The state is going… has voted to give regional school districts a big bump in regional transportation aid that we weren't expecting. So naturally the towns all have their hands up, "give us back some money." That reflects a complete lack of understanding with how money flows in school systems. So I've got a conflict on my hands right now to figure out how to educate the select boards on how money flows because I don't know if we're going to get this money until June of next year.

Another official pointed to the need for greater understanding of budget issues on the part of the public:

School districts as a rule are having a tougher and tougher job selling their budgets. And we try to find a way to get the school committee to understand that they need find a way to solve the budget. I don't mean just to say its great because of this, but to get people to understand. When you get the town meeting, people

understand what's in the budget. I am amazed. You get into town meeting and people say, "Well this too much administration. You have too much administration. Well how many people do they have? Well I don't know, but it's too much. Well how can you say that then? How do you know it's too much? Well."

In general, the complexity of budgets, as highlighted elsewhere in the report, added to the need for increased transparency and public support around budgeting issues.

Increasing public engagement and participation: Clearly, increased public engagement is needed to identify mutually beneficial solutions to today's complex issues.[49] With public participation remaining at traditionally low levels, public managers expressed the need for new approaches to cultivate and maintain a healthy level of public participation in government. As one official indicated:

> How do you start it because, if you want to engage, you have to think how to do it and you may want to make it a priority. Where do people go? What are the places that people engage, where you can give them the message of what's happening in their community?

> Why people don't come to meetings? There's a cycle of dissatisfaction and town leaders need to figure out where they can intersect. I would love to see town leaders where they can intersect on that cycle of dissatisfaction to increase more participation.

Structural and systemic changes: During focus group meetings, several officials mentioned the need for structural or systemic change. Changes to small town operational procedures involving town meetings were identified as necessary for dealing with the increasingly complex demands from state government. As one of the municipal participants observed:

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[49] Research indicates that the engagement of large numbers of the public in decision-making results in more possibilities for testing the legitimacy of power. Dalton (1996) calls this *cognitive mobilization* where 'more citizens now have the political resources and skills necessary to deal with the complexities of politics and make their own political decisions' (Dalton, R. (1996). *Citizen Politics: Public opinion and political parties in advanced industrial democracies*. Chatham House. Chatham, NJ). Similar to what Fung and Wright called empowered participatory governance "where ordinary people can effectively participate and influence policies which directly affect their lives. They are participatory because they rely upon the commitment and capacities of ordinary people to make sensible decisions through reasoned deliberation and empowered because they attempt to tie action to discussion'. (Fung, A. (2003). Thinking about Empowered Participatory Governance Archon Fung and Erik Olin Wright. *Deepening democracy: Institutional innovations in empowered participatory governance*, *4*, 3)

I think ultimately I think we are going to have to structural changes representing a town meetings for small towns, having much simpler operational stuff that comes through the Commonwealth. I am not sure exactly what it is, but the current system is getting too complicated for the government structure we have.

During focus group discussions, some officials broached the subject of such structural change as modifying zoning regulations. As one municipal official indicated:

So clearer local ordinances, clearer state zoning act would be helpful and then a framework for those discussions, because every time you do it, it's ad hoc. Right, so the conversation is who's going to manage it and […] how are we going to put this together and who could to lead it?

Government communication: Another key theme that emerged from the focus groups was the challenge of municipal government communications. As one focus group participant stated, "you have to hear each other and communicate before you get to the part where you're in this together and have a solution." Another official mentioned the critical role that information about facts played in managing conflict:

Get information out for people too so that they're educated to whatever the issue is. Doesn't mean that there won't be disagreement, but if you can agree on a set of facts, you're that much closer to at least fleshing out what your disagreement is.

Several officials participating in focus groups identified government shortfalls in crafting public messages that celebrated government successes (5 comments), for example:

I think we do a terrible job in government at being proud of what we accomplish. I say to people all of the time, "When was the last time you saw a tank come down the street?" You look at what happens around the world and how governments fail and you stress that the populace has and how relatively civil things here. We could use a good public relations firm to make people feel better about how our tax dollars are spent. In fact we've let anti-government people define us as opposed to defining ourselves. So to the extent that people have confidence in something then they are more likely to want to be part of it and want to contribute to it positively.

Another official remarked on the difficulty in getting the public to pay attention to government communications:

If I pick up the telephone, I want a dial tone, I don't want to know how it's working I want a dial tone. If I'm in [name of town], I want to know that my kids are getting an education, that the streets are being plowed that the police and fire departments are going to respond if there's a call. That type of thing. I don't want

to know the nuts and bolts; I don't want to even know how the sausage is being made. The problem is that in when we get to a point where having them know that information would be helpful in their participation making decisions. They don't have that information and it's too late to some extent to bring them up to speed. We had, for instance, a… for again, was just an open forum education session at town hall now six or eight months ago, just the nuts and bolts of town government. And we did as much as we could to publicize—probably 20-30 people there—many of them were town officials who wanted more education because we have a lot of volunteers serving on boards and committees and *they* don't even know how everything works. And we go to tape for cable and such. I think it's really helped, but when I see the amount of misinformation on Facebook and such then and I therefore I know people aren't spending the time they… [sigh]

Another official mentioned that a new model of public communication and engagement was required since traditional tools and approaches currently deployed by municipal government for public communication – like open meetings and public information requests – sometimes exacerbated public conflict:

The tools we have are not really great to deal with that because it is not going to end up well. So there are things like this at the local level that you could use another model to deal with the actual problems in a way that is a lot more useful than depleting our legal budget and taking them down to Land Court and going through that very long process, the mixed use area, but that's really tough problems and they definitely use the Open Meeting Law and request Public Information are huge tools. We had people who had a request for public documents, a full-time job; they are requesting things on a day-to-day basis.

Municipalities needed tools and strategies to educate the public. As one municipal official noted:

So how can we as town officials and leaders of our communities work, what kinds of tools to educate our towns people on different issues? And going back [to] MOPC what types of things, what types of strategies can we apply when we have to sell something to our town's people to convince them. What works? What do the studies show? It has to be simple terms because most towns don't have full-time politicians. It is the farmer down the street; it's the shopkeeper from down town.

The significant need for government to communicate, educate and engage the community in all aspects of government, particularly around budgeting issues in an open and transparent way was remarked upon by one official:

It think it would help overall to have programs that help people understand how to make good decisions about the project and whether it's particular budget framework, but get and deal with the challenge we have where there is a wider range of financial literacy out there that least we can get everybody to the point of knowing what we are doing specifically so we can get beyond it instead of arguing about lower taxes, increase services that have a no impact scenario. In New York City, there was this ultra budget and you go to budget school. It puts people in and makes spreadsheet arguing between the lines or knowing when to have your argument in the process of decision-making. And regardless of whether they were almost like CFO's or advocate, it is understanding how they're structured that is really key so that we can at least bring people to the table. So that you know, I would like to see at least discussions be based on the real number, acceptance of the real numbers and then go from there. Then I will be happy and then we can. It's easier to accept good, if we are going to explore town meetings and people really understand it then I will feel that I really did my job versus you may or may not like my decisions but at least they are grounded.

Using media to communicate with the public: Survey results revealed that over two-thirds of respondents (67.2%) identified adequate and fair media coverage as an important or critically important need. At focus group meetings, there was a good deal of discussion (34 comments) about the challenges posed by local newspapers. One official lamented the lack of coverage by newspapers and the resultant gaps in public knowledge:

It used to be that the newspaper was at every city council meeting it was at every finance committee meeting and it was at every DPW meeting, but they're just not there anymore. So people don't actually know what's going on, so if you can't rely on the media anymore… especially in small towns to get the information, how do you do it? And you have to figure out ways to do that. Using the cable station to a certain extent. Using the website. Get information out for people too so that they're educated to whatever the issue is. Doesn't mean that there won't be disagreement, but if you can agree on a set of facts, you're that much closer to at least fleshing out what your disagreement is.

Another official found the influence of newspapers to be greatly reduced:

I think the role of the media is greatly been reduced and quite frankly I find almost irrelevant at this point more to the comments made earlier on social media on critical issues. I know when I first started if you had a negative article in the newspaper, it could ruin your year. And now I don't even read the newspaper to see what they are reporting most of the time because I find it to be completely a waste of time and energy to get excited about what may or may not be in the newspaper. Primarily because other people don't get their news or information

about town from the local newspapers at all. I oftentimes have tried things that were just wrong. I think part of it has to do with the quality of people who are reporting its really has gone down south too and they don't have the same respect within the general public as maybe they use to. You know when we all probably started off with these professions and I think that there is more, it what makes it more difficult is more than the 24-hour news cycle by the social media and the constant barrage of information that is out there makes it more difficult.

Despite its shortcomings, some officials recognized the continuing influence of traditional media. For example, several focus group participants commented (7 comments) on how surprising it was that residents tuned in to the local cable channel for local news, for instance:

> Community TV… I can't believe how many people watch that stuff. They want to watch it… It's a very powerful tool if used properly.

Another official participating in a focus group described how the media played a role in resolving a conflict over scheduling exams and a sports event:

> The MIA that oversees sports, basically scheduled the games on the same day as the SATs and they refused to reschedule that. And I got a call from a constituent that said, "we got to do something about this". And I called them and he said, "nope, that's the way it's been for 25 or 30 years and that's the way it's going to be." And I said, "well you know there's one other solution." "what's that?" "I can file legislation" And like silence. I filed the legislation, but what we also did was talk to the newspapers so I get the Gazette to do an editorial. We talk to other newspapers and all of a sudden, the Herald's doing something, the Globe's doing something. It's on talk radio and lo and behold, we win.

The emergence of new media was a topic of discussion at focus group meetings. The prevalence of social media was noted:

> However, more people now are into the social media aspect of it and news travels a lot faster today then it did when anybody in this room started their careers. I think it is not necessarily that the roles diminished. I think there are just more players in the field. So it appears that the newspapers and radios had the field to itself now it doesn't. In some ways it's correct; in some ways it's….

The role of new media in fueling conflict was also commented upon:

> if you look at most on-line newspapers articles there is the comment section. And now people reading those comments and because of the anonymity people can be as nasty as they want to be and they really are doing that and that feeds that social

media because towns are now starting with the town name forum. This is where people go and it becomes the additional newspaper. So I think you have a whole other media to manage that we didn't have before.

Several officials expressed the need for greater competence in using new media:

> if you can't rely on the media anymore… especially in small towns to get the information, how do you do it? And you have to figure out ways to do that. Using the cable station to a certain extent. Using the website.

According to another official, the need to manage new media was as critical for small towns as for larger cities:

> So I think we are all in agreement that the media management is on the social media, press media and the radio media is different depending on where your location is. And I will tell you that in a large in a large city and I'm sure it is Boston, Lowell, Chelsea those kinds of cities are still going to have that kind of media management problems that for the smaller towns is a little bit different.

B. Assets Available to Meet Municipal Conflict Resolution Needs

An inventory or map of existing assets and resources available to meet the needs of municipalities for dealing with destructive public conflict becomes particularly useful once those needs are identified. The inventory or asset map discussed in this section presents connections between municipalities and helpful resources, which can be utilized in new approaches for addressing the needs of municipalities. In this context, an "asset" goes beyond a financial concept to include skills, community and natural resources, history and social capital[50] while helpful resources include individuals, institutions, associations, and less formal social infrastructure.

For the purposes of this report, the asset maps will involve statewide assets and will explicitly name resources that are available to all municipalities at the state level. For example, the Massachusetts Office of Public Collaboration (MOPC) and Massachusetts

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[50] Kretzmann, J. and McKnight, J. (1993). *Building communities from the inside out: a path toward mobilizing a community's assets.* Center for Urban Affairs and Policy Research at Northwestern University: Evanston, IL; Mathie, A., & Cunningham, G. (2008). *From clients to citizens: Communities changing the course of their own development.* Practical Action Pub. The term, "asset," can be used to describe one's individual clout in one's community in addition to one's connection to other people (Putnam, R. (2000). *Bowling alone: The collapse and revival of American community.* New York: Simon & Schuster;. Russell, C., & Smeaton, T. (2009). From needs to assets: Charting a sustainable path towards development in sub-Saharan African countries. In *Global Sustainable Development Conference*) Russell and Smeaton describe social capital as "an invisible bank account into which the assets of social relationships and networks are invested" (Russell & Smeaton, *op. cit.* p. 5) Social capital is the "glue" that allows neighborhood watch groups to work together or relationships of mutual respect to be built.

Municipal Association (MMA) are both organizations that were identified as statewide resources by participants in the focus groups and are directly referred to in this section. When assets vary in each municipality, broader categorical terms will be used. For example, there are 15 separate community mediation centers (CMC) throughout the Commonwealth that are region-specific and can provide value to municipalities in each region. For the purposes of this report, these types of assets will be described in general terms, such as Community Mediation Centers or CMCs.

The majority of the data and quotes for this inventory were taken from the focus groups. Three broad categories of assets and resources emerged: training and education (see Figure 7), government communications (see Figure 8), and experts and consulting tools (see Figure 9). Findings were predominantly based on organizations and resources identified by municipal leaders who participated in the research process, though some additional analysis of municipal assets has been included.

Training & Education

Training and education were of paramount importance to municipalities and were frequently identified as necessary steps toward resolving destructive municipal conflict (14 comments). The need for leadership skills identified by municipal officials may be addressed through the establishment of a formal institute on leadership and training on how to manage destructive public conflicts. One municipal official who attended a focus group discussion recommended that there be a readily accessible system for training in leadership:

> How do you get training when you need it? Where are the resources that you need to be a more effective leader, a mediator, whatever it is? And I think the state is already doing a pretty good job of finding those resources and making them available, but in fact, in town government, so many things change from year to year. You get new people in new positions, volunteers with no prior experience or good training. Somehow, there has to be a readily accessible system that we could all get into and get training from. From the state government or county or whatever regional sources there are maybe through the university systems. But it should be extremely easy for volunteers to go to conferences or forums or workshops like this and get the skills that they need.

The Massachusetts Municipal Association (MMA) provides support and advocacy services to municipalities in the Commonwealth. It was the most mentioned resource by respondents (8 comments). The MMA is the umbrella organization for five

Figure 7 – Education and Training Asset Map
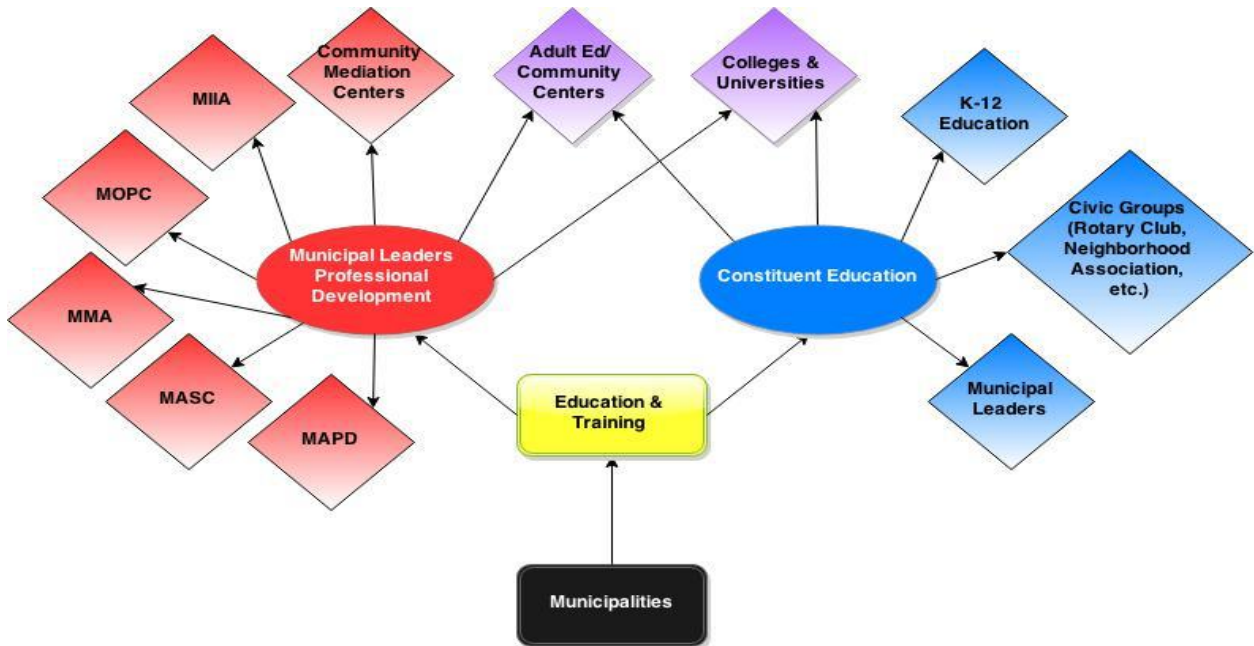
subgroups: Massachusetts Mayors' Association (MMaA), Massachusetts Municipal Councilors' Association (MMCA), Massachusetts Municipal Management Association (MMMA), Massachusetts Selectmen's Association (MSA), and the Massachusetts Association of Town Finance Committees (ATFC). One function of these groups is to provide training to their respective members. While the importance of the MMA is clear, it appears that not all municipalities take advantage of these resources or that the training currently provided by the MMA is inadequate for municipal needs. Access to this training appears to be a particular challenge for small towns with volunteer leadership.

Much like the MMA, the Massachusetts Association of School Committees (MASC) provides trainings and workshops for school committee members. The Massachusetts Association of Planning Directors (MAPD) provides similar professional development opportunities for planning practitioners.

Another resource for professional development is offered through the Massachusetts Interlocal Insurance Association, or MIIA. Several municipalities cited their use of MIIA workshops, trainings, and facilitators (three comments). By completing MIIA trainings, a municipality becomes eligible for reduced premiums.[51] One municipal official mentioned

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[51] MIIA. (2015). MIIA Rewards Program Description. Retrieved from, http://www.emiia.org/index.php?option=com_content&view=article&id=100&Itemid=218

the financial incentive as an effective strategy to engage volunteer civic leaders in training:

> They do the insurance and…they were the ones who offered some of these classes and then if you took these classes, you got a decrease on your premium. And it's hard to get volunteer board members to do anything, but if there's an incentive to do the training, that's always useful.

For the 2015 fiscal year, the trainings offered by MIIA included a variety of workshops ranging from OSHA training to customer service training, and emergency vehicle operating courses to classes exploring cultural competencies.

Training and skills-building in job competencies are only one crucial aspect of managing and mitigating conflict for municipal leaders. In situations of destructive conflict, municipal leaders need access to skills in conflict resolution.

As the statutory state dispute resolution office, the Massachusetts Office of Public Collaboration (MOPC) offers services in training and coaching public officials as sponsors and convenes public processes during municipal conflict. MOPC also assesses, designs and facilitates collaborative processes, develops policy, builds capacity and conducts research to institutionalize best practices in municipal conflict resolution. MOPC has a roster of 38 qualified public policy dispute resolution practitioners, some of whom operate in the private sector, who have been deployed on a number of municipal conflict resolution projects.[52] MOPC also has extensive past experience working with municipalities in addressing community conflicts and problems in the areas of finance and budgeting; land use, environmental conflict resolution, inter-municipal resource-sharing and regionalization, community policing; housing and economic development; and community visioning, to name a few.

Additional conflict resolution services can be accessed through local community mediation centers. A community mediation center is a stand-alone community-based dispute resolution mechanism. Community mediation centers are existing local assets that already work with local government in a variety of ways and can be leveraged to serve a broader array of municipal problems and conflict resolution needs, such as greater civility at public meetings, and the use of collaborative approaches to addressing contentious

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[52] For example, MOPC assisted a town on Cape Cod with a highly contentious dispute concerning the role and level of policing and incidents involving police personnel. MOPC provided conflict resolution expertise and conducted a conflict assessment, consisting confidential interviews, online surveys and public forum and provided process recommendations for additional steps to help the community, including police department and town government climate assessments, community policing pilot and town-wide civic engagement. Cape Mediation, the local community mediation center based in Orleans provided facilitators to assist at the public forum and is available to deliver conflict resolution training if needed.

local and regional issues, such as school district financing and land use disputes. In the annual Community Mediation Center Grant Program survey administered to 13 centers in December 2014, centers reported considerable interest in serving municipalities more extensively, whether in the form of dispute resolution (13 centers), training (12 centers), or project/ program development (9 centers).[53] The CMC Grant Program was established by statute to provide core institutional funding to qualifying community mediation centers through MOPC, and the grant-funded community mediation programs supply community mediation services to the public, particularly to low-income and marginalized populations.[54]

Training of public officials in conflict resolution was effective in some communities even after the public official left office:

> I'm not an elected official anymore and I'm not officially a mediator in [Name of Town], but people still call me, and so I use the skills I've learned at [the community mediation center] to say, "well, you know, it may sound like a lie to you, but sometimes…." I just talk to people and some of the lead people actually have said "thank you for giving me a different way to think about it"… I don't know why they call me, but they do and I just talk, but I use the same information I got from [the community mediation center] to talk to them.

Another aspect of education that officials discussed was the need for improved civics education for constituents. One public official in the statewide survey aptly summarized this need:

> A majority of the public has no idea how local government works; or they simply know to call someone (elected) to help without out knowing process or consequences.

Several avenues already exist for civics education. In the public schools, civics education is required for eighth-graders. One municipal leader suggested that educating young students may even have a positive impact on parents.

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[53] All 13 responding centers indicated that they would require additional resources to acquire the expertise and staffing capacity necessary for assisting with a broader range of municipal problems. At least ten centers indicated that serving municipalities would lead to an increase in their operational expenses and to needs for additional staff hours, extra training for mediators and staff, and more funding to pay for staff time, mediator training, and program design/development. Eight centers indicated that funding would also be needed to support added training for staff.

[54] MOPC. (2013). Massachusetts Community Mediation Center Grant Program Fiscal Year 2013 Year-End Report & Evaluation. Boston, MA: University of Massachusetts Boston.

For adult residents, civic groups, such as local rotary clubs and neighborhood associations, provide opportunities for issue-oriented constituent education. Furthermore, the resources that municipal leaders themselves offer should not be underappreciated when considering resident education. Public officials are knowledgeable about the inner-workings of city government and can be a critical link in increasing public awareness about issues. Many respondents described the success they had with convening public meetings to explain annual budgeting or other financial challenges facing their municipalities (13 comments), for example:

> I did a number of traveling road shows throughout the city with really simple slides saying here's where the money comes from, here's where the money goes, this is how much we have for this year and this is how much we had last year. Here's how…" Just ten slides that were kind of the city's budget and it helped.

Another resource for civic and issues education is provided by the college and university system in Massachusetts. Classes are available to constituents and could meet the professional development needs of public officials. As part of degree or non-degree programs, these institutions of higher learning offer classes, degrees, and certificates in communications, finance, marketing, political science, and dispute resolution. In addition, local community centers or adult education centers may offer relevant, low-cost classes. One respondent commented:

> You get new people in new positions, volunteers with no prior experience or good training. Somehow, there has to be a readily accessible system that we could all get into and get training from. From the state government or county or whatever regional sources there are maybe through the university systems. But it should be extremely easy for volunteers to go to conferences or forums or workshops like this and get the skills that they need.

Government Communications

Another key theme that emerged from the focus groups was the challenge of municipal government communications. Respondents identified barriers to productive discourse and lamented emerging communications challenges. Regardless, the need for improved two-way communication between public officials and their constituency was vital in addressing root causes of destructive conflict. As one respondent stated, "you have to hear each other and communicate before you get to the part where you're in this together and have a solution."
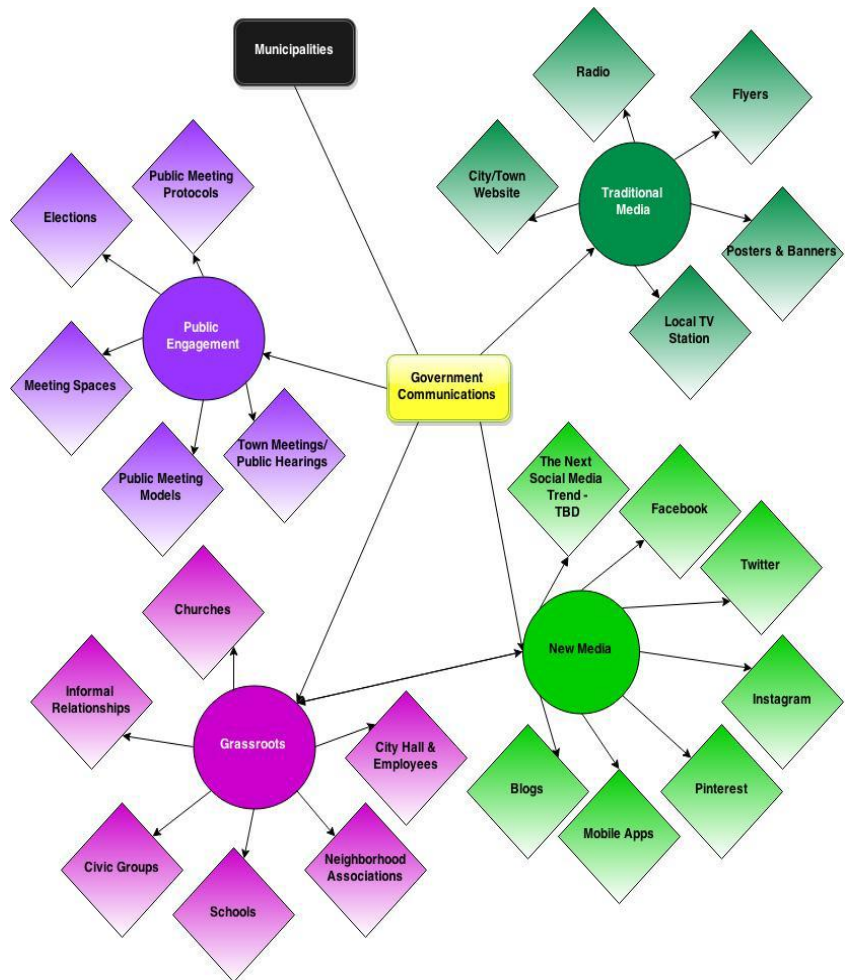
Government has long relied on the media to communicate civic happenings and to apply ethical journalistic principles, such as fact checking, in reporting local news. However,

the role of traditional local media is changing as new media emerges, which places municipal governments in the unfamiliar position of managing public relations. Traditional media—newspapers, local cable channels, flyers, banners, and municipal websites—offer residents important information about civic events and issues. Consistent with nationwide trends, fewer local reporters and newspapers are covering the topics that communities have traditionally relied on them to report. Still, traditional media plays an important role for governments trying to get out a message and for constituents looking to stay informed.

New media is constantly being developed and adopted by the public. Growing numbers of people get their news and participating in civic discourse through social media—including blogs, Facebook, Twitter, Instagram, and Pinterest, among others. One of the benefits of social media is that its content is rapidly created and provides municipalities the opportunity to generate their own content to be distributed (as opposed to traditional media's reliance on reporters and editors). An overwhelming number of public officials (32 comments) indicated that social media contributes to destructive conflict in municipalities. However, despite the dangers of social media, it is a tool that

Figure 8 – Asset Map of Government Communications Resources

can be wielded effectively to gauge citizen discourse, address residents' problems, and communicate vital municipal information. Social media can affect civic engagement positively, as described in this example:

> At both of these meetings there were over 100 people. With one meeting 130 and the next meeting a 120. They would not have been there if it were done by the town. The town may have called the meeting, but getting the people there it was the use of citizen's social media.

The new online public engagement tools and collaborative budgeting tools that have been developed in the United States and elsewhere are an under-utilized asset. With the global reach of the internet, the avenues for public communication, knowledge sharing and collaboration has expanded in an unprecedented way. However, most "Web 2.0" technologies can increase the quantity of information and knowledge-sharing without necessarily supporting—and sometimes sacrificing—the quality of the social deliberation.[55] Unlike Web 2.0 tools such as social networking sites and blogs, the emerging next generation ("Web 3.0") of socio-technological tool development can support reflection on and "improving the quality of online information, communication, and action coordination. An important opportunity is that online systems can include tools that directly support participants in having higher quality and more skillful engagements." Already, many new software platforms have been developed for specific engagement purposes, from deep dialogue platforms to Open Data platforms like the Open Data Portal of the City of Palo Alto.[56]

The emergence of new media provides an opportunity for municipalities to better publicize their successes and innovate with respect to their public relations strategy. The benefits of new media are out of reach, though, for Massachusetts town governments lacking internet access.

Media is not the only resource available to municipalities to increase and improve communication with constituents. Utilizing the networks in grassroots organizations and even using municipal employees to spread information is an effective strategy. These networks and organizations vary by community, but will often include churches, civic groups, neighborhood associations, schools, and informal person-to-person relationships.

The very structure of the municipal government itself is an additional asset in building government-constituent communication. Most municipalities have meeting spaces for public meetings, which is a crucial component of civic discourse. Within municipal discourse, there are often ground rules for engagement that are conducive to positive communication. One municipal leader explained the benefit of these protocols:

> I was elected to a city council where their rules were very spelled out even about how you addressed each other so that you didn't say oh BC this, you said, "my

[55] Murray, T., Wing, L., Woolf, B., Wise, A., Wu, S., Clarke, L. Osterweil. L., Xu, X. (2013). A Prototype Facilitators Dashboard: Assessing and visualizing dialogue quality in online deliberations for education and work. *Proceedings of The 2013 International Conference on e-Learning, e-Business, Enterprise Information Systems, and e-Government* (EEE-2013). Las Vegas, July 2013.

[56] The City of Palo Alto Open Data Portal was first launched in 2012 and includes over 100 datasets that include data on how the City spends money; the status of development permits; geospatial data; historic library information; Utilities data; and current infrastructure issues (City of Palo Alto, Retrieved January 14, 2015, from http://data.cityofpaloalto.org/home/.

esteemed colleague from ward two" or "Councilor BC" or whatever. And I thought this is the dumbest thing and then I realized what it did was it took tension out. It made it less personal in a way and more about your role rather than you. Right, so if I say, BC I disagree with you, it's different than "I disagree with the public representative of the people of"… you know what I mean? It's just not personal.

Moreover, the public meetings and town meetings convened by municipalities provide regular opportunities for civic engagement. Even the election cycle reinforces communication between constituents and elected leaders during the campaigning. Moreover, the act of voting or not voting manifests constituent communication.

When appropriate and necessary, there are innovative public meeting models that encourage public participation through conversations and collaborative processes that are different from the traditional ways of hosting meetings or formal votes. One respondent explained a new approach being used within the public school system:

> We're instituting something we're calling "professional learning communities." And it's really a mechanism to decentralize power to get decision-making authority down to the lowest levels. But it's a very awkward training experience, because it's: you have a topic, a problem you need to sort through, then you have to use a protocol and you have to stick to the protocol so you might break up into groups and you have to follow it. It's a very stilted and uncomfortable until you get it and then once you become accustomed to the process it ends up becoming a really efficient way to solve complex issues with a lot of people providing input... I'm finding the structure working well within the school district.

Experts & Consulting Tools

Access to external experts and consultants is important in the daily functioning of municipalities—especially when municipalities are caught in destructive conflict. Many respondents (6 comments) cited the importance of neutral third parties when managing municipal conflict:

> I feel strongly that it is often necessary to have third party that is neutral to identify and gain a better understanding of the issues. This also helps to build trust between the parties involved.

Figure 9 – Asset Map of Experts & Consultants
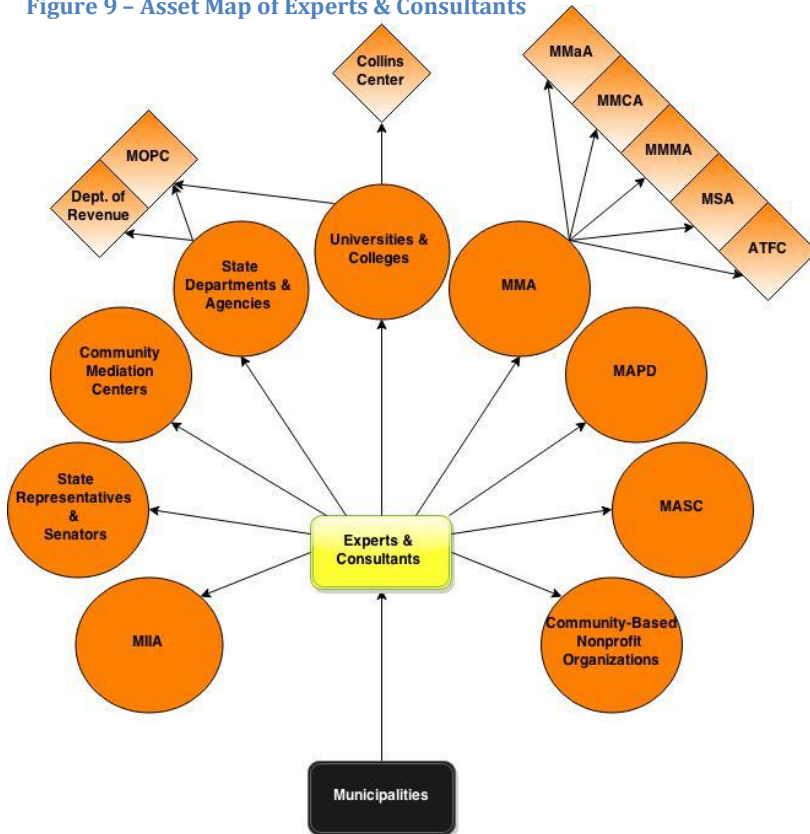
Community mediation centers and MOPC are invaluable resources to municipalities struggling with divisive discourse and entrenched conflict. Specific services vary with CMCs, depending on their location. MOPC assesses, designs and facilitates collaborative processes, develops policy, builds capacity and conducts research to institutionalize best practices in municipal conflict resolution.

Other resources for external expertise include the MMA (along with its subsidiary professional networks) and MIIA. MASC and MAPD also provide consultancy services and professional networks. Not only do the organizations offer the expertise directly, one of the advantages of these organizations is the access to knowledge and experience of other practitioners who may have advice and insight into any given municipal challenge. More or less, this creates a useful peer support network.

Municipal leaders recognized the knowledge that State Representatives and Senators bring to their districts. Several (3) relied on their representatives at the State House to connect them to resources and answer municipal governance questions. Given the likelihood of electoral change at the State House and within municipalities, the close relationship between these leaders is both crucial and tenuous. There may be a benefit in diversifying information so that state and municipal leaders have thorough knowledge and access to resources regardless of incumbency:

> I just use [our State Representative], but a direct contact of where would I get [information about facilitators and mediators] and what is our formula for our community and if we adopt this specific legislation in any way shape or form, is it going to affect our funding? It's a huge, important question for us, but who do I

> call? I know [our representative] has been our representative a long time and
> serves our community very well, but you know who would that person be?

Public universities—particularly within the University of Massachusetts (UMass) system—offer largely underutilized expertise and research capacity. The Edward J. Collins Center for Public Management, housed at the University of Massachusetts Boston, offers consultant teams regarding issues related to changing one's town charter, executive recruitment, management and organizational reviews, performance management, regionalization, strategic planning and community involvement. The public policy departments at both UMass Boston and UMass Amherst include research centers related to public administration and conflict resolution. The John W. McCormack Graduate School of Policy and Global Studies at UMass Boston offers graduate certificates and degrees in public administration and conflict resolution. The National Center for Technology and Dispute Resolution supports development of information technology applications, institutional resources, and theoretical and applied knowledge for better understanding and managing conflict.

State-level departments offer many issue-specific resources for municipal leaders. For municipalities struggling with financial knowledge deficits, technical assistance is available to municipalities through the Massachusetts Department of Revenue (DOR). The Technical Assistance Section of the DOR provides consultant services to cities and towns at no charge on municipal operations, government structure, and financial management. The Department of Housing and Community Development (DHCD) through its Office of Sustainable Communities works in partnership with cities and towns to address the complex challenges of development, growth and revitalization in a multidisciplinary way that fosters sustainability. Other state departments including, but not limited to, the Department of Elementary and Secondary Education (DESE), the Executive Office for Administration and Finance (A&F), and the Massachusetts Department of Agricultural Resources (MDAR) offer both technical assistance and potential funding opportunities for municipalities.

Many resources and programs are currently in use throughout the Commonwealth to address some of the root causes of destructive public conflict. By strengthening current initiatives and developing new collaborations between existing organizations, municipalities can benefit from having access to a comprehensive conflict resolution toolbox.

C. Desired Societal Results of Addressing Destructive Public Conflicts

Municipalities are institutions dedicated to the service of the public, and municipal officials are public servants. They understand and are motivated by the measurable societal value that their institutions and elected and/or appointed offices add to quality of

life, public safety, public health and survival, among others. This municipal conflict resolution needs assessment study was designed to identify the societal results that municipal officials particularly desire when they deal with destructive public conflict. As this study showed, municipal managers sought a set of broad societal results, including trust in government, community safety and security, community unity and togetherness, good governance, civility, participation in government, economic vitality of city/town and economic vitality of community (see Figure 10). These broad societal results were identified in focus group discussions and were affirmed as desired societal results in the statewide survey as well.

Trust in government*:* Overall, the majority of the surveyed individuals (68.4%)[57] indicated that trust in government was a critically important desired societal result of dealing with future public conflict while 27.2% indicated that trust in government was an important desired result**,** and 4.4% indicated that it was somewhat important. No one indicated that trust in government was not important.
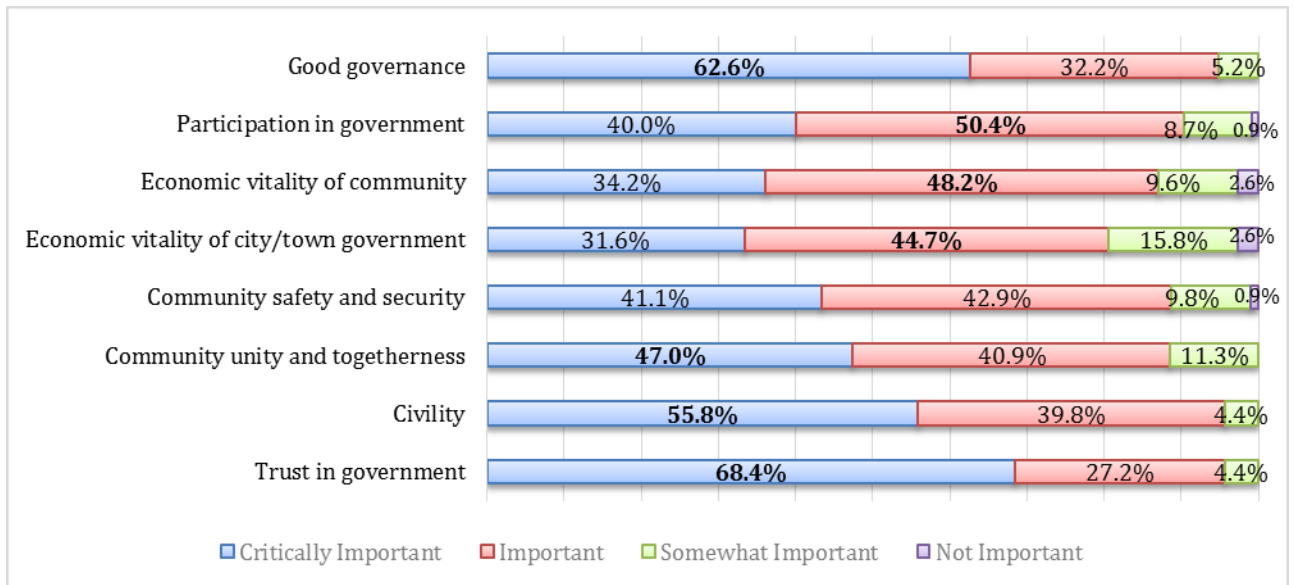
Figure 10: In response to the survey question: "As you deal with future public conflicts, how important would it be to achieve the following societal outcomes?" (*n*=117)

For a large majority of the surveyed municipal officials (72.2%),[58] achieving trust in government was a critically important desired societal result when addressing destructive public conflict. As a municipal official observed at a focus group discussion:

> I think one of the most important things to achieve is trust. So people can trust your vision and can trust your leadership, and to do that and I know it sounds simple is to do what you say you are going to do and make sure you don't

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[57] Unless otherwise indicated *n*=117.
[58] Unless otherwise indicated *n*=55.

> overpromise and not deliver and sometimes this can be very hard to do because
> maybe you made a mistake in the sense that you overpromised. You have to at
> least do what you said you'd do.

For the majority of the surveyed public too (63.6%),[59] trust in government was a critically important societal result to achieve. Trust in government was also a critically important societal result to achieve for 73.9% of individuals identifying themselves as members of an organization or group concerned with public issues.[60] This was also the case with the majority of the state, regional and federal government officials who responded to this question (53.3%)[61] who felt that trust in government was critically important.

Good governance: A majority (62.6%) also indicated that good governance[62] was a critically important desired result of dealing with future destructive public conflicts**;** 32.2% indicated that it was an important desired result while 5.2% indicated that it was somewhat important, and no one considered it unimportant

For the majority of the public, good governance (73.9%) was a critically important societal result to achieve. The majority (65.2%) of persons representing organizations or groups also agreed. Forty percent of the state, regional and federal government officials also selected good governance as an important societal result to achieve when resolving destructive public conflict.

Civility: A majority of 55.8% of those surveyed indicated that civility was also a critically important societal outcome of dealing with future destructive public conflicts[63] while 39.8% indicated that it was an important societal result of dealing with future public conflicts, and 4.4% indicted that it was somewhat important to achieve civility when dealing with future conflicts. No one thought that achieving civility was unimportant.

For a majority of municipal officials (55.8%) who responded to this question in the survey, one of the critically important societal results desired when addressing destructive public conflict was civility. As a municipal official noted at a focus group discussion:

> When you were reading the list, the first thing that came to my mind was civility.
> If we can create civility and people can sit down at the table and have respect for

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[59] Unless otherwise indicated *n*=24.
[60] Unless otherwise indicated *n*=23.
[61] Unless otherwise indicated *n*=15.
[62] The principle value of governance is based on a public conception of justice where a public sense of justice makes secure association possible, despite the presence of individual interests (Rawls, J. (1971). *A theory of justice*.).
[63] What Mouffe calls a 'democratic attitude' must be reached which allows people not to argue with each other but to accommodate and make partnerships (Mouffe, C. (1999). Deliberative democracy or agonistic pluralism? *Social Research*, 745-758.).

one another and have an opportunity to talk about vision or their trust or mistrust. As long as we can create that atmosphere, then we can move forward.

The majority (65.2%) of the public also indicated that civility was a critically important societal result to achieve. For the majority (68.2%) of persons representing organizations or groups, civility was again a critically important societal result.

Public participation: A majority or 50.4% of survey respondents indicated that public participation was an important societal result of dealing with destructive public conflict[64] in the future; 40% agreed that it was a critically important societal result while 8.7% indicated that public participation was somewhat important; and 0.9% felt that it was not an important societal result to achieve.

The majority (50.5%) of the municipal officials, members of the public, members of an organization or group concerned with public issues and state, regional and federal government officials surveyed in this study identified participation in government as an important societal result of addressing destructive public conflicts. Evidence showed that well-designed public participation/engagement efforts result in inclusive processes where no major stakeholder/constituent, particularly those opposing a view, is left out of the process.[65] As noted by a municipal official at a focus group discussion:

> I'd like to see more people show up. And talk. And listen. And particularly, I'd like to see on our little committee, I'd like to see some of the naysayers actually show up and take part in the committee so how many would be a mark of our progress or achievement towards resolving…whether it gets built or part of it gets built one year or the next that doesn't matter so much as if we all get on the same page about what's going to happen and so that would be my metric for the number of naysayers involved.

Another public official noted the importance of fair process to give members of the public the sense that they were heard and to increase satisfaction with the outcomes of the process:[66]

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[64] Jurgen Habermas contends that democracy is a method where political opinion and will in a 'political public sphere' creates 'communicative power' which transforms into administrative power in a 'fundamental concept of a theory of democracy' (Calhoun, C. J. (Ed.). (1992). *Habermas and the public sphere*. MIT Press).

[65] ''Informal channels of influence will come to dominate decision making; and a large number of those excluded from the informal processes will feel manipulated, angry, or apathetic, cursed with self-blame.'' (Mansbridge, Jane J. 1976. ''Town Meeting Democracy,'' in Peter Collier, ed., *Dilemmas of democracy* New York: Harcourt Brace Jovanovich, p. 167.).

[66] Research indicates that people will accept decisions they may not fully agree with, or even when decisions can cost them monetarily if they perceive the process to be fair. On the flip side, people will not

That if people can come out of that feeling that they've participated that we've been fair to them. Or they've been heard, they may not get exactly what they were hoping for, but they're much more satisfied. That can build confidence that the next time that either we're coming to them or they're coming to us about something that they will say, "we were able to make this work the first time" or whatever it was, "I can come into that process thinking that however it comes out again, I'm going to be able to do that I'll be happy about that."

Community unity and togetherness: Most of the surveyed municipal officials, members of the public and individuals identifying themselves as members of an organization or group concerned with public issues identified community unity and togetherness as a critically important societal need of addressing destructive public conflicts.

For a near majority of the municipal officials (45.3%), achieving community unity and togetherness was a critically important societal result. As a municipal official in the focus group discussion noted:

It's more about building a community—a team—atmosphere in the entire community. And I've found that if people see each other as partners on the same side, it changes the whole complexion and it becomes "this is our problem" as opposed to people pointing fingers at each other.

The majority (56%) of surveyed persons representing organizations or groups concerned with public issues also indicated that community unity and togetherness was critically important. Community unity and togetherness was also a critically important societal result to achieve for members of the public (50%).

Often the best approach to building community unity and togetherness during times of destructive public conflict is to engage in constructive public dialogue. As one municipal official described:

But a structure that we've been trying out for about a year now, which seems to be working with anything that's a hot button issue are what are what we call "community conversations". We call a public meeting we advertise it high and low and invite people in to talk, so it's really mostly about letting people vent and hear what they have to say.

Community unity and togetherness are increased through public engagement, communication and overall government transparency. Some municipal officials felt that

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accept decisions, even if they personally benefit from them, if they perceive the process to be unfair (Jutz, *op. cit.*).

creating public engagement mechanisms like community or neighborhood groups could help increase public transparency and accountability of both government and community/neighborhood groups. As one municipal official elaborated:

> I think the creation of some of these community-based, neighborhood, and town wide groups that are citizens help create results that [Name of public official] spoke to and that is increased transparency about how government operates, a better sense of how their information is distributed and shared, and a broader sense that there are transparency issues across the board […] there is a need for transparency both on the town-side and on the school-side so that the creation of the group has forced a level of transparency on both parties and a sense of accountability on both parties. Both parties need to be accountable and I think that comes from the ability as [Name of public official] said to be the adults.

Community safety and security: For half the surveyed individuals identifying themselves as members of an organization or group concerned with public issues, community safety and security was a critically important result. Forty percent of the state, regional and federal government officials surveyed also agreed that community safety and security was critically important.

Economic vitality: Overall, a substantial minority of all groups surveyed indicated that the economic vitality of community (at 48.2%), economic vitality of city/town government (at 44.7%), and community safety and security (at 42.9%) were important desired societal results of addressing destructive public conflict. Additional sizable minorities of those surveyed viewed the economic vitality of community (at 34.2%), economic vitality of city/town government (at 31.6%), and community safety and security (at 41.1%) as critically important societal results.

IV. Comparative Municipal Conflict Experiences and Models

A. Benchmarking Successful Municipal Models

In order to determine the best practices for addressing municipal management of destructive public conflicts, established programs for conflict resolution and public engagement involving municipalities and other government entities in nine US states and one Canadian province are described in this section. The programs were examined to determine what principles contributed to their success and which principles would be beneficial for a new municipal conflict resolution program model for the Commonwealth.

The analysis of best practice principles indicated that publicly funded statewide resources were providing technical assistance, grant funding and training opportunities to municipal officials seeking assistance to resolve destructive public conflicts. These programs

focused primarily on inter-municipal, intra-municipal, and municipal vs. public conflicts. Some of these programs are state dispute resolution offices with a public mandate, public funding and long-standing experience in Public Policy Dispute Resolution. A few of these centers operated from within universities. The university-based centers contributed to research and service learning and the expansion of the skills and human resources for public dispute resolution and Collaborative Governance. All the benchmarked models clearly indicate the acceptance by many states of the need for formal municipal conflict resolution programs for providing technical expertise, distribution of financial and technical resources and training to municipalities. It is hoped that the following principles and models would be used as a template for developing a Massachusetts model for municipal conflict resolution.

The following is an overview of the conflict resolution and public engagement programs for municipalities, among other government entities, established in Alberta (Canada), California, Florida, Maryland, North Carolina, Oregon, Virginia, Washington, Arkansas and Colorado.

Alberta, Canada

Pursuant to mandates set forth in the 1998 amendment to the Municipal Government Act, the Canadian province of Alberta facilitated the first mediations between municipalities within the province over issues of annexation and land use. Due to the success in resolving disputes between neighboring municipalities, the Alberta Municipal Affairs created the Municipal Dispute Resolution Initiative a/k/a Municipal Dispute Resolution Services a/k/a Let's Resolve (MDRS) in 1999.[67] Since then, MDRS evolved into a multi-component program, i.e., (1) Inter-municipal Dispute Resolution Initiative, (2) Collaborative Governance Initiative, formerly called Local Dispute Resolution, (3) Dispute Resolution Education and (4) Peer Mentoring, to carry out its mission to "[p]romote public confidence in local government by providing effective and innovative leadership and support to municipal organizations by encouraging inter-municipal cooperation and self-directed dispute resolution through mediation and/or related dispute resolution activities."[68]

The MDRS has a professional staff of five together with one support staff (M. Scheidl, personal communication, January 22, 2015).

The Alberta Municipal Affairs realizing the need for funding to support the work of MDRS makes funding available, in part, through the Alberta Community Partnership,

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[67] Alberta Municipal Affairs. (2002). *Let's resolve, celebrating years of dispute resolution*. Retrieved August 13, 2014 from
http://www.municipalaffairs.alberta.ca/documents/LGS/MDRS_10_Yr_Report_v2_final.pdf
[68] Alberta Municipal Affairs, *Ibid*.

whose allocated budget for 2014-15 is $48.8 million.[69] This year MDRS received $250,000 from the Partnership (M. Scheidl, personal communication, January 22, 2015). The MDRS receives additional funds for operational costs which includes $500,000 for staffing costs of and an additional $250,000 for contracts to deliver their education program and to do some research. (M. Scheidl, personal communication, January 22, 2015).

The Inter-municipal Dispute Resolution Initiative (IDR Initiative) continues to provide mediation services to municipalities with disputes involving annexation and land use. However, it has greatly expanded its services. Now municipalities view the IDR Initiative as a valuable means to also resolve issues that are not legally required to go through mediation, e.g., recreation services delivery, water access and regional waste.[70] After assessing the appropriateness of mediation, MDRS meets with the parties to explain the process. Each municipality pays a third of the mediation costs with MDRS also paying a third. Grant money is available for this process from the funds, which the Alberta Community Partnership awards MDRS. Generally the grants are $10,000, but in certain instances can be more (M. Scheidl, personal communication, January 22, 2015). Next, MDRS provides the parties with a list of qualified mediators. If the parties request fact finding, MDRS will assist them in finding a neutral fact finder. Once the matter has reached a conclusion, MDRS sends out an evaluation survey, which it used to further improve its services. The program presently enjoys a success rate of approximately 90% (M. Scheidl, personal communication, January 22, 2015).

The Collaborative Governance Initiative (CG Initiative) component is a proactive cost-sharing program that offers municipalities the opportunity to conduct a self-study, e.g., improving communications, developing better relationships, interacting more positively with stakeholders and redesigning conflict resolution programs.[71] CG Initiative consists of two phases both of which are supported by the funding, which MDRS receives from the Alberta Community Partnership. The first phase is the assessment phase. Here the municipality reviews the applicability of collaborative governance, the development of the processes and the creation of protocols with the assistance of a consultant. Grants up to $50,000 are available. The second phase, which is the implementation phase, involves implementing the recommendations created during the assessment phase by the working group and the consultant. Grant funding for the second phase involves matching grants

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[69]Alberta Municipal Affairs. Retrieved July 30, 2014 from
http://www.municipalaffairs.alberta.ca/albertacommunitypartnership.cfm

[70] Alberta Municipal Affairs. (2002). *Let's resolve, celebrating years of dispute resolution*. (p. 4). Retrieved August 13, 2014 from
http://www.municipalaffairs.alberta.ca/documents/LGS/MDRS_10_Yr_Report_v2_final.pdf
[71] Alberta Municipal Affairs. Retrieved on August 13, 2014 from
http://www.municipalaffairs.alberta.ca/MDRS_collaboration.cfm

where the maximum can reach $30,000. Where MDRS determines that a situation in either the assessment phase or the implementation phase requires monies in excess of $50,000 or $30,000 respectively, the MDRS may approve an increase (M. Scheidl, personal communication, January 22, 2015). The CG Initiative also works with multiple municipalities wishing to collaborate and cooperate on intermunicipal issues or that wish to create intermunicipal cooperation protocols.   These protocols create a framework for the municipalities cooperate and collaborate on many different issues and services that they wish. The protocols formalize their commitment and provides a framework with guidelines, processes and strategies to assist the municipalities sustain a cooperative, open, communicative relationship with each other.

Through the Dispute Resolution Education component, MDRS offers dispute resolution education to elected and non-elected officials and their staff. Because MDRS subsidizes the courses, the total cost for the attendees is considerably low. The courses include such topics as understanding conflict issues, interest-based negotiations and facilitation skills for obtaining public input. The in-depth evaluations following each course provide MDRS with valuable information, which MDRS utilizes to make improvements to existing programs as well as to expand course offerings.

The Peer Network component involves a partnership among the Alberta Association of Municipal Districts and Counties, the Alberta Urban Municipalities Association, the Alberta Rural Municipal Administrators Association, the Local Government Administration Association and Alberta Municipal Affairs.[72] Essentially through the Peer Network a list of individuals, who have been successful in working with parties to resolve conflicts, are designated by the Peer Network Committee as being "peer mentors." Municipal officials and employees seeking input on pressing issues can in turn, contact these peer mentors in confidence. Recently the MDRS expanded the role of the peer mentor to include providing advice on inter-municipal cost-sharing agreements.

In short, MDRS is a successful program with a 15-year track record.

California

The California Center for Collaborative Policy (CCP), formerly called the California Center for Public Dispute Resolution, was established in 1992 to provide services to government agencies, stakeholders and communities to jointly address highly complex and controversial public policy issues. CCP is a unit within the College of Social Sciences and Interdisciplinary Studies at California State University, Sacramento. CCP focuses on: (1) Collaborative Policy Consensus Building and Conflict Resolution, (2) Civic and Public Participation, (3) Strategic Planning, Visioning; (4) Organizational Development and Change Management, and (5) Training Services The CCP staff

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[72] Alberta Municipal Affairs. Retrieved on August 13, 2014 from http://www.peernetwork.ca

numbers 20 of whom 13 are practioners. Additionally CCP works with 14 part-time consultants who assist CCP in providing their collaborative services.

CCP derives its financial support from fees for service contracts with public agencies, private firms working with public agencies and occasionally from non-profit organizations. CCP also at times receives grants from foundations. CCP's annual budget is in the range of $3 million.

Under the Collaborative Policy and Conflict Resolution offerings, CCP provides support to government agencies, stakeholders, and the public to understand and discuss their concerns on major issues; jointly develop and recommend consensus-based public policies and plans; and implement actions in support of recommendations approved by the appropriate governing entities. .

Through its collaborative Public Participation services, CCP supports effective and meaningful civic engagement between government agencies and/or elected officials and those communities and stakeholders impacted by a governmental decision.

Through the Strategic Planning, Visioning and Organizational Development services, CCP provides assistance to governmental agencies planning their futures; provides assistance to organizational leaders to achieve their goals; and provides assistance to organizations in their implementation of new strategies, methods and systems.

The Training Services offerings include sessions on effective collaborative problem solving and planning on public issues, with a particular emphasis on building the capacity of government, stakeholders and the public to work together to create consensus-based solutions and policy actions.

North Carolina

In 1931, the Institute of Government was founded as a private organization. Ten years later, in 1941, the Institute became part of the University of North Carolina, Chapel Hill and in 2001, was elevated to the School of Government whose mission was multi-faceted, i.e., "to improve the lives of North Carolinians by engaging in practical scholarship that helps public officials and citizens understand and improve state and local government."[73]

Public Dispute Resolution Program (PDR), which is within the School of Government, works to resolve public disputes involving a neighborhood, a town or city, a county, or statewide policies (1) by offering consulting and assistance on public projects to governmental officials, (2) through workshops offered to public officials, non-profit

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[73] University of North Carolina, School of Government, Public Dispute Resolution. Retrieved on August 13, 2014 from http//www.sog.unc.edu/node/257

organizations and civic and neighborhood leaders and others, and (3) through research and publications.[74]

The Consulting and Assistance aspect of the program works with public officials evaluating options for working productively to resolve public issue, e.g., forming task forces, holding public forums, entering into mediation, or working with a facilitator. Additionally PDC maintains a list of mediators and facilitators to assist official(s) with the disputes; offers workshops; offers courses and training in the area of collaborative problem solving to government officials; and maintains and makes available information on collaborative problem-solving, mediation and other dispute resolution.

The Workshop offerings focus on such matters as conflict assessment and negotiation skills, collaboration and tools for interacting with contentious stakeholders, and managing highly emotional public forums.

Oregon

In 1989, Oregon Consensus's predecessor, Oregon Dispute Resolution, was established to promote and foster dispute resolution programs. Subsequently in 2005, the Legislature established Oregon Consensus when it enacted a bill directing Mark O. Hatfield School of Government at Portland State University to develop a program (1) offering mediation and other alternative dispute services to municipalities, governmental agencies, businesses, non-government organizations and individuals engaged in discourse over public issues (e.g., natural resources, education, land use, economic development, transportation, human services and health care) and (2) promoting the use of collaborative problem solving to conserve public resources and promote harmony.[75]

Currently the services offered by Oregon Consensus include (1) a free consultation, (2) an assessment and plan development in collaboration with the client(s) to achieve the desired outcomes, (3) assistance with public policy agreement seeking, (4) mediation for land use disputes and (5) training agencies and organizations in the development of collaborative governance skills and in the learning of various methods for resolving public policy issues through consensus-based approaches.[76] The current professional staff numbers six (6) with assistance from the University's office support staff.

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[74] University of North Carolina, School of Government, Public Dispute Resolution. Retrieved on August 13, 2014 from http://www.sog.unc.edu/programs/dispute

[75] Oregon Consensus. Retrieved July 23, 2014 from http://oregonconsensus.org/our-services/our-services-overview/OTRS 174.109 [2005 c. 817, § 11]

[76] Oregon Consensus, *ibid*.

Oregon Consensus is partially funded by the Legislature with additional funding coming from grants, agreements with agencies and service agreements. For 2014-15 fiscal year the Legislature appropriated $434,769. An additional $1,000,000 will be received through external projects and grants.

In 2011, Governor Kitzhaber signed an executive order establishing the Oregon Solutions Network (OSN), which linked Oregon Consensus with Oregon Solutions program and the Regional Solutions Centers. Essentially the Legislature's purpose in passing this bill was to increase agency efficiency, to increase public trust and satisfaction with the process, and to decrease the cost of resolving conflicts by helping stakeholders resolve disputes about public issues and reach agreeable solutions.

Oregon Solutions assists communities to address problems through community governance, whereby "community leaders join forces to define a problem, agree on a solution, and collaborate towards a resolution. The Oregon Solutions process brings the business, nonprofit, and civic sector to the table to make commitments, take on specific roles and responsibilities, leverage and pool resources, and ultimately, solve the problem."[77]

Virginia

The Institute for Environmental Negotiations (IEN) is a university-based public service organization established in 1981 at the University of Virginia from the funds of the Virginia Environment Endowment. Since its inception, IEN has participated in over 300 projects. On average, the IEN commits to 24 projects a year, which involve a host of collaborative problem-solving and dispute resolution services, e.g., mediation, facilitation negotiation, consensus building, strategic planning, training and community engagement, and assisting with public decisions.[78] IEN works with public agencies, nonprofits, business groups, and individuals on statewide and local environmental disputes as well as national policy issues in the following areas: energy, environmental, health and food, land use, people and communities, and water. Sixty (60) percent of IEN's work involves projects in the Commonwealth of Virginia, 20% with neighboring states and 20% with other states or nationally.

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[77] See Oregon Solutions: Solving community problems in a new way. Retrieved January 27, 2015, from http://orsolutions.org/about
[78] University of Virginia. Institute for Environmental Negotiations. Retrieved on August 6, 2014 from http://ien.arch.virginia.edu/history

In 2014, IEN formulated a new mission and vision statement, respectively: "Empowering communities to create shared solutions and IEN envisions a world with authentic leaders, healthy communities, and a resilient environment."[79]

Washington

Through the joint cooperation of Washington State University (WSU) and the University of Washington (UW), the William D. Ruckelshaus Center (Ruckelshaus Center), formerly known as the Policy Consensus Center, was created in 2004 for the purpose of providing a neutral resource to assist parties in collaborative problem solving for hard to resolve multi-party social, economic and environmental policy issues in the State of Washington and the Pacific Northwest.[80] Typically, the Ruckelshaus Center assists the public, private, non-profit, environmental, business and other community leaders to work together to build consensus and to resolve conflicts around "difficult public policy issues."

The overall services provided by the Ruckelshaus Center include: (1) Situation Assessment, (2) Facilitation, Mediation and Dispute Resolution, (3) Project Management and Strategic Planning, (4) Applied Research and Fact-Finding, (5) Collaboration Training, and (6) Neutral Forum/Policy Discussions.[81]

Funding for Ruckelshaus Center services is procured from different sources, e.g., core funding from the state/universities and fees-for-service contracts, supplemented by funds raised from foundations, corporations and individuals. Private donations are secured and managed by the William D. Ruckelshaus Center Foundation, a 501 (c) 3 corporation. As of June 2014, the Foundation's assets exceeded $2 million. In fiscal year 2014, Ruckelshaus funding included approximately $205,000 in core funding, $830,000 in fee-for-services, $135,000 from foundations, $315,000 from private donors and events, and $55,000 from its endowment.

An Advisory Board guides the Ruckelshaus Center, while a core staff of approximately nine oversees the day-to-day operations, alongside project staff featuring faculty, staff and students of UW and WSU. Practitioners from other universities and private practice are sometime involve in the Center's projects.

The Collaborative Problem Solving services provide a neutral forum for parties with difficult issues to discuss present issues as well as emerging issues. Prior to accepting a

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[79] University of Virginia. Institute for Environmental Negotiations. Retrieved on August 6, 2014 from http://ien.arch.virginia.edu/sites/ien.arch.virginia.edu/files/IENAnnualReport2014FINAL.pdf

[80] Washington State University. The William D. Ruckelshaus Center. Retrieved on August 6, 2014 from http://ruckelshauscenter.wsu.edu/about/

[81] Washington State University. The William D. Ruckelshaus Center. Retrieved on August 6, 2014 from http://ruckelshauscenter.wsu.edu/help/

matter, the Ruckelshaus Center conducts a Situation Assessment, which involves talking to the municipal and government leaders, stakeholders and citizens to determine whether the issue is ripe for collaboration and if the parties are amenable to the Center's involvement.

Through its Facilitation, Mediation and Dispute Resolution service, the Ruckelshaus Center assists parties in working together to reach a resolution by providing neutral third-parties well versed in collaborative processes.

Under Project Management and Strategic Planning, the Ruckelshaus Center formulates the appropriate logistics, fairness and process thereby leaving the parties to focus on the essence of the problem(s) and possible solutions. Additionally, as part of its strategic planning, the Ruckelshaus Center initially identifies the suitable or desired outcomes as well as appropriate measures of success and then proceeds to outline a "process that will include strategies, actions, benchmarks and milestones" appropriate to the subject matter.[82]

The Applied Research and Fact-Finding services involve "applied research and fact-finding that responds to current policy needs and 'real world' timelines." [83]

The Information Portal and Collaboration Training services provide "knowledge, training and infrastructure development to improve the collaborative problem-solving capacity of the parties and institutions;" and serves as a "clearinghouse for resources and research to be used by the parties."[84]

Florida

Pursuant to a recommendation of a gubernatorial study commission by the Growth Management Advisory Committee, the Florida Legislature appropriated $125,000 in 1987, to establish the Florida Conflict Resolution Consortium (FCRC) at Florida State University, Tallahassee. The following year, FCRC became housed in the Institute of Science and Public Affairs at FSU. In 1990, the Legislature increased FCRC's budget to $400,000 to establish two regional offices. The first regional office was set up in 1991, at the University of Central Florida and the second one in 1993, at Florida Atlantic University. The Center added offices in Boca Raton at Florida Atlantic University in 1995 and in Ft. Meyers at Florida Gulf Coast University in 1999. In 2003 the Center shifted to supporting its work through contracts for services consistent with its mission and retained its offices at FSU and UCF.

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[82] Washington State University. The William D. Ruckelshaus Center. Retrieved on August 6, 2014 from http://ruckelshauscenter.wsu.edu/help/
[83]Washington State University, *ibid*.
[84] Washington State University, *ibid*.

In 2009, FCRC underwent a name change, i.e., FCRC Consensus Center, and refined its mission to read, "the FCRC Consensus Center serves as an independent public resource facilitating consensus solutions and supporting collaborative action." which reflects its evolution from primarily working with groups in conflict to assisting groups in consensus building on planning and issues involving local, regional, state and national,.

Over time the FCRC Consensus Center activities and projects have broadened in terms of issue areas such as transportation, building codes, airspace, economic development, water resource planning, community and regional visioning. Presently through its "partnership with other organizations and professionals, [the FCRC Consensus Center] assists public, private and civic interests in designing and securing appropriate consensus building services for public and community issues and challenges throughout Florida and beyond." It also is working to develop a focus on collaborating with a network of public, private and non-profit organizations and associations to improve civic life and citizen engagement in Florida's communities. [85] To accomplish its mission, the FCRC Consensus Center, with a professional staff of five, together with support staff and student interns, offers collaboration issue assessment and design, collaborative meeting and process facilitation, public outreach and engagement, strategic planning and organizational consultation, visioning, collaborative skills training, research and education.[86]

Maryland

In 1998, the Chief Justice of the Maryland Court of Appeals, the Honorable Robert M. Bell, realizing the value of having problems resolved through mediation and other dispute resolution processes, created the Maryland ADR Commission for the purpose of promoting such processes in all facets of the community, e.g., courts, neighborhoods, schools, businesses and state and local government agencies and for the general public.[87]

After working with over 700 people across the state, the ADR Commission drafted the consensus-based Practical Action Plan entitled *Join the Revolution*. Thereafter to implement Join the Revolution, Judge Bell established Mediation and Conflict Resolution Office (MACRO), which, although situated in the judiciary, MACRO has supported "pilot projects and … [offered] assistance to numerous ADR programs, educational efforts, and services in courts, schools, community mediation centers, State's Attorney's offices, juvenile justice programs and government agencies across the state."[88]

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[85] Florida State University. Retrieved on January 29 , 2015 from http://consensus.fsu.edu/Civic-Advance/index.html

[86] Florida State University. Retrieved on August 12, 2014 from http://consensus.fsu.edu/principles and http://consensus.fsu.edu/faqs_n14.shtml

[87] Maryland Courts. Retrieved on July 31, 2014 from http://www.marylandmacro.org

[88] Maryland Courts, *ibid*.

To achieve its mission, MACRO has over the years (1) offers technical assistance to courts and to mediation and conflict resolution programs; (2) provides training in mediation and alternative dispute resolution processes to the practitioners (3) promotes the use of dispute resolution options; (4) engages in research and evaluation of conflict resolution services, (5) educates the public on conflict resolution skills and conflict prevention through workshops and (5) works to promote conflict resolution processes.

Through its grant program, funds are made available in the areas of conflict resolution and in the area of community mediation. MACRO's budget is part of the judiciary budget. The funds are not intended to cover all operational costs or to supplant existing services. In FY 13, MACRO's grant budget was 1.7 million; in FY14 it was 1.763 million and in FY15 it is 1.87 million. Additionally, the judiciary covers the salaries of six professional staff members and one office assistant as well as other operational costs. In the area of conflict resolution, grants can be for $5000 or more. The average grant is $40,000 to $50,000. If a party should file for a grant the subsequent year (regular form), MACRO may request a cash matching contribution from the party. Relative to mediation centers, if it is a start up center, the center can be awarded a grant up to $25,000 exempt from cash matching.

In 2006, representatives from mediation organizations and programs, private practitioners, mediation users and MACRO created the Maryland Program for Mediator Excellence (MPME) for the purpose of providing highly qualified mediators through continued learning and improvement of skills with the emphasis on collaboration, achieving consensus and employing an integrated approach to quality assistance.

Arkansas

The Center for Public Collaboration (CPC) was established in 2005 as part of the University of Arkansas, Little Rock to be a resource for central Arkansas and the state in promoting collaborative problem solving on public issues by (1) offering consultation services, (2) training and technical assistance, and (3) educational resources. CPC primarily works with public officials, state and local government agencies, nonprofit organizations, stakeholder groups, neighborhood and community-based organizations, and other public-serving organizations.[89]

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[89] University of Arkansas at Little Rock. Institute of Government. Retrieved on January 13, 2015 from http://ualr.edu/iog/cpc-services/

CPS does not have its own staff, but rather uses the Institute of Government research staff and the Survey Research Center staff when CPC has a contract or grant to carry out whose cost is included in the contract budget (M. Craw, personal communication, January 22, 2015).

In the area of Community-Building and Neighborhood Development, CPC offers advice, strategic planning and data analysis services to neighborhood and community-based groups to assist in assessing conditions and concerns, development of long-term plans, mediate land use disputes, develop community identities, promote public participation in community affairs and collaborate with other neighborhood organizations and local governments to resolve current problems and to plan for future issues.

Concerning Assessment and Collaboration Problem-Solving, CPC works with local governments and community organizations seeking effective solutions for public problems affecting stakeholders.

In the Meeting and Process Facilitation services area, CPC prepares meeting materials, facilitates meetings, organizes and/or moderates town meeting forums and prepares post-meeting reports.

In the area of Public Collaboration and Conflict Management Training, CPC together with the Arkansas Public Administration Consortium offer workshops in collaboration and conflict mediation to government officials, managers and employees, and to business and non-profit professionals involved with public issues.

CPC offers free consultation services after which a fee is charged on a sliding scale. CPS will also work with organizations to develop grant proposals for funding from federal, state or local governments or from private foundations.

CPC manages projects in (1) community-building and neighborhood development, (2) issue assessment and collaborative problem-solving, and (3) public collaboration and conflict management training.

Colorado

In 2006, the Center for Public Deliberation (CPD) was founded and located at Colorado State University in the Department of Communication Studies. CPD's mission is to "promote the development of a vibrant deliberative democracy in Northern Colorado" by (1) enhancing local civic culture, (2) expanding collaborative decision-making and (3)

improving civic pedagogy.[90] Basically, CPD "serves as an impartial resource … assisting local governments and community organizations with projects to improve the quality of public discourse and community problem-solving."[91]

> "[CPD] analyze[s] issues, design[s] public participation events, host[s] forums that students facilitate, and write[s] reports on key issues while working with a wide variety of local institutions, including city, county, and state government, school districts, and campus and community organizations." (Colorado State University. Retrieved on January 10, 2015 from <http: www.cpd.colostate.edu>).

Essentially through its programs, CPD is "dedicated to providing …three key ingredients to Northern Colorado: safe places for citizens to come together, good and fair information to help structure the conversation, and skilled facilitators to guide the process."[92]

The Director and Associate Director of CPD are professors in the Department of Communication Studies whose work with CPD is covered by a portion of their salary (M. Carcasson, personal communication, January 22, 2015).

Funding is provided through grant from a local foundation, which is typically $20,000 to $27,000 and $5,000 from the Department of Communication Studies.

B. Experiences of Local Governments Across the Country

The struggles of Massachusetts municipalities confronting destructive public conflict that are investigated in this study did not exist in a vacuum. Local governments across the country are faced with solving complex social problems that sometimes create destructive public conflict. Innovative, out-of-the-box thinking is required to deal with these complex problems. In some cases, the resolution of these complex problems demands the cooperation of multiple agencies and the use of newer, more inventive approaches to dealing with destructive public conflict. In this section of the report, some of these challenges and the approaches to dealing with destructive public conflict are examined so that lessons and principles can be drawn to help Massachusetts cities and towns deal with future destructive public conflicts.

Circumstances which call for the participation of multiple parties to deal with public/societal problems

To the extent that traditional approaches to public/societal issues fall short, alternative methods are increasingly relied upon as a way to deal with such issues. The shortcomings

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[90] Colorado State University. Retrieved on January 10, 2015 from http://cpd.colostate.edu/about-us/
[91] Colorado State University, *ibid*.
[92] Colorado State University. Retrieved on January 11, 2015 from <www.cpd.colostate.edu>

of a hierarchical approach to public policy issues emerge, for one, when the problem under consideration demands the participation of more than one institution.[93] As examples of responses to particular public problems indicate, a variety of causes underlie the desirability of multi-party involvement.

When a public/societal problem intersects with several jurisdictions, the participation of relevant institutions is necessary to develop a comprehensive solution. Often enough, in many metropolitan areas, decisions about transportation and land use "are spread across a range of entities, particularly because of the large number of municipal governments in these regions."[94] Even local issues, such as those facing public schools, may exceed the jurisdiction of local authorities. Consider the problem of shrinking student populations that confronted the school districts of two adjacent Cape Cod, MA towns, Chatham and Harwich.[95] Eventually, the two towns embarked on a joint effort to investigate the feasibility of various solutions, including limiting their autonomy by combining their two educational systems into a larger school district.[96]

Multiple institutions are called upon to tackle a problem when no single institution has either the expertise or the resources to thoroughly deal with the issue.[97] The complexity of a problem may require levels of expertise that exceed the capacity of any organization on its own. For example, no single domestic US institution has the requisite knowledge and capabilities about both public health and environmental protection to unilaterally undertake effective hazardous waste removal.[98] As a result, the problem of hazardous waste remediation concerns multiple organizations, such as the Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry, in addition to local public health agencies.

Even though a single institution may be authorized to handle a particular public or societal problem, when the interests of other institutions or groups are implicated, the participation of these others will be needed lest failure or conflict ensues.[99] Decision-making about public problems that neglects the interests of affected parties may lead to conflict that further impedes solutions to the problem. In New Jersey, for instance, despite legislative authorization for the construction of a regional sewerage system in

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[93] Bryson et al., *op. cit.,* Margerum, et al., *op. cit.,*

[94] Margerum et al., *op. cit.,* p. 1.

[95] Milton, S. (December 7, 2010). Chatham, Harwich OK schools merger. *Cape Cod Times.* Retrieved June 4, 2012, from http://www.capecodonline.com/apps/pbcs.dll/article?AID=/20101207/NEWS/12070328

[96] Leggett, D. (August 1, 2010). School merger idea takes shape. *The Cape Codder.* Retrieved June 4, 2012, from http://www.wickedlocal.com/chatham/news/x272785268/Harwich-Chatham-school-merger-idea-takes-shape#axzz1wq6cy3CR

[97] Bryson et al., *op. cit.*

[98] NACCHO (2012a). Pulling together section one: Roles and responsibilities. Retrieved May 26, 2017 from http://www.naccho.org/topics/environmental/pullingtogether/sectionone.cfm

[99] Bryson et al., *op. cit.*

Camden, NJ, the conflicting views of the region's impacted towns, cities, and suburbs about meeting the costs of the project stalled implementation for 14 years.[100] With respect to state management of forests in Massachusetts, the criticism from citizen stewards, friends groups, and environmental organizations about a purported focus on timber production and inattention to public involvement led the regulatory state agency to suspend timber sales in 2009. Instead of lessening opposition, however, its decision renewed controversy by antagonizing timber contractors.[101]

Pressure to accommodate outside or non-government interests is exerted upon all levels of government, including the local level. Municipalities frequently face the challenge of balancing "… the competing needs of protecting the quality of life for its citizens and preserving its relationship with the industry which provides needed jobs and tax revenues in the community… [as in the case of] [p]aper mills, quarries, power plants, pharmaceutical companies, incinerators and sewage treatment plants[,]" etc.[102] And so, in Maine, decision-making about the development of an island off the coast of the town of Searsport was derailed by the prolonged impasse between conservationists and businesses over the island's future.[103]

Broadening the participant base of government decision-making about public issues may serve other values besides problem-solving

Lowering costs and increasing efficiency: Generally speaking, because of limitations on government resources resulting from budget cuts and caps, deregulation, privatization, and downsizing, government entities increasingly look to partner with other organizations and groups in dealing with societal problems.[104] On the domestic front, a regionalization initiative that involved agreements between local and regional government entities for sharing or consolidating services and purchases was pursued in Massachusetts in order to minimize costs while optimizing services.[105] According to the state agency in charge of Massachusetts' regionalization efforts, "[i]ntermunicipal agreements are the most commonly used form of contracts in regionalization projects and are often used to create

[100] Andrew, J. S. (1999, November). Use of mediation in intermunicipal dispute resolution: Literature summary. Intergovernmental Committee on Urban and Regional Research.

[101] Massachusetts Department of Conservation and Recreation. (2010, April 21). Forest futures visioning process recommendations of the technical steering committee.

[102] Esterman, P., Kenneally, Jr., M., & Protter, H. (2011, January). The benefits of alternative dispute resolution for resolving municipal disputes. Dispute Resolution Section, NYSBA, p. 14.

[103] Kenty, D., Gosline, A. R., & Reitman, J.W. (2010). Public collaboration Maine: When and why it works. *Maine Policy Review, 19:2*, 14-30.

[104] Bryson et al., *op. cit.*

[105] Massachusetts Association of Regional Planning Agencies (2013, January), *Massachusetts shared services manual: A toolkit of regionalization best practices for city and town officials.*

mutual aid agreements, shared service agreements, and agreements between municipalities and host agencies."[106]

Avoiding negative consequences: Unsolved public/societal problems have consequences specific to each particular problem. Yet these consequences may be insufficient catalysts for action by affected parties. At times, it takes the looming threat of collateral consequences such as protests, litigation with its attendant costs and delays, or the imposition of solutions by a higher authority to galvanize stakeholders into addressing the problem. "Thus, incentives to participate are often shaped by the 'shadow of the state' such as threats of regulation or court."[107] In the town of South Portland, ME, the threat of a petition from an environmental group to the EPA that would result in an expensive EPA-imposed solution to the problem of water pollution from a city mall brought leaders from the public, non-profit, and business arenas as well as members of the aforementioned environmental group together to devise a cost-effective plan to deal with the water contamination issue.[108]

Increasing public participation

On the whole, a tide of rising expectations for an enhanced role for the citizenry in government decision-making has emerged across the nation.[109] In a survey of 26 city and county government managers, "local government professionals from California to Virginia comment that the greatest change they have seen over the past ten years is the amount and character of participation expected in public policymaking and problem solving."[110] Public participation in public problem decision-making has been urged on both ideological and practical grounds. Besides advancing participatory democracy, a more expansive role for the public in the workings of government has been promoted as a means to a broader understanding of the problem and of the views held by the public and government decision-makers, to a reduction of conflict over issues among stakeholders and between stakeholders and government, and to a lessening of public distrust of government action.[111]

Circumstances that promote public participation in public problem decision-making: Public participation may take any of a number of forms and may arise from a variety of circumstances. Those members of the public who are impacted by a particular problem

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[106] Ibid.

[107] Ansell, C. & Gash, A. (2007). Collaborative governance in theory and practice. *Journal of Public Administration Research and Theory,* 543-571, 553.

[108] Kenty et al., *op. cit.*

[109] *Ibid*.

[110] Nalbandian, J. (1999). Facilitating community, enabling democracy: New roles for local government managers. *Public Administration Review, 59:3,* 187-197, 190. The statistics underlying this claim were not reported.

[111] Beierle, *op. cit.*

tend to be especially interested in having a voice in its solution. Moreover, citizens are driven to exert influence over government decisions in order to get their values, preferences, and view of risk accommodated.[112] In the case of environmental issues, for instance, the disparity between the public's risk tolerance and that of experts and decision-makers has fueled citizen opposition to the use of nuclear energy. Thus, in 2013, voters on Cape Cod, MA passed a public advisory question that urged the closing of the local nuclear power station for safety reasons.[113] Impacted folks will make themselves heard willy nilly – if not through some officially sanctioned participation mechanism, then through boycotts, litigation, and other means of protest.[114]

Factors involved in models of public participation: Four related questions lay the groundwork for a preliminary understanding of what constitutes public participation in public/societal problem decision-making: (1) who the participants are; what the nature of the role of citizen participants in the process is relative to (2) what their interaction is with other participants and (3) what influence they wield over decision-making; and (4) what part they play in the communication of relevant information.[115]

Participant characteristics: As a whole, individuals who get involved in the decision-making process are characterized by their concern for the problem under consideration. Such individuals may include those who are assigned responsibility for dealing with the problem, such as government officials and experts; those taking responsibility upon themselves for dealing with the problem, including advocacy groups; members of the public experiencing the consequences of the problem and its solution; and sundry interested others.

Participants may also be distinguished by their representative function: those who speak only for themselves and those who speak on behalf of others. To illustrate: members of the public who respond to surveys are participating in their individual capacity while those who take part in focus groups or advisory committees often function as stand-ins for various stakeholder groups.[116] When citizen participants operate as representatives for others, their contribution to the decision-making process may be affected by the size of their constituency group, the extent of their authority to act on behalf of the group, their

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[112] *Ibid.*

[113] Williamson, A. & Turco, D. (2013, May 22). Op Ed: Cape Codders overwhelmingly vote to close the Pilgrim Nuclear Power Plant. c*apecodtoday.* Retrieved November 3, 2014, from http://www.capecodtoday.com/article/2013/05/22/18928-cape-codders-overwhelmingly-vote-close-pilgrim-nuclear-power-plant

[114] Beierle, *op. cit.;* Oregon Public Policy Dispute Resolution Program, *op. cit.*

[115] Beierle, *op. cit.*

[116] Beierle, *ibid.*

effectiveness in furthering common interests, and their accountability to constituents.[117] From the perspective of decision-makers, the inclusiveness of represented interests and the extent to which the wider community gets represented are further considerations.

Party interactions: The amount and type of contact between members of the public and other participants in the decision-making process can vary from cursory impersonal connections to full-bore face-to-face interactions.[118] Cursory contact is exemplified by the public's participation under the Administrative Procedure Act (APA) in federal agency rule-making during the public comment period, which is limited to the transmission of written views from members of the public to the agency through electronic or traditional means without any personal contact with agency personnel.[119] At Massachusetts public hearings about local government action, however, attendees can present their views to government officials in person. A high degree of public engagement with decision-makers occurs in Massachusetts Town meetings where eligible voters meet to enact local rules.

Influence over decision-making: To the extent that a decision-making process includes the public, the public's contribution to the decisions produced may range from providing input – which use may be discretionary on the part of the decision-makers – to decisional authority.[120] Interested parties may seek to amplify their impact on government decision-making by swaying public opinion. In Pittsburgh, environmental groups and utility companies held rallies, made radio commercials, and held news conferences to get media attention for their positions on a proposed EPA regulation of greenhouse gas emissions from coal-burning power plants.[121] In general, boycotts and other forms of protest can be and are used by the public to pressure decision-makers.

Communication role: Frequently, the public's role in public problem decision-making consists of communication. By sharing information through acts of communication, involved parties can learn about the problem, the solutions proposed, and their respective activities, views and areas of expertise. The wealth of information that gets imparted can be affected by the physical presence of communicators. Face-to-face interactions offer a wealth of information delivered through verbal and non-verbal means (e.g., speech as

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[117] Frame, T. M., Gunton, T., & Day, J. C. (2004). The role of collaboration in environmental management: An evaluation of land and resource planning in British Columbia. *Journal of Environmental Planning and Management. 47:1*, 59-82.

[118] Beierle, *op. cit.*

[119] Moote, M. A. & McClaran, M. P. (1997, September). Viewpoint: Implications of participatory democracy for public land planning. *Journal of Range Management, 50:5,* 473-481.

[120] Beierle, *op. cit.*

[121] Conway, M.R. & Hopey, D. EPA regulation hearing draws interest groups to Pittsburgh. (2014, July 30). *Pittsburgh Post-Gazette.* Retrieved November 18, 2014, from http://www.post-gazette.com/local/city/2014/07/30/Interest-groups-gearing-up-for-EPA-rules-battle/stories/201407290171

well as such forms of body language as gestures, posture, and gaze) that is not matched by writings or by messaging through audio, video, or other electronic means.[122] Acts of communication may also be distinguished by the opportunity for the mutual exchange of information.[123] When communication is unidirectional, one party sends the message, the other party receives it, and their roles are not reversed. Reciprocity in communication occurs when parties have the dual role of audience and informant, giving rise to the possibility of deliberation and give-and-take in the transfer of information.

In the case of government-public communication, the public's legal right to information about government activities was established in order to promote greater government accountability through transparency.[124] At the federal level, the Freedom of Information Act (FOIA) provided the public with access to government records; the Government in the Sunshine Act (Sunshine Act) created a right to notice and attendance at public meetings; the Administrative Procedure Act (APA), provided for informing and involving the public in agency rule-making; and so on.[125] Comparable protection of the public's right to access government records, attend public meetings, and participate in the formulation of regulations is available in Massachusetts under the Massachusetts Public Records Act (G.L. c. 66), Massachusetts Open Meetings Act (G.L. c. 30A, 34, and 29), the public hearing and comment requirements under the State Administration Act (G.L. c. 30), among others.

Government entities employ one-way transfers of information to the public in education campaigns, public notice and the delivery of right-to-know information.[126] One-way information about the public's experience, substantive knowledge, values, and preferences is imparted to government through polls, surveys, focus groups, and comments during notice-and-comment periods. It is also the case that the public uses boycotts, protests, litigation, and other adversarial means to communicate its views.

The opportunity for the interchange of information between the public and the government is available, e.g., in advisory committees, stakeholder mediations, and to an extent in public hearings. Federal agencies employ consultative proceedings like roundtables, workshops, "enhanced participatory rulemakings," and advisory committees

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[122] Carter, R.L. (2002). Oh, ye of little [good] faith: Questions, concerns and commentary on efforts to regulate participant conduct in mediations. *Journal of Dispute Resolution.* 367- 408.

[123] Beierle, *op. cit.*

[124] Piotrowski, S. J. & Van Ryzin, G. G. (2007). Citizen attitudes toward transparency in local government. *The American Review of Public Administration, 37,* 306-323.

[125] Bingham, L. B. (2010). The next generation of administrative law: Building the legal infrastructure for collaborative governance. *Wisconsin Law Review.* 297-356.

[126] Beierle, *op. cit.*

to exchange information with interested members of the public.[127] Citizen advisory committees, which typically involve "a relatively small group of citizens who are called together to represent ideas and attitudes of various groups and/or communities," act to advise decision-makers at all levels of authority about issues.[128] The Massachusetts city of Newton, for instance, provides its citizens with a voice in matters concerning neighborhood improvements, human services, disability, economic development, and housing through citizen advisory committees that make recommendations about programs, policy, and funding to the Planning and Development Board.[129] At municipal public hearings in Massachusetts, members of the public can offer comments and testimony in person and in writings about a proposed government action as well as respond to questions from officials. And so, public hearings about development projects are routinely held in the town of Medway, MA by the Planning and Economic Development Board to get feedback from residents for consideration in project evaluation and decision-making.[130]

Approaches to solving complex problems using negotiation, mediation, collaboration, and public participation

Negotiation, mediation, collaboration, and public participation are common non-traditional approaches to addressing public issues. Collaboration involves working together towards some goal. Negotiation consists of party discussions that aim to reach a specified goal. In mediation, disputing parties engage in discussions to resolve their conflict. Public participation encompasses a variety of methods to engage the public on some matter. Although these approaches are examined separately, they are illustrated by cases that not only typify the particular approach but also display attributes common to all the approaches. All are goal-oriented, involve more than one party, rely on party communication, and often draw in the public.

Negotiation: In the broadest sense, negotiation refers to discussions between individuals or groups that aim to resolve differences, achieve agreement, or otherwise produce outcomes that reflect party interests.[131] Negotiations may be classified as distributive or integrative. Distributive negotiation is characterized by the maximization of individual gains, competition, and a win-lose dynamic while integrative negotiation comprises a

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[127] Coglianese, C. (1997). Assessing consensus: The promise and performance of negotiated rulemaking. *Duke Law Journal: 46: 6*, pp. 1255-1349, 1333-1334.

[128] Beierle, *op. cit.*, p. 92.

[129] Newton, Massachusetts. Citizen advisory committees. (n.d.) Retrieved November 20, 20114, from http://www.newtonma.gov/gov/planning/hcd/cac/default.asp

[130] Town of Medway, Massachusetts. (2014, November). Public hearings. Retrieved November 5, 2014, from http://www.townofmedway.org/Pages/MedwayMA_Bcomm/PlanEcon/hearings

[131] Walton, R.E. & McKersie, R.B. (1965). A behavioral theory of labor negotiations: An analysis of a social interaction system. New York: McGraw Hill.

cooperative, win-win posture that involves the recognition of shared interests and maximization of mutual gains. Conditions such as a finite amount of resources to be apportioned and the absence of common interests tend to favor the use of distributive negotiation tactics. An integrative approach is preferred when interests are shared and the preservation of party relationships is a priority.[132] To illustrate: experts' advice to municipal government authorities in Massachusetts is to adopt an integrative approach to negotiating a development agreement with developers:

> In negotiations where all parties act with respect and listen to each other's perspectives, a win-win agreement can be reached; one in which everyone benefits from the new development and no one is taken advantage of. To have such a successful outcome, it is recommended that all parties recognize they are entering into a long-term relationship, and further, if one party feels it has been taken advantage of during the early negotiation process, that ongoing relationship may be unnecessarily challenging.[133]

Negotiations involving Massachusetts local governments have multiplied since the state's recent push for regionalization has promoted the use of inter-municipal agreements for shared services and purchases. Chapter 40, section 4A of Massachusetts general laws authorizes inter-municipal agreements and Chapter 188 of the Acts of 2008 eases adoption of such agreements in town-type municipalities by requiring approval from the board of selectmen instead of a town meeting.[134] Agreements encompass formal contracts for the remunerated delivery of services from one municipality to another; joint service agreements for the sharing services by two or more municipalities as in equipment purchases or public works projects like common waste disposal districts; and service exchange agreements, which provide for the exchange of services between participating towns, particularly for mutual emergency services.

Municipalities' decision to enter into an agreement triggers the need to negotiate agreement terms including the length of the agreement, financing, party liability, compensation, oversight, financial reporting, auditing, insurance and indemnification, etc. Examples of matters that have been subjected to inter-municipal agreements include the shared purchase and use of a bucket truck by the towns of Gill and Northfield in Massachusetts and the town of Vernon in Vermont; the use of the town of Auburn's

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[132] Lax, D. A., & Sebenius, J. K. (1986). *The manager as negotiator.* New York: Free Press; Walton & McKersie, *op. cit.*

[133] Edward J. Collins, Jr. Center for Public Management. (2013). *Understanding & crafting development agreements in Massachusetts. Paper 17.* Boston: Edward J. Collins Center for Public Management Publications.

[134] Schumacher, L. (n.d.) Understanding and applying the new inter-municipal agreements law. *Municipal Advocate, 24:3*, 27-28. Retrieved December 1, 2014, from https://www.mma.org/resources-mainmenu-182/doc_view/163-understanding-and-applying-the-new-inter-municipal-agreements-law

wastewater works and treatment facilities over a five-year period under agreed-upon conditions and payments by the town of Oxford; and the shared responsibility of Devens, Harvard, Lancaster, and Lunenburg for operating and obtaining services from an emergency services communications and dispatch system.[135] Municipalities are urged by the state's regionalization agency to inform and engage the public affected by the agreed-upon project through public meetings, hearings, website, community access television channels, press releases, etc.[136]

Mediation: Mediation is a voluntary process in which disputants attempt to reach a mutually satisfactory agreement by discussing their issues and exploring their options with the assistance of a neutral third party.[137] This dispute resolution process is resorted to when there is contention between parties who are addressing the public problem under consideration. In Virginia, the failure of informal negotiations between county and municipal governments concerning disputed transfers of county land to cities led to the establishment of formal mediation for intergovernmental disputes.[138] In North Carolina, a proposed merger of a predominantly white county school system with the city of Durham's predominantly black schools was embroiled in controversy for more than 50 years. A ten-month mediation process, involving 41 organizations and three public meetings to obtain public input, resulted in recommendations for school improvements and a merger plan. The mediation effort paid off four years later when the merger was implemented without public opposition.[139]

The use of mediation to settle regional and inter-jurisdiction planning disputes in Southern California during the late nineties produced a mixed bag of results.[140] Mediation services resolved a long-standing dispute and ended litigation between the city of El Segundo and Los Angeles International Airport over payments for noise mitigation to homeowners. Mediation proved unsuccessful in dealing with the opposition of neighboring communities to a planned expansion of the Burbank airport. Despite the mediations conducted among elected officials from the concerned communities and other parties involved in the dispute, issues were not resolved and litigation continued. In California's Orange County, even the opportunity to mediate the conflict over the conversion of a former marine base into an airport failed to generate interest. Almost all

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[135] Appendix A: Intermunicipal agreement between Town of Oxford and Town of Auburn (2000, July 1). Retrieved December 1, 2014, from http://www.town.oxford.ma.us/pages/oxfordma_dpw/Appendices.pdf

[136] Massachusetts Association of Regional Planning Agencies, *op. cit.*

[137] NAFCM. (n.d.). Purpose. National Association for Community Mediation. Retrieved December 2, 2014, from http://www.nafcm.org/?page=Purpose

[138] Andrew, J. S. (1999, November). Use of mediation in intermunicipal dispute resolution: Literature summary. Intergovernmental Committee on Urban and Regional Research.

[139] Ibid.

[140] Knaster, A, Ogden, G. L., & Robinson, P. (2001). Public sector dispute resolution in local governments: Lessons from the SCAG Project. *Pepperdine Dispute Resolution Law Journal, 1,* 177-232.

of the county's municipalities were embroiled in the dispute as opponents worried about increased noise and traffic while supporters clamored for economic growth. Nevertheless, mediation failed to appeal to parties who were convinced they would prevail through litigation or a ballot initiative.

Collaboration: According to the literature concerning issues of public concern, "collaboration" refers to collective action that is problem-centric, focusing on problems that require collective action for solution. Collaboration is typically regarded as "a process in which two or more individuals or organizations collectively address issues that cannot be addressed individually."[141]As a category, collaboration encompasses such endeavors as public collaboration, where government officials solicit individuals from other interest groups to work on a common problem; collaborative governance, involving public participation in the formulation of policies; civic engagement, in which the public has a role in addressing issues of public concern; and cross-sector collaboration, comprising joint action towards a specified goal by two or more sectors; and more.[142]

"Large-scale, collaborative problem-solving" was undertaken in Connecticut to deal with the problem of distributing federal grant for social services to municipalities in a way that would be responsive to local needs while taking advantage of municipal resources (Moore, 1988, p. 149).   Individuals representing the interests of municipalities, nonprofit service providers, or the state government were convened by a state under-secretary to reach consensus about the apportionment of the grant monies and so forestall agency competition over resources. Negotiations among the three interest groups were undertaken with the assistance of a facilitator/mediator. The three interest groups prepared for negotiation by developing their positions and by collecting and sharing information with the other groups of participants. "Mediated negotiations [were] used to resolve disputes, settle disagreements, and build consensus around a comprehensive set of actions" and resulted in an agreement (subsequently approved by the legislature) that apportioned funds for identified eligible services, established a method for choosing service providers, and assigned the state government with responsibility for implementing the agreement.[143]

The provincial government of British Columbia, CN turned to a collaborative model of land use planning after alternative processes like advisory committees, task forces, and public consultation failed to resolve the decades-long conflict between advocates for resource extraction and those favoring preservation that had bedeviled its centralized

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[141]Carter, J. & Gronow, J. (2005). Recent experience in collaborative forest management. CIFOR Occasional Paper No. 43. Jakarta, Indonesia: Center for International Forestry Research, p. 2.

[142] Bryson et al., op. cit; Kenty et al., op. cit

[143] Moore, C. (1988). Negotiated Investment Strategy. *Journal of Dispute Resolution,* 143-162, 149. Retrieved December 2, 2014, from http://scholarship.law.missouri.edu/jdr/vol1988/iss/7

planning efforts.[144] Collaboration participants represented the interests of the government, resource users, environmentalism, and the community, particularly aboriginal people. Assistance with conflict resolution and acquiring skills in negotiation and land use analysis was provided by facilitators and through training workshops. Outreach to the public was achieved by opening the process to the public and through open houses, newsletters, and other programs. Participants engaged in interest-based negotiations to reach agreement about the ground rules for the process and the allocation of forest land among four land use zones: general resource extraction, enhanced resource extraction, special management areas for environmentally-regulated resource extraction, and protected areas. Failure to achieve agreement would lead the provincial government to produce its own land use plan.

The effectiveness of this effort at collaborative land use planning was assessed by asking participants to respond to survey questions about the extent to which various process and outcome criteria – derived from collaboration theories – were met. In terms of outcome, this collaborative endeavor proved highly successful, attaining a 97.5% agreement rate for land use plans that ultimately resulted in a decrease in the areas allotted to resource extraction and an increase in protected areas and special management zones. The plans took an average of four years to formulate. Although full consensus was reached for 80% of the plans, less than half of participants (47%) thought that conflict had decreased, and only 57% were satisfied with the outcome. While 59% considered that their interests were met, over two-thirds (69%) agreed that the outcome served the public interest. Less than half the respondents agreed that strategies for plan implementation were developed. A large majority (82%) of participants found that their relationships were improved by the collaboration effort.

Although two-thirds of participants thought that the process was inclusive with acceptable representation of relevant interests and values, many considered that representation of stakeholder interests could use improvement. Eighty percent were strongly motivated to negotiate for an agreement. Nearly all participants (96%) regarded themselves as personally committed to making the process work, but just 47% perceived a comparable degree of commitment from other participants. A majority of participants (53%) felt that power imbalances persisted throughout the collaboration, and only about a third (34%) agreed that all interests were equally influential during the process. Nevertheless a large majority of respondents (78%) felt their participation influenced the outcomes of the collaboration. Almost two-thirds (64%) of participants considered that

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[144] Frame, T. M., Gunton, T., & Day, J. C. (2004). The role of collaboration in environmental management: An evaluation of land and resource planning in British Columbia. *Journal of Environmental Planning and Management. 47:1*, 59-82.

they possessed enough solid information to make decisions. Merely 57% thought their participation was adequately funded.[145]

The above examples of effective collaboration include features that have been associated with other successful collaborations – the project had the support of government officials, a range of stakeholder interests were represented; participants were motivated to address the problem, discussions involved interest-based negotiating; all were able to participate due to shared information, skill training, and mediation/facilitation services; and some form of consensus was attained.[146] Unless remedied, collaboration is contraindicated by the presence of factors such as:

- Significant differences in ideologies or values of potential participants;
- Leadership vacuum, leading to an inability to convene participants or to problematic management of meetings;
- Failure to include all stakeholder interests;
- Better alternatives to collaboration;
- Power imbalances among participants;
- History of conflict, distrust, and/or competitiveness;
- Insufficient resources, whether of time, funding, or skills;
- The cost of undertaking the collaboration exceeds the benefits to be derived in comparison to the status quo[147]

Public participation – involving the public

Examples of public participation in matters of public concern on the local level:
Accounts of attempts to tackle public problems include initiatives in which public participation proved helpful in addressing the underlying substantive problem even as the methods used to prompt the public to participate differed. The multiplicity of methods that have been devised to engage the public to play an presumably constructive role in handling public problems include public involvement, civic engagement, dialogue, public deliberation, deliberative democracy, public consultation, multi-stakeholder collaboration, collaborative public management, policy dialogues, public policy mediations, public policy consensus building, community visioning, consensus rule-making, collaborative network structures, and more.[148]

Case studies of public participation in local matters of public concern in Tennessee, Massachusetts, and Vermont exemplify the use of community visioning, civic engagement, and consensus building. In these cases, communication with the public was

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[145] *Ibid.*
[146] Also see Booher, *op. cit.*
[147] Carter & Gronow, *op. cit.;* Frame et al., *op. cit.*
[148] Bingham, *op. cit.*; Booher *op. cit.*; Oregon Public Policy Dispute Resolution Program, *op. cit.*

key, and public support proved influential in determining the outcome of the problem-solving process, albeit to varying degrees. In the Tennessee example, the views held by the public were interwoven into city planning. In Massachusetts, the public was the arbiter of the outcome; while, in Vermont, community relationship-building was undertaken with the aim of promoting conservation values.

Community visioning in Chattanooga, TN: Community visioning involves processes in which the public participates in discussions and other activities to ascertain the community's aspirations for its future and the actions needed to implement desired goals.[149] The impetus for community visioning is dissatisfaction with the status quo. In the city of Chattanooga, TN, public discontent with weak professional job growth, environmental pollution, and strained race relations from the 1960s on motivated business, civic, and local government leaders to initiate visioning processes in 2000 and then again in 2010. Over 2,000 people attended meetings to generate ideas and goals that were later incorporated into a draft of goal statements. This draft was reviewed at a subsequent public meeting, and projects and other actions that could implement the agreed-upon goals were identified. An informal public vote for the top five preferred projects was held at a Vision Fair in the city's downtown plaza. Community visioning projects have since been credited with contributing to Chattanooga's increased tourism, heightened environmental protections, and the revitalization of its downtown.[150]

Consensus building and public engagement in Chatham and Harwich, MA: The educational systems of the neighboring Massachusetts towns of Chatham and Harwich were beset by the twin challenges of limited resources and declining student enrollment for nearly 50 years.[151] During this half-century, the towns took turns entertaining and then dismissing the idea of merging into a larger school district as a way out of their difficulties because of diverging community needs and concerns over autonomy, different school cultures, financial liabilities, and so on. Renewed interest in the merger option was triggered in 2008 by Harwich's pressing need for a new high school and reinforced by the financial incentives offered by the state's regionalization initiative. With approval from voters at town meetings in 2009 and funding from a $25,000 Massachusetts Department of Elementary and Secondary Education grant, the towns' school systems jointly proceeded to study their regionalization options.[152]

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[149] Booher, *op. cit.*

[150] Ibid.

[151] Milton, S. (December 7, 2010). Chatham, Harwich OK schools merger. Cape Cod Times. Retrieved June 4, 2012, from http://www.capecodonline.com/apps/pbcs.dll/article?AID=/20101207/NEWS/12070328

[152] Milton, ibid.; Pollock, A. (2009, March 5). Chatham, Harwich win $25k grant to explore school regionalization. *Cape Cod Chronicle.* Retrieved January 20, 2015, from http://capecodchronicle.com/harnews/har030509_2.htm

A planning board with three members from each town undertook a process that used consensus-building and public engagement strategies to achieve widespread agreement and community support for its proposals. The requirement of voter approval for school regionalization plans made public participation crucial to this endeavor. Accordingly, information about the circumstances surrounding school issues and the impact of various alternatives was obtained from experts. Furthermore, facilitation services from the state's dispute resolution office were employed to help with identifying stakeholder concerns; soliciting input from the community through interviews, focus groups, discussion forums, and public hearings; and communicating information at hearings and through informational materials.[153] Finally, the board unanimously agreed to a plan for a K-12 district, with a new high school in Harwich, a renovated middle school in Chatham, and shared financial responsibilities. Encouraged by the state's commitment to reimburse almost half the high school construction costs and projections of millions of dollars in savings in school operating costs, voters approved the plan at simultaneous town meetings on December 6, 2010.[154]

Civic engagement in Vermont's Prosper Valley: Continuing development in Vermont's rural Prosper Valley posed a threat to the area's ecology, the migratory habits of wildlife, and consequently to the value of the valley's national historical park.[155] Distrust of the federal government, the economic plight of family farms, the gradual growth in development, and constraints on park authority outside park borders hampered efforts by National Park Service staff to promote conservation in the valley. In order to elicit cooperation from the residents of the valley with conservation endeavors, the staff, in partnership with other stakeholders, focused on community relationship-building through civic engagement activities. As practiced by the National Park Service, civic engagement is

> a continuous, dynamic conversation with the public on many level that reinforces
> that commitment of both NPS and the public to the preservation of heritage

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[153] Massachusetts Office of Public Collaboration (2014). Chatham-Harwich Regionalization Project summary. Retrieved November 21, 2014, from http://www.umb.edu/mopc/projects/chatham_harwich**);** Milton, S. (December 7, 2010). Chatham, Harwich OK schools merger. Cape Cod Times. Retrieved June 4, 2012, from http://www.capecodonline.com/apps/pbcs.dll/article?AID=/20101207/NEWS/12070328

[154] Leggett, D. (August 1, 2010). School merger idea takes shape. *The Cape Codder.* Retrieved June 4, 2012, from http://www.wickedlocal.com/chatham/news/x272785268/Harwich-Chatham-school-merger-idea-takes-shape#axzz1wq6cy3CR; Leggett, D. (November 17, 2010). State backs Harwich and Chatham school merger. *Cape Codder.*

[155] Tuxill, J. L. & Mitchell, N. J. (eds.) (2010). *Leading in a collaborative environment: Six case studies involving collaboration and civic engagement.* Woodstock, VT: Conservation Study Institute, National Park Service. Retrieved November 23, 2014, from www.nps.gov/.

resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources.[156]

From 2005-2007, relationships were established with area residents through one-on-one conversations in their homes about the value of the valley to them and their children, the preservation of oral histories that were shared at community dialogue meetings and eventually published, and education about the valley through curriculum developed and taught by area teachers. Park officials interacted with the farming community by purchasing items from every farmer at the farmers market on a regular basis. The park's conservation agenda was brought up only in connection with other matters, such as a project to develop a trail between the park and the Appalachian Trail and efforts to acquire conservation easements on land adjoining the Trail. Maintaining the good will produced by these efforts is continuous, much like conservation itself. Meanwhile, collective action by the park and valley residents to protect the valley's heritage is an on-going work in progress.[157]

Research into the extent of public participation at the local government level: Research indicates that local government officials are favorably disposed towards the public's involvement with matters of public concern.[158] The results of surveys of randomly selected samples of municipal officials indicated that these government officials believed that public participation could lead to a greater sense of community, less distrust between the public and local government, and better problem-solving. City and town governments reportedly engaged widely in activities that aimed to involve the public in discussing issues and solving problems. Over 80% of surveyed municipal officials indicated that their local government used public engagement processes either often (60%) or occasionally (21%). Access to a government web-site and on-line notice-and-comment opportunities respecting council agendas and executive actions were the most common public engagement activities (at 92% and 86%, respectively), followed by deliberative processes like town hall meetings (67%). Nearly half (49%) of officials reported that

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[156] Russell, M. (2011). *Principles of successful civic engagement in the National Park Service.* National Park Service Publications, p. 7. Retrieved November 23, 2014, from http://www.nps.gov/Civic/resources/index.html

[157] Tuxill & Mitchell, *op. cit.*

[158] Mann, B. & Barnes, W. (2009, October). Municipal officials' views on public engagement. *Research Brief on America's Cities. Issue 2009-3.* National League of Cities (NLC). Retrieved November 26, 2014, from http://www.nlc.org/Documents/Find%20City%20Solutions/Research%20Innovation/Governance-Civic/municipal-officials-views-public-engagement-city-hall-public-media-community-groups-rbr-feb10-pdf.pdf; Mann, B. & Barnes, W. (2010, February). Municipal officials' views on public engagement: City Hall, the public, the media and community groups. *Research Brief on America's Cities. Issue 2010-7.* National League of Cities (NLC). Retrieved November 26, 2014, from http://www.nlc.org/Documents/Find%20City%20Solutions/Research%20Innovation/Governance-Civic/municipal-officials-views-public-engagement-rbr-oct09-pdf.pdf

they had the skills, training and experience to manage public engagement processes. Many local governments (51%) allocated staff and funding to public participation initiatives.

Officials' assessment of the public's participation in their community was mostly positive. Although 28% were dissatisfied or very dissatisfied with the level and nature of public participation, 70% expressed satisfaction. More than 90% reported useful outcomes from such processes, with frequency varying from often (38%) to sometimes (53%). A large majority of officials (80% or more) felt it was important that the public undertake to get informed about public issues, volunteer for boards and committees, participate in community meetings, and help with public problem-solving. Public apathy was considered an obstacle to government efforts to engage the public by 69% of officials.

According to at least 73% of surveyed officials, civil discussions, the receipt of useful, balanced information by the public, and the presence of knowledgeable individuals "in the room" were very important factors in effective public engagement. This array of significant factors was expanded by a majority of respondents to include such additional features as a larger assortment of engaged citizens encompassing more than the usual players, productive discussions that go beyond complaints, and opportunities for all to question and opine. A substantial minority of responding officials (46%-47%) also considered such factors as focusing on issues, understanding the limits of government intervention, and mutual listening on the part of all participants to be very important for successful public engagement.

Municipal officials were less than enthusiastic about the roles of the media and interest groups in supporting public engagement. While one quarter of respondents believed the media did well in informing the public through fair and balanced reporting, another 30% felt the media did poorly in this respect. According to 39% of respondents, the media hindered higher levels of public participation. Interest groups fared equally poorly in officials' estimation of their contribution to public engagement.[159]

Limitations on the impact of public participation on addressing public problems

Limits on the impact of public participation on conflict: Public involvement with public problem decision-making is not a panacea for conflict related to the problem. The cases from Massachusetts, Tennessee and Vermont are examples of success. Yet, research into the litigation rate in agency rule-making suggests that public participation via stakeholder-agency negotiations may not reduce subsequent lawsuits.[160] A specific

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[159] Mann & Barnes, *ibid.*
[160] Coglianese, C. (1997). Assessing consensus: The promise and performance of negotiated rulemaking. *Duke Law Journal: 46: 6*, pp. 1255-1349.

example of the persistence of public conflict despite citizen participation in decision-making is furnished by a November 2014 public hearing in the town of Westminster, MA. At the hearing, the opportunity for in-person comments was abandoned in response to indignant reactions from the public – a mix of comments, cheers, and "hoots and hollers" – to the Board of Health's presentation of a proposed ban on the sale of tobacco and nicotine. The Board responded by prematurely ending the hearing and limiting public input to written comments.[161]

Challenges to the public's contribution to problem-solving: Better quality substantive decisions are expected from decision-making that invites the public to contribute its diverse perspectives, experience, and knowledge, including "identifying relevant factual information, discovering mistakes, or generating alternatives that satisfy a wider range of interests."[162] However, the successful incorporation of the public into decision-making does not guarantee progress in solving the substantive problem under consideration. Only consider – voter approval for an enlarged school district was a notable achievement of the consensus-building and public engagement efforts in Chatham and Harwich, MA. Yet, low student enrollment, which was the principle impetus for school regionalization, continues to plague the newly-created school district.[163] Moreover, public values need not align with government or expert values. In the realm of environmental issues, for instance "[t]here is no guarantee, then, that public values will be the same as, or even support, ecological values."[164] The disparate attitudes towards risk held by laypeople compared to experts have already been noted with respect to hazardous waste removal. Indeed, what counts as a public value may not hold across all groups of concerned citizens. According to one critic, the public that gets included in environmental decision-making in practice is limited to residents of the affected region so that only a subset of stakeholder interests are represented.[165]

Challenges to effective communication with the public: As vital as communication is to optimizing the public's contribution to addressing problems of public concern, merely

[161] Guzman, D. (2014, November 13).Westminster officials shut down rowdy hearing on tobacco ban after 20 minutes. wbur's CommonHealth. Retrieved November 13, 2014, from http://commonhealth.wbur.org/2014/11/westminster-tobacco-ban-rowdy-hearing; Seelye, K. Q. (2014, November 18). In anti-smoke town, firestorm. *The New York Times,* A1, A16.

[162] Beier, *op. cit.*, p. 85; Booher, *op. cit.*

[163] Brooks, W. (2013, July 22). Exclusive: Falling enrollment challenges the new Monomoy High School. *capecodtoday*. Retrieved November 25, 2014, from http://www.capecodtoday.com/article/2013/07/22/20567-exclusive-falling-enrollment-challenges-new-monomoy-high-school

[164] Beierle, *op. cit.*, p. 84

[165] McCloskey, M. (2000). Problems with using collaboration to shape environmental public policy. *Valparaiso University Law Review, 34:2*, 423-434. Retrieved November 26, 2014, from http://scholar.valpo.edu/vulr/vol34/iss2/6

setting up lines of communication is unlikely to insure that the intended message is the one that is received. One municipal official from Western Massachusetts remarked on the difficulty of getting messages heard:

> Well you can provide information all day long. We have a town meeting here. We will be bringing in all the candidates and six people show up. So you can only go so far providing the information to the people. It's up to them to want to grab onto it and with this society increasingly complex society where there are more and more demands on people's time, less and less, maybe less and less, but certainly more stimulation in the way of electronic media, social media, all the things that people are bombarded with.

Research has identified a number of cognitive processes that have the potential to distort understanding and lead to mistaken judgments.[166] When there is conflict among parties, problem-solving is likely to be undermined by reactive devaluation, a phenomenon whereby opponents devalue proposals or other information offered by the other side. Confirmation bias – the propensity to seek out facts that support one's beliefs and discredit disconfirming data – will diminish parties' ability to accept information that is inconsistent with their views.[167] Indeed, there is evidence that attempts to correct misinformation can backfire and reinforce mistaken beliefs.[168] Better options for solving a problem may get overlooked when individuals experience loss aversion, the tendency to greatly favor avoiding loss over acquiring gains.[169] One Massachusetts municipal official's account of the role of tax aversion in persistent constituent opposition to a project concerning the Council on Aging illustrates the possible operation of loss aversion:

> It's gotten to the point where those who are for or against are talking at or by each other rather than to each other or with each other in that the folks who are against it, many times are just completely, "I don't care what it is, I'm not voting for it, because you're going to raise my taxes. I can't afford it" or "you don't deserve it" or there's any number of other reasons they might come up with. It's gotten to the

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[166] Cialdini, Robert B. (1984). *Influence: How and why people agree to things*. NY: William Morrow & Co., NY; Keohane, J. (2010, July 11). How facts backfire: Researchers discover a surprising threat to democracy: Our brains. *The Boston Globe. Retrieved October 31, 2010, from* http://www.boston.com/bostonglobe/ideas/articles/2010/07/11/how_facts_backfire/

[167] Cohen, G. L., Sherman, D. K. Bastardi, A. Hsu, L., McGoey, M., & Ross, L. (2007). Bridging the partisan divide: Self-affirmation reduces ideological closed-mindedness and inflexibility in negotiation. *Journal of Personality and Social Psychology, 93:3*, 415–430.

[168] Nyhan, B. & Reifler, J. (2010). When corrections fail: The persistence of political misperceptions. *Political Behavior, 32*, 303-330. DOI 10.1007/s11109-010-9112-2
Retrieved on November 6, 2010, from http://www.springerlink.com/content/064786861r21m257/

[169] Kahneman, D. & Tversky, A. (1984). Choices, values, and frames. *American Psychologist, 39:4*, 341–350.

point where those who are for or against are talking at or by each other rather than to each other or with each other in that the folks who are against it, many times are just completely, "I don't care what it is, I'm not voting for it, because you're going to raise my taxes. I can't afford it" or "you don't deserve it" or there's any number of other reasons they might come up with.

Additional common sources of misunderstanding include inattention, vagueness, ambiguity, expectations, emotions, specialized vocabulary, and a multitude of others. A telling example is provided by a hazardous site clean-up expert in Massachusetts, who explained how her agency unwittingly exacerbated public anxiety and fueled controversy by referring to a nuclear plant's 'pool' of waste water, not realizing that the public imagined an outdoor body of water polluting the environment and not the indoor, contained facility denoted by their technical use of "pool."[170] The likelihood of flawed communication may be diminished when the presence of communication obstacles is recognized and managed.[171]

Relation between public mistrust of government and access to information about government: With respect to communication about the workings of government, the effect upon public mistrust of government is not straightforward. The public's demand for government transparency – that is, the accessibility of information about government activities to the public – varies with public perception of the current level of transparency, individuals' involvement with government, and confidence in local officials.[172] There is an inverse relationship between the demand for transparency and perception of government openness such that the demand is greater where government openness is considered low. Demand for transparency is also greater among individuals who often interact with government. On the other hand, the importance of government transparency to the public diminishes as the public's confidence in local officials increases.[173] Nevertheless, the development of a legal framework to protect public access to information about government activities coexists with an increased public distrust: "The percentage of Americans reporting that they trust the government has dropped by roughly half from the time of the Kennedy Administration to [1998]."[174] (Beierle, 1999, p. 85). As a Massachusetts municipal official lamented:

And so and it's very easy I think whatever town you're in, you can find something we're doing wrong—there's no question about it—that we're not doing a proper job of x, or y, or z, or we messed up on something. Okay, if you messed up there or you're not doing a proper job that means you're not doing a proper job on

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[170] Interview conducted under the auspices of the Massachusetts Municipal Needs Study.

[171] Cialdini, *op. cit.*

[172] Piotroski & Van Ryzen, *op. cit.*

[173] *Ibid.*

[174] Beierle, *op. cit.,* p. 85.

anything. In fact, all of you are overpaid, all of you are just sitting there, all of you don't know what you're doing, you're a bunch of incompetent and blankety-blanks on everything. If we get one thing wrong; I'm not saying everybody feels that way, but what I see, that's the attitude I will see on the media, local media-not local media—but on social media. So then very g-…because now that mindset is embedded in their worldview, um, forget about nuts and bolts of everything it's simply town government doesn't work and therefore I'm not going to be supportive of anything at all to do with town government.

Nonetheless, it is possible that absent this legislation, the levels of public distrust might have climbed even higher.

V. Findings and Recommendations for Massachusetts

A. Preliminary Findings

The major findings presented below were drawn from an analysis of 226 surveys of municipal officials, other government officials, members of organizations and the public at large; and 8 regional focus groups attended by 51 current and past municipal officials. Findings from qualitative analysis of 18 interviews of municipal officials and other stakeholders will be presented in the final study report. (See Appendix I: Needs Assessment Methodology)

1. Managing destructive public conflict
On the whole, Massachusetts municipalities manage destructive public conflict well. However, some destructive public conflicts are less well managed and result in significant harmful and lingering social, financial and economic impacts to municipalities and their constituencies. Almost two-thirds of survey participants indicated that the recent destructive public conflict they experienced was still on-going in spite of their best efforts to manage it. Various municipal officials in focus groups remarked on the divisiveness, the financial hardships, the deterioration of public discourse, and the discouragement of current and aspiring public officials that were caused by the conflict. A decidedly small minority of public officials considered the recent destructive conflict to be completely resolved. (See section I.B: Harms caused by destructive public conflicts in Massachusetts)

2. Substantive issues driving destructive public conflict
The most frequently cited substantive issues that generated destructive public conflict were land use (including zoning), environmental issues, schools, and budgets. A number of municipal officials indicated that the difficulties posed by out-dated zoning laws and the complexity of obscure financial accounting exacerbated the contentiousness of opposing interests regarding issues over land use and budgeting – particularly school

budgeting – respectively. While some officials noted the advantages of regionalization, other officials described how some towns were pitted against one another over the allocation of school funds and other school-related issues under the state's regionalization framework. (See section I.C: Substantive issues driving destructive conflicts in Massachusetts)

3. Current approaches to dealing with public conflict
Public meetings were by far the most popular vehicle for municipal officials and the public to engage and communicate with one another about a variety of issues, whether by attending meetings, organizing them, or using them as a venue for issuing and receiving information. Several officials explained how at times the effectiveness of public meetings would be undermined by attendance issues – by either generally low turnout or overwhelmingly large crowds – or by opponents seizing the occasion to voice their antagonism. A number of municipal officials remarked on the challenge of using the media to communicate with the public, ranging from the diminished influence of traditional media such as newspapers to the sweeping popularity of social media. Several public officials recounted their success in using the media to enhance public participation while others noted the increase in incivility brought on by the opportunity for anonymous communications. A sizable minority of individuals working in or affected by local government dealt with conflicts by acting as a go-between or using the services of technical experts. A smaller minority made use of negotiation and bargaining in response to conflict, with mixed results reported by a few officials. Conflict resolution processes like mediation and consensus building through outside experts were underutilized. (See section II.A: Current approaches to dealing with destructive public conflict)

4. Progress achieved through current approaches
While efforts at addressing destructive public conflict frequently had a positive impact, often enough such efforts produced no improvement. A majority of those surveyed indicated that their efforts at addressing destructive public conflict led to at least some progress in achieving civil and respectful interactions, widespread support for solutions, improved communication between parties, and the development of solutions that could be implemented and which served the best interests of the city or town. However, sizable minorities indicated that no progress attended their efforts with respect to these factors or to such other factors as the durability of solutions or party satisfaction with solutions. Another majority of those surveyed further indicated that improvements in party relationships had not progressed as a result of their involvement in the public conflict. (See section II. B: Results achieved through current conflict resolution practices)

Overall, the majority of the survey respondents felt that societal conditions such as trust in government, civility, community unity and togetherness, community safety and

security, economic vitality of city or town, economic vitality of community, participation in government and good governance either stayed the same or decreased as a result of their efforts to address destructive public conflict. Smaller minorities (between 37.4% and 7.3%) considered that these societal outcomes had increased because of their efforts. (See section II.C: Societal impact of current approaches to destructive public conflict)

5. Needs identified for dealing with destructive public conflict
A large majority (70% or more) of those surveyed indicated that it was important or critically important to obtain public support for process and solutions, have time to identify the substantive issues of the conflict, gain cooperation from other government entities, and have time to develop solutions to the conflict. A smaller proportion, though still a majority, of surveyed individuals considered it important or critically important to get more adequate and fair media coverage, technical expertise about substantive issues of the conflict, dedicated staff hours, funding to manage the conflict, outside expertise to resolve the conflict, and training in conflict resolution skills. Officials at focus group meetings identified additional resource needs, including new strategies for increasing public participation; for improving communication with the public, particularly about controversial or complex issues; for education and training in various aspects of governing, leadership skills, and conflict resolution competencies and strategies; and for managing the media and for funding to manage conflict. (See section III.A: Needs for successfully managing destructive public conflict)

6. Desired societal results of addressing destructive public conflict
Trust in government, good governance, and civility were the three societal outcomes that were considered critically important by a majority of surveyed individuals involved with local government. (See section III.C: Desired societal results of addressing destructive public conflicts)

7. Assets available to municipalities to manage destructive public conflict
The assets and resources available to municipalities in meeting their need for experts in conflict resolution strategies as well as for training and education in conflict resolution strategies and in civics reside in professional organizations of municipal/public officials; in public agencies, including the state office of dispute resolution and state-sponsored community mediation centrs; and in the public university system, including state and community colleges, among others. In addition, opportunities for enhanced communication between government and the public are provided by the development of new communication tools like social media and other internet technologies and by the dissemination of information through grassroots organizations, and at public and Town Meetings. (See section III.B: Assets available to meet municipal conflict resolution needs)

8. Programs and best practices for supporting municipalities in resolving conflicts

Public funding of statewide resources to provide municipalities and public officials with technical assistance, training opportunities, and grants for assistance in resolving public conflicts are among the best practice principles for supporting municipal management of destructive public conflict that have been adopted by established programs for municipality-related conflict resolution and public engagement in nine US states and one Canadian province. (See section IV.A: Benchmarking successful municipal models)

9. Experiences of local governments in employing non-traditional approaches

The experiences of local governments throughout the US, including Massachusetts, illustrate the usefulness of employing such non-traditional problem-solving tools as negotiation, mediation, collaboration, and public participation to address issues relating to local government that have been complicated by the involvement of multiple affected parties, the presence of conflict, or the high level of technical expertise and resources required for a satisfactory solution. These non-traditional approaches are all goal-oriented, involve more than one party, rely on party communication, and frequently draw in the public. (See section IV.B: "Experiences of local governments across the country")

B. Preliminary Recommendations

The following recommendations are based on the multi-layered preliminary findings from Massachusetts data collection, comparative evidence and the extensive research on how local governments are managing destructive public conflicts in other states and using programmatic approaches providing support and resources to meet pressing community problem-solving needs. The specific recommendations for state action are presented for further discussion, solutions strategies development and implementation. Assets and resources to develop and implement recommendations were identified through research and data collection for this study. Some of these assets/resources are included in recommendations for further exploration (see full report for details).

Overarching Recommendations:

1. Collaborative refinement of interim report recommendations

Effort should be made to ensure that the individuals tasked with examining the findings and recommendations presented in this report and refining solution strategies include representatives from all stakeholder groups as well as experts in substantive issues and experts in process. Additionally, processes for obtaining input from the public on the matters under consideration should be employed. (See Preliminary Finding 9)

2. Training and education for local government officials and managers

Training and education on relevant matters should be provided to officials and employees of local governments, i.e., to local public servants, to better equip them to handle complex problems and public conflict to the ultimate benefit of the community. (See Preliminary Findings 4 and 9.) Cost should not be an obstacle to receiving the requisite training and education. Areas that merit training and education include:

- Strategies for gaining public support (See Preliminary Findings 5 and 9.)
- Strategies for effective communication (See Preliminary Finding 5.)
- Strategies for interacting with the media, including the use of new media (See Preliminary Findings 3 and 5.)
- Strategies for conducting effective meetings (See Preliminary Finding 3 and 5)
- Information about conflict resolution strategies, including which strategy would work best in the circumstances of the problem or conflict being addressed (See Preliminary Findings 3, 5 and 9)
- Development of conflict resolution skills (See Preliminary Findings 3, 5 and 9)
- Laws, regulations, and practices related to local governance, including regionalization initiatives (See Preliminary Findings 2 and 5)

3. Institutionalization of state-sponsored technical assistance to municipalities

In order to maximize the effectiveness of the education and training offered to government officials and employees, the feasibility and value of setting policy to institutionalize, through statutory authorization, a system for delivering high quality, accessible and coordinated education and training services as well as technical resources and funding to municipalities should be investigated. Such a system should involve:

- State support that will both ensure the continued existence of expert services, grant funding, education and training opportunities and will relieve public servants of the costs of obtaining the desired services and training (See Preliminary Finding 8)
- Provisions for broad access to services and training, including minimization of the financial burden on public servants and the municipality and overcoming the obstacles of geographical remoteness and lack of internet access.
- Optimal use of state assets and resources, with a particular focus on public and community institutions such as public agencies, the state university system, community colleges, the state agency of dispute resolution, local community mediation centers (See Preliminary Finding 7)
- Coordination and quality assurance of technical assistance services and education and training services

Specific Recommendations for State Action

4. Study of Local Government Laws and Regulations

The Commonwealth should commission a study to review current laws and regulations that impair local government efficiency and create barriers to cross-municipal and cross-sector public collaboration and public engagement, and to recommend changes to those laws and regulations and/or new laws and regulations as appropriate. Such a study could be conducted by researchers within the state-university system, among others. (See Preliminary Findings 2 and 7)

5. Public Officials Training Program

The Commonwealth should deploy state educational resources such as the state university system and community colleges to develop and implement a comprehensive statewide public officials training program. The training program should provide professional certification and degree programs for municipal managers to become proficient in leadership and conflict resolution skills and proficiency in convening public forums, broadening public participation in government and communications, in addition to public management and municipal finance. Tuition scholarships/waivers should be available to municipal employees who enroll in the program. In order to increase the outreach of this program, the University of Massachusetts, state and community colleges, and the Massachusetts Municipal Association (MMA), and others should build statewide awareness of the training opportunities, particularly for newly-elected municipal leaders. (See Preliminary Findings 5, 7, 8 and 9)

6. Conflict resolution technical assistance

The Commonwealth should establish a comprehensive statewide and state-sponsored technical assistance grant program to support Massachusetts municipalities and public entities seeking conflict resolution and public engagement resources and funding to address destructive public conflict. The program should be administered through the resources already in existence, such as the statutory state dispute resolution office, and should provide grant funding and technical assistance in conflict resolution services (e.g., the services of qualified neutrals) for conflict resolution and public engagement projects related to local and regional issues. The program should serve projects initiated by municipalities, regional associations, state agencies, legislators, and non-governmental entities and other civic leaders dealing with community-based issues. This report describes successful benchmarked programs, best practice principles and models from other states for consideration when designing such programs. (See Preliminary Findings 5, 7, 8 and 9)

7. Other technical assistance

The Commonwealth should expand programs that distribute regional community innovation and district local technical assistance funding to municipalities such as those recently administered through the Executive Office for Administration & Finance. Such programs should be adapted to accommodate more municipal/regional pilot projects that address the technical assistance needs of municipalities and regional governments, specifically with regard to dealing with destructive public conflict. (See Preliminary Findings 5 and 7)

8. Community-based mediation

The Commonwealth should leverage resources of existing publicly-funded local dispute resolution infrastructure to enabling broader and more cost-effective use of alternative dispute resolution approaches at the municipal/local level. One such infrastructure is the network of 13 community mediation centers serving communities in 14 counties statewide that are qualified by the state dispute resolution office to receive annual operational funding through the statutory state Community Mediation Center Grant Program (G.L. Ch. 75, §47). Community mediation centers could offer beginner and intermediate level trainings for interested municipal leaders to improve conflict resolution skills. The community mediation system should collaborate with professional organizations serving public officials to provide region-specific conflict resolution trainings for municipalities. (See Preliminary Findings 5, 7 and 8)

9. Communications strategy and guidelines

The Commonwealth should support the Massachusetts Municipal Association, as the statewide professional association for municipal officials and managers, in developing instructions, guidelines and training programs for municipalities on utilizing traditional and new media (social media, blogs, etc.) for public communication. Each municipality should strive to develop its own communications strategy to communicate its achievements and other information through traditional media, new media and traditional social networks. This report contains some research findings on improving government communications. Deployment of the resources of the University of Massachusetts system to assist this development should also be explored. (See Preliminary Findings 3, 5 and 7)

10. An "Open Government Platform"

The Commonwealth should launch a Municipal Open Government Platform and Framework that allows citizens to easily access government information at the local-level through the internet. The proposed Open Government Platform should be developed and deployed in ways that maximize transparency of public financing and government expenditures. The Commonwealth, in partnership with relevant state agencies, municipal associations and higher education institutions, should also investigate ways to leverage existing collaborative, online engagement tools that support higher quality online

deliberation and more skillful engagements on complex/contentious issues. The Commonwealth should also explore options for deploying innovative tools including smartphone apps to increase Open Government and for providing Internet access to Massachusetts towns and communities that lack such access. (See Preliminary Findings 3, 5 and 7)

Appendix I: Needs Assessment Methodology

A needs assessment is a systematic study of a problem or innovation, which incorporates data and opinions from varied sources in order to make effective decisions or recommendations about what should happen next (Kaufman, 2006, 2013). A needs assessment provides a methodology for defining the gaps between the current state of affairs (or current results) and the sought after situation (or desired results) and also provides a justification for identifying and choosing ways to close those gaps. In this context, a "need" is a gap in results between What Is and What Should Be, and a needs assessment identifies the gaps in results and prioritizes the identified needs on the basis of a determination of the cost of meeting the need as compared to the cost of ignoring it. Before selecting any intervention, a needs assessment provides the data for assuring that solutions, once selected, deliver the desired results.[175]

The Massachusetts Municipal Conflict Resolution Needs Assessment Study was designed to investigate the initial conditions that would promote the achievement of positive societal results by Massachusetts municipalities and the stakeholders in meeting the needs for constructive resolution of destructive public conflict. The societal results desired by Massachusetts municipalities and their stakeholders were defined in collaboration with municipalities and affected stakeholders through, initially an ideal vision (see Appendix II: Guiding Vision & Inquiry), followed by a statewide survey, focus group discussions and interviews. Subsequently, in the post-assessment phase, the study will engage additional municipal leaders and stakeholders to assist MOPC in prioritizing the needs and in delivering the desired results through appropriate solution strategies.

Complementary to the needs assessment process is the inventory of current assets and resources that are already available to municipalities. This assessment, a process called asset mapping[176], shows connections between municipalities and helpful resources. The

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[175] Kaufman, R. (2013). *Needs assessment for organizational success*. Alexandria, VA: American Society for Training & Development Press.

[176] In this context, an "asset" goes beyond the financial concept to include skills, community and natural resources, history and social capital[176] (Mathie, A., & Cunningham, G. (2008). From clients to citizens: Communities changing the course of their own development. Practical Action Pub.; Kretzmann, J. and McKnight, J. (1993). *Building communities from the inside out: a path toward mobilizing a community's assets*. Center for Urban Affairs and Policy Research at Northwestern University: Evanston, IL. Asset mapping involves individuals, groups, and existing institutions in inventorying the skills, talents, and influence present in the community (Kretzmann, J. and McKnight, J. (1993). *Building communities from the inside out: a path toward mobilizing a community's assets*. Center for Urban Affairs and Policy Research at Northwestern University: Evanston, IL; Allen, 2002). The assets may include traditional forms of capital, but also include social capital. For example, a woman who attends a church group will have rapport with her fellow church members, which could prove to be a valuable asset when mobilizing community action (Mathie, A., & Cunningham, G. (2008). From clients to citizens: Communities changing

benefit of asset mapping is that it identifies resources that can be better utilized and presents new approaches to address the needs of municipalities. It also acknowledges and validates the contributions of many groups and individuals that are already working to better manage municipal conflict in the Commonwealth of Massachusetts. Asset mapping is most commonly used in community development endeavors at the neighborhood or community-wide level. When completed at this level, the analysis often deliberately names specific agencies, associations and individuals that are community assets. The Massachusetts Municipal Conflict Resolution Needs Assessment Study was systematically planned and conducted according to four main phases with specific goals set for each phase, as follows:

Pre-Assessment: May – June 2014

Establish the Needs Assessment Management Team (NAMT) for overall process oversight; form and convene the Needs Assessment Advisory Committee (NAC); identify members for the Study Review Committee (SRC); recruit and hire graduate student research assistants; conduct a comprehensive literature review of needs assessments models and municipal conflict resolution needs; develop a needs assessment research methodology, including high-level inquiry and data collection activities and methods; obtain Institutional Review Board (IRB) approval for research design and human subjects research.

Assessment: July - November 2014

Collect and analyze data from municipal officials and various target stakeholder groups through regional focus groups, individual interviews, and on-line surveys to municipal officials and other stakeholders; partner with advisory committee members, legislators, community mediation centers and state/community colleges to hold focus groups and to work with municipal and civic organizations to distribute the survey.

Interim Report Submission: January 2015

File interim report with Legislature and Governor; vet with municipal and other stakeholders and submit final report in later in 2015; obtain support of policy makers to implement solutions.

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the course of their own development. Practical Action Pub.). The asset map is a tool for identifying networks in communities that exist around a specific issue. For example, an asset map that was created to identify community health assets may include hospitals, clinics, health-focused nonprofits, and nutritional programs. An asset map created in the same community for agricultural technical support would likely not include the same institutions and individuals as the health map. To a certain extent, the broad issue the asset map is designed to describe will determine the asset mapping process. However, unlike a needs-assessment, the focus of the asset map is to inventory the skills, talents, and networks already working on the issue in the community and provide an assessment of how to further mobilize existing networks.

Post-Assessment: February – December 2015 (pending)

Convene solutions strategies group of municipal representatives; vet findings with municipal officials and other stakeholder; select solution strategies; prepare Final Report for submission in January 2016.
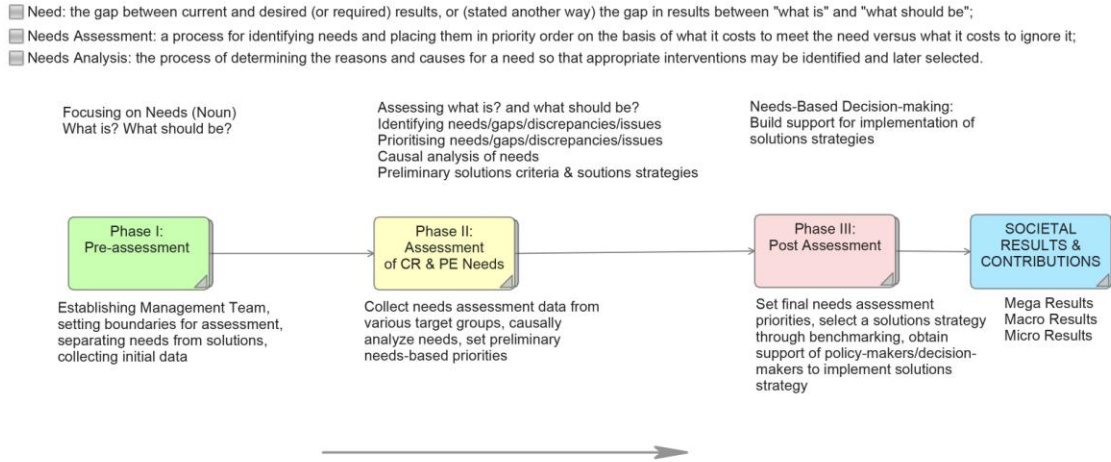

Need: the gap between current and desired (or required) results, or (stated another way) the gap in results between "what is" and "what should be";

Needs Assessment: a process for identifying needs and placing them in priority order on the basis of what it costs to meet the need versus what it costs to ignore it;

Needs Analysis: the process of determining the reasons and causes for a need so that appropriate interventions may be identified and later selected.

Figure 4: Needs Assessment Phases

Needs Assessment Phases in-depth:

Phase I: Pre-assessment phase (May-June 2014) resulted in the establishment of the Needs Assessment Management Team, which is the team in charge of the overall design of the assessment that included MOPC's Executive Director, Associate Director and a senior affiliate practitioner. This team set the boundaries of the assessment for separating needs from solutions and created preliminary plans for setting up a Needs Assessment Committee (NAC) and for the collection of data. The team also assessed existing data relating to the needs, resources (including budgets) available for the assessment, stakeholders to be engaged and timeframes. The membership of the Needs Assessment Committee was finalized[177] (see Appendix III for a list of NAC members) and the roles and responsibilities of the Committee were defined jointly by the NAC members and the Needs Assessment Management Team as follows:

- Conduct needs assessment activities, and play an active role in data collection activities, which includes identifying focus group participants, interviewees and survey responders;

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[177] Based on a selection criteria that included the following backgrounds, skills and/or competencies: 1) subject matter and/or areas of concern expertise; 2) competent leaders in the area of municipal and regional government, mediation/ADR, statewide/local policy-making; 3) Credibility and persuasiveness to explain the NA study; and 4) Formal/informal public leaders/influencers/opinion leaders.

- Serve as communicators/advocates to Needs Assessment Management Team and be a noticeable part of the assessment process to external stakeholders/public;
- Ensure that the perspectives of all key groups and regions are included in the assessment;
- Help to identify areas where additional data is needed and how best to collect the data and from whom; and
- Assist in the design of the post-assessment and implementation phases and the composition of a solutions group to prioritize needs and solutions for implementation.

Phase II: The Assessment phase (July 2014 – December 2014) was primarily a process of data collection on (a) valid needs (or gaps between current and desired results) in addressing current and future destructive public conflicts; (b) evidence to support the validation of those needs, and; (c) information that will allow prioritization of needs before selecting a course of action.

The interviews, statewide survey and focus group questions as well as the research methodology were reviewed and approved for appropriateness for human subjects research by the Institutional Review Board (IRB) at the University of Massachusetts Boston. All interviews, focus group discussions and the online survey proceeded only with expressed participant consent. The participants were assured that their participation in the project was voluntary, that confidentiality was protected and that they could withdraw at any time without penalty.

The focus group and interview questions were designed to generate narrative responses enabling deep reflection on an actual public conflict that the participant was involved in and, explore, from that point onwards, how they dealt with that conflict, what went right and what went wrong, Then the focus gradually shifted to results (both actual and desired). The last few questions concerned needs identification and prioritization with potential discussion of solutions (Please see Appendix II: Guiding Vision and Inquiry).

The study design and the data collection instruments and methodology were vetted by the Needs Assessment Committee and subsequently by a majority of the Study Review Committee (SRC) comprised of academic experts and scholars. (See Appendix III for a list of SRC members)

Data was collected from 51 municipal officials in eight (8) focus group discussions held in different regions of the state (Pittsfield, Taunton, Newton, Shrewsbury, Greenfield, Holyoke, Boston and Orleans). The participating municipal officials for the regional focus group discussion were identified by the NAC; legislative champions who served as focus group conveners and through MOPC's contacts from past conflict resolution projects. At all times, an effort was made to invite the right balance of stakeholders –from

small towns and large towns/cities, mayors to select board members, and to ensure gender representation. Legislative conveners who were present at the focus group did not participate in the discussions unless they had prior experience as municipal officials. (See Appendix IV for a list of Focus Group Participants and Legislative Conveners)

The 18 semi-structured key informant interviews were conducted by telephone with each lasting an average of 30 minutes. The subjects that were interviewed included experienced municipal officials, other regional and state government leaders as well as members of constituent groups. Among those interviewed were the current Vice President and Secretary of the Massachusetts Municipal Association (MMA). (See Appendix V for a list of Interview Participants)

The online survey was open from October 10th to November 30th for public input. Four groups of survey responders were identified:

1. Primary stakeholders: Participants who have some *direct relationship* with municipal government (elected and appointed officials and members of the public).
2. Secondary stakeholders: Participants who have a *lesser relationship* to municipalities, but should not be overlooked (e.g., engaged civic groups, etc.).
3. Informants: Participants who may have *useful data to inform* the assessment, such as experts, etc.).
4. Researchers, others: Those who *could benefit from the assessment*.

The survey questions were mostly close-ended with comment-boxes placed after many of the questions to obtain qualitative data input. Survey participation was anonymous. Geographical data was collected, in terms of the name of City/Town of residence or employment. The survey collected information regarding both the current and desired results of conflict management as well as the current and desired results in managing destructive public conflict. Survey responders were also asked to answer questions that indicate the size, direction, and relative priority of gaps/needs. The online survey was disseminated through Contact Databases at the University of Massachusetts Boston (Office of Community Partnerships, and through university institutes and departments (Collins, Jr. Center Newsletter), through focus group invitees and participants, interview participants, Needs Assessment Committee contacts, through a dedicated MOPC web page, list-servs of various groups, the social media (Facebook page, Twitter account and LinkedIn account) and through regional and statewide organizations such as the Pioneer Valley Planning Commission, the Franklin Regional Council of Governments, and the League of Women Voters, A total of 226 survey responders commenced providing input to the survey. 117 survey responders completed all ten (10) questions in the survey.

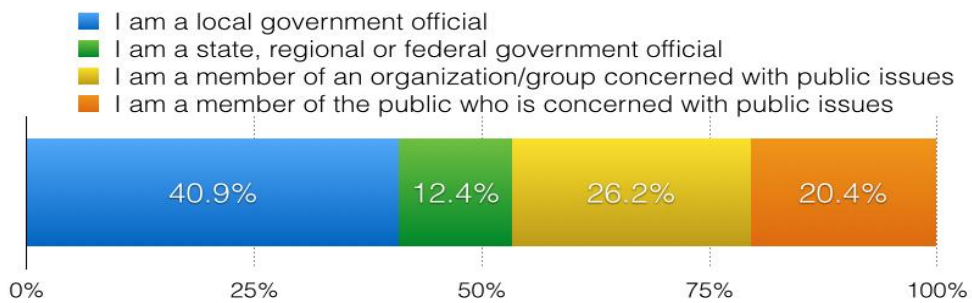The survey responders belonged to the following categories:

Figure 5: In response to the question titled: " Please identify your role in the public issues at the local level". *n=117.*

The final result of the Assessment Phase will be an Interim Report (this report), which is vetted by the Study Review Committee and the Needs Assessment Committee.

Phase II: Post-assessment phase has not yet commenced. This phase will commence with the filing of this Interim Report and the establishment of a Solutions Group of municipal officials who will be tasked with the development of a set of implementable solutions, after further outreach and engagement of municipal officials, policy-makers and other stakeholders. These solutions will be contained in the Final Report to be submitted for legislative action towards the end of calendar year 2015.

Data analysis: The assessment phase resulted in a significant amount of qualitative data. Computerized qualitative data analysis was conducted using Nvivo 10. In order to define a coding structure, the codebook manager created an Excel workbook as a framework for the codebook. For each code, a short definition and parameters and examples were developed. The codebook also contained multiple worksheets designed to capture any changes or additions to existing codes.

In order to create a shared understanding of the codes, the codebook was developed by four researchers and finalized through two collaborative meetings. This ensured that the basic elements of inter-coder reliability were maintained from the beginning. Two coders analyzed the data independently and the results were compared for reliability using a coding comparison query of the two coders, resulting in a Kappa Coefficient for each code. The Kappa analysis indicated that there was fair agreement between the coders.

Statistical methods were also used to analyze the survey data. The analysis included methods to establish the discrepancy between the responses of each surveyed group in relation to the questions on, for example, current and desired results for each variable.

Appendix II: Guiding Vision & Inquiry

The UMass Boston-based Massachusetts Office of Public Collaboration (MOPC) has drafted the following documents to serve as a guide to the Municipal Conflict Resolution Needs Assessment Process:

1. An Ideal Vision
2. High-level Inquiry and Focus Group Questions
3. A Preliminary Guide to Results
4. A Preliminary Results Framework

These documents have been developed through a consultation between different process experts, including needs assessment process experts and experienced public policy process facilitators. MOPC will be refining these documents with input from relevant stakeholders during the course of the Municipal Conflict Resolution Needs Assessment Process.

An Ideal Vision

An Ideal Vision helps a needs assessment define through broad consultation, the ideal conditions/results that we must work towards together for widespread societal outcomes/results. The Ideal Vision is measurable and helps us track our progress towards that vision. The measurable results contained in the vision help define the mission of the implementing agency(s).

Defining where to go and why we want to get there

Successful strategic planning and strategic thinking—creating our future—are based on defining where we want to go and justifying why we want to get there.[178]

In this municipal conflict resolution needs assessment, we have a choice of defining the frame of reference we use when we determine where we are and where we would like to be. For that we must decide the following:

1. Is this workgroup the primary beneficiary of the needs assessment?
2. Are the sponsoring organizations headed by MOPC the primary beneficiary? Or
3. Is society the primary beneficiary of everything we use, do, produce or deliver?

If we choose our external clients and our shared society as the focus of our planning framework, we must then achieve shared and agreed-upon positive societal results that help our workgroups (that is, the needs assessment committee and focus groups) and our

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[178] Kaufman, 2006, *op. cit.*; Kaufman, R. (2013). *Needs assessment for organizational success.* Alexandria, VA: American Society for Training & Development Press.

organizations aligns themselves to add value to society. This concentration on external clients and society will not only improve the organizational bottom-line but will also contribute to the societal bottom-line upon which we all depend.

Creating the Ideal Vision for Massachusetts Municipal Conflict Resolution

An Ideal Vision is just that—ideal. We might not achieve it in our lifetime, but if this is not where we are headed, where do we stop? And where do we really want to go?.[179] With this overarching goal in mind, the following Ideal Vision has been framed by MOPC to guide the municipal conflict resolution needs assessment.

Ideal Vision

Local government institutions are at the forefront of solving today's complex social problems[180]. While many problems are resolved with positive outcomes, some lead to destructive public conflicts[181].

The ideal vision of the Needs Assessment is that:

There will be no destructive public conflicts involving Massachusetts municipalities and their constituencies that negatively affect the quality of life, economic, social and financial well-being of municipalities and local residents and cause other harmful results such as (but not limited to):

Protracted, costly social problems.

Decreasing public interest, confidence and trust in government.

Adversarial and destructive civic discourse and political actions.

Fiscal ruin and economic stagnation.

Diminished core municipal services.

Deteriorated natural environment.

Deteriorated built environment.

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[179] Kaufman, 2006, *op. cit.*; Kaufman, 2012, *op. cit.*

[180] A complex social problem is one that resists resolution and one that requires a range of expertise to address the issues in question. There is often a number of institutions with partial authority over the issue and it impacts a variety of stakeholder interests.

[181] Destructive conflict is behavior that escalates a conflict until it seems to have a life of its own and is dysfunctional and harmful, and no one is satisfied with the outcome and possible gains are not realized.

How will we know when we have achieved our Ideal Vision? The following is a preliminary framework for measuring our achievements:

Ideal Vision Element	Indicators (and Ideal Targets)
Conflict	• No adversarial and/or problematic managerial policy-making • No destructive community tension/conflict, community fears/suspicions • No municipal-stakeholder interaction that causes destructive conflict
Engagement	• No critical stakeholder group left out of decision-making • No barrier to stakeholder direct input on decision-making • No power-resource-knowledge imbalances that limit participation • No stakeholders with a representational monopoly over their sector • No barriers to communication and access to relevant information
Trust	• No manipulation of decision-making process by powerful stakeholders • No accountability failures by municipalities/municipal managers • No harmful stereotypes or antagonisms (new/pre-existing)
Collaboration	• No resistance from public managers to collaborative/participatory conflict resolution • No barrier to good faith negotiation • No barriers to deliberative communication between municipalities and stakeholders • No decision/process stalemates
Relationships	• No adversarial relationships between elected/appointed officials and stakeholders
Skills	• No deficit of conflict resolution/social deliberative skills among elected/appointed officials and municipal stakeholders
Costs	• No financial/social/environmental costs from adversarial and managerial decision-making and/or adversarial public obstructionism • Sufficient resources to support collaborative conflict resolution

High-Level Inquiry

The following high-level inquiry was drafted to guide data collection using focus groups, stakeholder interviews and surveys. Please note that the high-level inquiry questions serve only as a guide to broaden the inquiry process and were developed in such a way that the inquiry process remain true to the methodological rigor necessary for a complex needs assessment.

The high-level inquiry starts with personal experience and proceeds on to identifying "What is" and "What should be" before inquiring about solutions strategies and alignment with identified societal needs.

1. Reflecting on your experience with municipal and stakeholder conflicts:
2. *What municipal and stakeholder (public) conflicts do you think exist in Massachusetts?*
3. *Do you agree with the Ideal Vision for municipal and stakeholder conflict resolution that MOPC has drafted? What is missing?*
4. *What results do you think Massachusetts municipalities and stakeholders now get when they use current (conventional/traditional) approaches to dealing with conflict?*
5. *What alternative results do you think they should be getting and why? What alternative results do you desire?*
6. *Which alternative results are of the highest priority?*
7. *What value would these alternative results add to organizations (municipalities), citizens (individuals/groups) and our shared society? (Would it improve municipalities' mission and objectives? Would it improve the quality of life of the citizens that municipalities serve? Would these results improve the quality of life, societal, financial and economic well-being of society? If yes, how?).*
8. *What do you think it would cost to deliver these alternative results versus what it will cost to ignore them?*
9. *What alternative results should we accomplish five or more years from now?*
10. *What products, activities, methods and/or procedures should be developed in the short-term to achieve these alternative results?*
11. *How will we know when we have achieved these alternative results (vital signs/indicators)?*
12. *Who should be delivering these alternative results?*

13. *How do we align what MOPC is delivering with these alternative results?*
14. *What would be the societal payoffs and consequences of MOPC delivering these services? (Indicators/vital signs of MOPC's impacts on achieving the results/ideal vision).*

Focus Group Inquiry

The focus group inquiry includes the questions that the focus group meeting managers will pose to focus group participants. These questions will be posed consistently across all focus group meetings.

Main Guiding Question (Not asked): What are the conflict-resolution needs of Massachusetts municipalities and stakeholders?

Results-based inquiry questions to be asked:
What are some of the types of public conflicts involving municipalities, their constituents, and other stakeholders that have you seen which have been destructive
What approaches do you currently use to address these types of destructive public conflicts involving municipalities, their constituents, and other stakeholders?
What are the results that you achieve now and why do you think you achieved those results?
What are the results you would like to achieve and why would you like you to achieve those results?
Which of the [desired] results that you identified in the previous question are of the highest priority? How do you prioritize them?
How can these (desired) results be achieved?
How would you know that your (desired) results have been achieved? How would things be different? Who would benefit from the changes and how will you know?
Are there any (alternative) solutions (activities, projects, etc.) that should be used (to achieve these (desired) results)?
Other questions for consideration as time permits:
How would you manage the changes related to achieving the desired results?
How do you think different groups (municipalities, their constituents and other stakeholder groups) would perceive these desired results?
How do you think these different groups would perceive the solutions that you have suggested for achieving the desired results? Do you think what they are pursuing is based on hard evidence or on perceptions alone?

Interview Inquiry

So, let's get started. Your public service profile is very interesting. I heard about your work from____/I read your profile on the Internet.

Can you tell us something about your work in municipal government that is <u>particularly important</u> to you?

Thinking back over all those years of public service, <u>what types</u> of public conflicts did you experience that you thought were particularly destructive? By destructive public conflict we mean public conflict that creates dysfunction and harm. (5 minutes)

Can you tell us about your most recent experience with a particularly destructive public conflict (10 minutes)?

What was your role in this conflict?

What parties were directly involved in this conflict?

What made it so dysfunctional/harmful?

Do you consider this conflict resolved or on-going?

Can you describe a strategy/strategies that you used to resolve the conflict or some aspect of this conflict (17 minutes)?

What did the strategy(ies) involve?

Which stakeholders or parties were involved in the strategy?

Was the strategy effective? If so, why?

Was the strategy unsuccessful? If so, why?

What results did you want? What results did you get? What do you think the societal results would be?

What influenced you to select this strategy(ies)? What was the main consideration in selecting the strategy(ies)?

What are some of the lessons you learnt?

If you had to do it again, would you do things the same or differently (13 minutes)?

What would you do differently (and why)?

What results would you want to achieve (and why)?

How would you know that your efforts were successful?

If a similar type of conflict arose now, what additional resources do you think would be important to have? (5 minutes)

How would you prioritize the resources you just mentioned? Which would you consider the most important?

How would things be different?

Who would benefit?

Do you think that an agency that deals in conflict resolution like MOPC can be helpful in dealing with municipal conflicts? If so, what do you think MOPC should do? (2-5 minutes)

Is there anything else you'd like to mention that would help us understand municipal conflict resolution needs? (3 minutes)

Survey questions

Please identify your role in public issues at the local level.

○   I am a member of the public who is concerned with public issues

Name of the city/town you live in _____
Public interest area _____.

○   I am a local government official

Name of Massachusetts city/town you serve _____.
Title of your job_____.
Public interest area _____.

○   I am a member of an organization/group concerned with public issues

Name of the organization/group you serve/are part of _____
Title of your job _____.
Name of Massachusetts town/region you serve/are active _____.
Public interest area _____.

○   I am a county, state or federal government official

Name of the state/regional/federal government agency you serve _____
Title of your job _____.
Public interest area _____.

3. In the most recent destructive public conflict that you were involved in, what were the major substantive issues? You may select multiple categories.

☐   Transportation

☐   Environmental issues

☐   Housing

☐   Facility siting

☐   Policing

☐   Library services

☐   Fire protection services

☐   Public records (e.g. open meetings)

☐   Budget

☐   Personnel administration (NOT workplace grievances)

☐   Health services

☐   Emergency services

☐   Animal control

☐   Infrastructure (e.g. road & sidewalk maintenance)

☐ Public nuisance (e.g. noise, odor)

☐ Schools

☐ Trash collection/waste management

☐ Compliance with federal requirements

☐ Compliance with state requirements

☐ Capital planning

☐ Accessibility (e.g. disability)

☐ Land use (including zoning)

☐ Inspectional services

☐ Parks & recreation

☐ Social services

☐ Customer services

Other (please specify) _____.

4. What is the status of this recent destructive public conflict that you've been involved in? You may select multiple categories that apply.

☐ Wholly resolved

☐ Resolved in part

☐ On-going

☐ Reached an impasse

☐ Led to litigation

☐ Dormant

Other (please specify) _____.

5. What strategies did you use (or are you using) to address the destructive public conflict that you've been involved in? Please select all that apply.

☐ Obtained technical expert advice (e.g. about substantive issues)

☐ Used social media

☐ Held a vote

☐ Ran for public office or worked on campaign

☐ Reached out to parties and tried to act as a go-between

☐ Alternative dispute resolution strategies (e.g. mediation, arbitration)

☐ Participated in negotiations and bargaining

☐ Used website-blog

☐ Attended public meeting(s)/hearing(s)

☐ Organized a public meeting or forum

☐ Litigation

☐ Used conflict resolution expert(s) (e.g. facilitators, mediators)

☐ Provided relevant information to parties/public (e.g. documents, advertisements)

☐ Not Applicable

Other (please specify) _____.

6. Please rate the progress in achieving the following results from efforts to address the destructive public conflict that you've been involved in.

	Achieved	Some Progress	No Progress	Not Applicable
Communication between parties improved	___	___	___	___
Solutions are widely supported	___	___	___	___
Parties to the conflict are satisfied with the solutions	___	___	___	___
Solutions can be implemented	___	___	___	___
Solutions are in the best interest of the city/town	___	___	___	___
Interactions are civil and respectful	___	___	___	___
Solutions are durable	___	___	___	___
Problem-solving skills of conflicting parties improved	___	___	___	___

	Achieved	Some Progress	No Progress	Not Applicable
Relationships between parties improved	───	───	───	───

Other (please specify and indicate progress) _____.

7. Please indicate how the efforts to address the destructive public conflict that you've been involved in have changed the following key SOCIETAL OUTCOMES.

	Increased	Decreased	Stayed the same	Not Applicable
Economic vitality of community	____	____	____	____
Economic vitality of city/town government	____	____	____	____
Community safety and security	____	____	____	____
Good governance	____	____	____	____
Community unity and togetherness	____	____	____	____
Trust in government	____	____	____	____
Participation in government	____	____	____	____
Civility	____	____	____	____

Other (please specify and describe change)
_____.

8. If you had to deal with this type of conflict again, how important would it be to get more of the following resources?

	Critically	Important	Somewhat	Unimportant	Not Applicable

	Important		Important		
Obtain outside expertise to resolve conflict (e.g. third party neutrals, design and facilitation of process)	____	____	____	____	___
Dedicated staff hours	____	____	____	____	___
Time to develop solutions to the conflict	____	____	____	____	___
Funding to manage the conflict (e.g. hiring experts, disseminating information)	____	____	____	____	___
Adequate and fair media coverage	____	____	____	____	___
Gaining public support for process and solution(s)	____	____	____	____	___
Time to identify the substantive issues of the conflict(s)	____	____	____	____	___
Training in conflict resolution skills	____	____	____	____	___
Cooperation from other government entities	____	____	____	___	____
Obtain technical expertise about substantive issues of the conflict (e.g.					

scientists,
engineers)   ____   ____   ____   ____   ___

Other (please specify and indicate importance)_____.

9. As you deal with FUTURE public conflicts, how important would it be to achieve the following
SOCIETAL OUTCOMES?

	Critically Important	Important	Somewhat Important	Not Important	Not Applicable
Community safety and security	___	___	___	___	___
Economic vitality of city/town government	___	___	___	___	___
Civility	___	___	___	___	___
Community unity and togetherness	___	___	___	___	___
Economic vitality of community	___	___	___	___	___
Good governance	___	___	___	___	___
Trust in government	___	___	___	___	___
Participation in government	___	___	___	___	___

Other (please specify and indicate importance)
_____.

Is there anything else that you would like to share with us about municipal conflict

Appendix III: Study Team and Advisors

Massachusetts Office of Public Collaboration – Study/Needs Assessment Team

MOPC staff and affiliate practitioners, who designed, facilitated and conducted the study:

Susan Jeghelian, Executive Director

Madhawa Palihapitiya, Associate Director

Mette Kreutzmann, Program Manager

Kaila Eisenkraft, Research Associate

Rosalind Cresswell, Program Manager

Luke Kupscznk, MGS Research Assistant

John Goodrich, Senior Affiliate Facilitator

Virginia Goscinak, MGS Research Assistant

Larry Raskin, Affiliate Facilitator

Joy Winkler, MGS Research Assistant

Needs Assessment Advisory Committee

Core committee of experienced advisors who guided the study- needs assessment process:

Edward Lambert, Vice Chancellor of Government Affairs & Public Relations, UMass Boston (former mayor of Fall River, former state legislator, former commissioner of MA DCR)

Clare Higgins, Executive Director, Community Action of Franklin, Hampshire, North Quabbin Regions, Inc. (former mayor of Northampton, former president of Mass Municipal Association)

Stephen McGoldrick, Interim Director, Edward J. Collins Center for Public Management, UMass Boston (former deputy director MAPC, former chief of staff to Chelsea receiver)

Michael Ward, Municipal Services Director, Edward J. Collins Center for Public Management, UMass Boston (former budget analyst for Concord, former manager of mayoral campaign in MA)

Wendy Foxmyn, Interim Administrator Services - Municipal & Non-profit; FEMA ADR cadre and USPS mediator (former elected/appointed official in numerous Western MA towns, former regional services manager PVPC and FRCOG)

Study Review Committee

Committee of scholars and academics who reviewed the study methodology and interim report:

Joni Doherty, Franklin Pierce University, NE Center for Civic Life (Deliberative Democracy)

Roger Kaufman, Florida State University, Professor Emeritus (Needs Assessment)

Darren Kew, UMass Boston, McCormack Graduate School (Conflict Resolution)

John Mullin, UMass Amherst, Center for Economic Development (Regional Planning)

Amy Smith, UMass Boston, McCormack Graduate School (Public Policy)

John Stephens, University of North Carolina, School of Government (Public Dispute Resolution)

Connie Stewart, Humboldt State University, California Center for Rural Policy (Public Policy)

Appendix IV: Focus Group Participants

Name	Title	City/Town
Sheila Vanderhoef	Town Administrator	Town of Eastham
Tristan Israel	Selectman	Town of Tisbury
Mike Gradone	Superintendent	Truro School District
Kenneth Roderick	Police, Deputy Chief	Town of Eastham
Charleen Greenlaigh	Acting Town Administrator and Planner	Town of Truro
Thomas Donegan	Chair, Board of Selectmen	Town of Provincetown
William F Martin	Mayor	City of Greenfield
Betsy Corner	Planning Board Member	Town of Colrain Planning Board
Michael Buonoconti	School Superintendent	Mohawk School District
Stuart Beckley	Town Manager	Town of Ware
Sue Wood	Former Town Clerk and Selectman	Town of Rowe
Karen Cadieux	Mayor	City of Easthampton
Christopher Martin	Town Administrator	Town of Granby
Michael J. Sullivan	Town Administrator	Town of South Hadley
Derrick Mason	Finance Committee	Town of Russell
Marie Angelides	Selectwoman	Town of Longmeadow
Lynn Arnold	Selectwoman	Town of Holland
John Musante	Town Manager	Town of Amherst
Kathy Martin	Town Administrator	Town of Granville
Paul Newlin	Selectman	Town of Whately
David Cressman	Town Administrator	Town of Dartmouth
Mary Greendale	Former Selectwoman	Town of Holliston
Anthony Palomba	Councilor-at-large	City of Watertown
Jonathan Yeo	School Committee member	City of Newton
Barbara D Searle	Selectman	Town of Wellesley
Jay Ash	City Manager	City of Chelsea
Paul Sieloff	Town Administrator	Town of Lanesboro
Bruce Turner	Selectman	Town of Egremont

Bruce Garlow	Town Moderator (Retired)	Town of Richmond
Dan Jacques	Selectman	Town of Montgomery
Jennifer Tabakin	Town Manager	Town of Great Barrington
Thomas Wickham	Selectman	Town of Lee
Charles Seelig	Town Administrator	Town of Halifax
Thomas Hoye	Mayor	City of Taunton
Mary Walter	Vice Chair, Selectmen	Town of North Brookfield
Leon Gaumond	Town Administrator	Town of West Boylston
Robin Craver	Town Administrator	Town of Charlton
Michael Herbert	Assistant Town Manager	Town of Ashland
Julie Jacobson	Town Manager	Town of Auburn
Kevin Mizikar	Town Administrator	Town of Leicester
Judy Paolucci	Superintendent of Schools	Town of Leicester
Bob Spain	Town Manager	Town of Millbury
Gregory Myers	Superintendent	Town of Millbury
Stephen McGoldrick	Former Chief of Staff to Receiver	City of Chelsea (Convener)
Ed Lambert	Former Mayor	City of Fall River (Convener)
Wendy Foxmyn	Former Municipal Manager	Western MA towns (Convener)
Clare Higgins	Former Mayor	City of Northampton (Convener)
Michael Ward	Former Municipal Budget Analyst	Town of Concord (Convener)
Alice Peisch	Former Town Clerk, School Committee & Finance Member; Rep.	Town of Wellesley (Convener)
Sarah Peake	Former Selectwoman; Rep.	Town of Provincetown (Convener)
John Scibak	Former Selectman; Rep.	Town of South Hadley (Convener)
Aaron Vega	Representative	Convener
Paul Mark	Representative	Convener
Benjamin Downing	Senator	Convener
Linda Dorcena Forry	Senator	Convener
Michael Moore	Senator	Convener
Joan Lovely	Senator	Convener

Appendix V: Interview Participants

Name	Title	City/Town/Organization/Agency
Lisle Baker	Alderman	City of Newton
Keith Bergman	Town Administrator	Town of Littleton
Carolyn Cragin	Retired School District Superintendent	Chatham-Harwich School District
Tim Dodd	Selectman	Town of Westborough
Brian Dudley	Southeast Regional Office	Department of Environmental Protection
David Dunford	Selectman	Town of Orleans
Bob Halpin	Town Manager	Town of Framingham
Rocco Longo	Town Administrator	Town of Marshfield
Anne Malewicz	Federal Facilities/Superfund Sites	Department of Environmental Protection
Tim McInerney	Town Administrator	Town of Grafton
Bob O'Connor	Forest & Land Policy Director	Executive Office of Energy and Environmental Affairs
Sherry Patch	Town Administrator	Town of Hardwick
Mary Skelton Roberts	Program Officer	Barr Foundation
Wendy Sweetser-Ferris	Director	Franklin Land Trust
Donna VanderClock	Town Manager	Town of Weston
Lisa Vernegaard	Director	Sudbury Valley Trustees
Pete Westover	Contractor	Dept of Agricultural Resources
Carol Woodbury	Superintendent	Dennis-Yarmouth School District

Appendix VI: Asset Mapping Recommendations Summary

Organization or Tool	Current Resource(s) Provided	New Considerations & Recommendations
Massachusetts Municipal Association (MMA)	• Network of Mayors, Town Administrators, Selectmen, etc. Membership open to all municipalities in Massachusetts. Access to insurance, energy resources, expert assistance. • Most well-known network for municipalities in Massachusetts. • Offers professional subgroups: Massachusetts Mayors' Association (MMaA), Massachusetts Municipal Councilors' Association (MMCA), Massachusetts Municipal Management Association (MMMA), Massachusetts Selectmen's Association (MSA), and the Massachusetts Association of Town Finance Committees (ATFC)	• Though subgroups exist for some municipal leaders, two additional subgroups would be useful additions: one for small towns and the other for municipalities struggling with protracted conflict. • Collaborate with MOPC to provide trainings to municipal leaders on meeting facilitation in high-conflict scenarios. • Provide training for new municipal leaders.
Massachusetts Interlocal Insurance Association (MIIA)	• A related, but separate resource provided by the MMA for municipal insurance. Municipalities have the opportunity to lower premiums by participating in provided training workshops.	• Expand training program with new trainings and locations throughout the state. • Partner with Community Mediation Centers to develop region-specific conflict resolution trainings for municipalities.
Massachusetts Association of School Committees (MASC)	• In addition to its regularly scheduled workshops, MASC also offers customized sessions on a variety of issues including school committee roles and responsibilities, group dynamics, superintendent evaluation, effective meetings, policy development, education reform issues, and community relations.	• Build statewide awareness of training opportunities, particularly for newly elected municipal leaders.

Organization or Tool	Current Resource(s) Provided	New Considerations & Recommendations
Massachusetts Association of Planning Directors (MAPD)	• Provides a network of planning professionals through which discussion and resolution of local and regional planning issues can be achieved. • Supports planning through education of citizen and professional planners via newsletters, monthly meetings, workshops, annual conferences and any other reasonable means of information dissemination.	• Build statewide awareness of training opportunities, particularly for newly elected or appointed municipal leaders.
Massachusetts Office of Public Collaboration (MOPC)	• Assesses, designs and facilitates collaborative processes. • Trains and coaches public officials as sponsors and conveners • Designs, implements, evaluates, and secures funding for sustainable public programs • Develops policy, builds capacity and conducts research to institutionalize best practices • Qualifies experienced neutrals and collaborative practitioners for service on public contracts	• Collaborate with the MMA to provide trainings to municipal leaders on meeting facilitation in high-conflict scenarios. • Facilitate MMA subgroup for municipalities struggling with protracted conflict.
Community Mediation Centers (CMCs)	• Specific services vary by organization. Mediation and alternative dispute resolution services are offered. Some mediation centers offer trainings, facilitation services, or conflict coaching.	• Partner with MIIA to develop region-specific conflict resolution trainings for municipalities. • Offer intermediate level trainings for interested municipal leaders to improve conflict resolution skills.
Department of Revenue (DOR)	• The Technical Assistance Section provides consultant services to cities and towns at no charge on municipal operations, government structure, and financial management.	• Build statewide awareness of technical services, particularly for newly elected or appointed municipal leaders.

Organization or Tool	Current Resource(s) Provided	New Considerations & Recommendations
Massachusetts Regional Planning Agencies Includes: Berkshire Region Metropolitan Planning Organization Pioneer Valley Metropolitan Planning Organization Franklin Regional Council of Governments Central MA Metropolitan Planning Organization Massachusetts Metropolitan Planning Organization Northern Middlesex Council of Governments Merrimack Valley Metropolitan Planning Organization Boston Region Metropolitan Planning Organization Old Colony Metropolitan Planning Organization Southeast MA Metropolitan Planning Organization Cape Cod Metropolitan Planning Organization Martha's Vineyard Commission Nantucket Planning and Economic Development Commission	Services vary by regional organization, but may include expertise and consulting in: • Cooperative Public Health Services • Cooperative Purchasing • Economic Development Planning • Emergency Preparedness • Franklin County Cooperative Inspections Program (FCCIP) • Land Use Planning and Zoning • Natural Resources Planning • Partnership for Youth • Regionalization & Special Projects • Town Accounting Program • Transportation Planning • Western Region Homeland Security Advisory Program	• Build statewide awareness of technical services.
Community-Based Nonprofit Organizations	• Specific resources vary by community, but may include expertise in civic engagement, education programs, development, public relations, grant writing, etc.	• Look for ways to collaborate or contract with these organizations to improve municipal projects and expand professional civic capacity.
Kindergarten -12th Grade Education	• Provides civics education to 8th graders.	• Expand civics education to include study of municipal civic processes. • Develop engaging service-learning curriculum that involves students actively participating in civic life, preferably in partnership with municipal leaders.

Organization or Tool	Current Resource(s) Provided	New Considerations & Recommendations
Civic Groups Includes associations like Rotary Clubs, Lyons Clubs, local advocacy groups, parent organizations, etc. These will vary in each municipality.	• Provides entry point for residents to engage in civic life. Members of civic clubs have a wide range of professional and educational backgrounds and demonstrate interest in informal civic engagement. • Civic groups also provide a formalized network to distribute information.	• Investigate and utilize resident skills. Some civic groups have expertise in fields that could be useful for municipalities looking for low-cost training opportunities. • Develop communications plan that includes disseminating information through existing civic groups.
Colleges & Universities	• Offers classes in communications, finance, marketing, political science, and dispute resolution as part of degree or non-degree seeking programs. • Houses research centers and technical assistance programs for municipalities	• Provide professional certification for municipal leadership, which includes classes on Massachusetts's laws governing municipalities, municipal finances, and communications proficiency. • Offer tuition remission to municipal employees who take courses related to their municipal work. • Increase statewide awareness of technical assistance and research centers focusing on municipal issues.
Adult Education / Community Centers	• Services vary by community, but may provide a wide range of low-cost classes and workshops to develop skills.	• Offer workshops or classes for prospective civic leaders (elected or volunteer) to understand the duties that civic leaders are responsible for and the process of running for public office.
Municipal Leaders	• Knowledge of local budgeting and fiscal issues that affect municipalities.	• Host engaging and informative public meetings to explain municipal budgeting and/or regionalization issues.
New Media Includes social media, blogs, and innovative technology	• Growing numbers of people are getting their news and participating in civic discourse through social media. • Social media is fast and content can be created by municipalities directly (as opposed to traditional media's reliance on reporters and editors)	• Develop social media marketing plan to improve communication with constituents. • Explore options for innovative engagement including smartphone apps and data collection from social media and message boards. • Create framework for managing social media for each municipality. This framework should identify job responsibilities, expectations for appropriate social media interactions, and goals and objectives for social media engagement.

Organization or Tool	Current Resource(s) Provided	New Considerations & Recommendations
Traditional Media Includes newspapers, local TV, radio, and municipal website	• Provides formal communications opportunities for municipalities to inform constituents of local issues. • Provides oversight of municipal functions.	• Develop and implement marketing strategy for traditional media that increases proactive government communications with constituency. • Update municipal websites regularly and work with citizen groups to ensure that websites are useful and easy to navigate.
Grassroots Groups Includes formal and informal organizations and associations such as churches, neighborhood associations, and informal personal relationships.	• Offers networks for distributing information and soliciting constituent feedback.	• Incorporate individuals and grassroots groups into formalized plan for distributing municipal information.
Public Engagement Includes process, space, and models for effective constituent engagement.	• Provides public meeting space. • Opportunity for residents to provide input and feedback through public meetings, hearings, and voting. • Gives framework for public meeting models.	• Identify and implement innovative public engagement models that have worked in other projects or municipalities.

Appendix VII: Asset Map