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Legislative Study: Massachusetts Municipal Conflict Resolution Needs Assessment

FINAL REPORT

January 2016

Massachusetts Office of Public Collaboration
John W. McCormack Graduate School of Policy & Global Studies
University of Massachusetts Boston

The destructive public 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 public conflict. The needs that municipal officials identify as important for dealing with future destructive public conflict and strategies to address those needs are also documented.



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Executive Summary

Municipal officials are at the frontline of solving today's complex problems in such areas as land use, education, budgets, environment, economic development, public works, public safety and public health. These issues involve a degree of complexity and require the collaboration of multiple parties to develop comprehensive solutions. The resolution of these complex issues demand levels of expertise and resources that may exceed the current 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 carrying out their public functions.

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 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. 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 trust in government, community unity and togetherness, civility, discourage volunteerism and participation in government and cause a host of other financial and non-financial losses to municipalities and local communities.

To address these harms, the study documents specific needs that municipal officials identified as important for dealing with destructive public conflict and for obtaining the societal outcomes they desired. These run 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; cooperation of other government entities; managing communications through traditional media and social media; accessing technical, scientific and conflict resolution expertise; and building conflict resolution 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 their constituencies by building on existing Massachusetts resources. Based on input from a Solution Strategies Group comprised of experienced municipal officials, and a solutions survey, a set of prioritized recommendations is presented at the end of this final report for the purpose of implementation. The assets mapping exercise implemented alongside the needs assessment process creates an inventory of existing Massachusetts resources that can be deployed to support the implementation of each study recommendation. While the needs assessment examined gaps, the assets inventory and mapping process identified community and statewide assets to implement much needed solutions.

A. Comprehensive Findings

On the whole, Massachusetts municipalities managed destructive public conflict well. However, 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 and interviews remarked on the economic, social and political costs of harmful and/or dysfunctional public conflict and the incivility, divisiveness, and issues related to public participation in government. They also remarked on how continued stresses on public managers can discourage high quality professionals and community volunteers from entering public service.

The findings and recommendations from the study were drawn from the data collected and analyzed through the following methods (See Appendix I: Needs Assessment Methodology):

- 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.
- 36 surveys providing feedback on the Interim Report released in January 2015.

- An 11-member Solution Strategies Group that refined and prioritized the Interim Report findings and recommendations and recommended specific solution strategies for inclusion in this final study report.
- 380 survey responses from the “solutions survey” that further prioritized the identified solutions from municipal officials, members of the public concerned with public issues, members of organizations/groups concerned with public issues and county/state/federal government officials.

1. The complexity of public problems and attending destructive conflict

The sheer complexity of public problems drive destructive public conflict. These conflicts have placed a significant burden on municipalities as the frontline institutions for solving them. Various municipal officials in focus groups and interviews 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.

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-sharing within and/or across municipalities. While some officials noted the advantages of regionalization, other officials attending the focus groups described how some towns were pitted against one another over the allocation of school funds and other school-related issues.

3. Current approaches to dealing with destructive public conflict

Massachusetts municipalities managed many destructive public conflicts well. Some conflicts however, were less well-managed and resulted in harmful and lingering impacts to municipalities and their constituencies. Evidence from the study indicates that the majority of destructive public conflicts are still on-going.

- 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.
- Several officials in focus groups and interviews explained how the effectiveness of public meetings would be undermined by low turnout or overwhelmingly large crowds – or by

opponents seizing the occasion to voice their antagonism. They noted how public meetings were sometimes convened and conducted without much thought given to effective problem-solving and collaborative decision-making.

- Providing relevant information to the public was another approach used by the majority of municipal officials surveyed.
- Evidence from the focus groups showed that current approaches to negotiation and bargaining had sometimes failed to work.
- A number of municipal officials remarked in focus group discussions on the diminished influence of traditional media to the sweeping popularity of social media.
- Many public officials recounted the general decrease in civility sometimes brought on by anonymous communications on social media.
- A sizable minority of individuals working in or affected by local government dealt with conflicts by acting as a go-between.
- Conflict resolution processes like mediation and consensus building through outside experts were underutilized.

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 decreased or remained unchained as a result of current approaches to addressing destructive public conflict.

5. Needs identified for dealing with destructive public conflict

- The majority of those surveyed identified gaining public support and sufficient time to understand substantive issues and obtaining cooperation from other government entities as an important or critically important need.
- A majority of surveyed individuals indicated a need to gain access to technical and scientific expertise.
- An overwhelming majority of responders in the solutions survey recognized the value of providing state support for local government officials to increase their competencies in public management, laws and procedures, conflict management, public engagement, communication, and online public engagement through training and education.
- In the same survey, conflict management skill training for local government officials was valued by the greatest number of surveyed individuals who identified skill-building training using local dispute resolution resources and professional development offerings from municipal associations as very valuable.

- The majority of stakeholders in the solutions survey found great value in funding conflict resolution experts, providing professional resources for assessing conflict, consensus building, and funding substantive experts.
- In the same survey, the vast majority valued the need for environmental and natural resource studies and another significant majority valued the need for studying regionalization and shared services.

6. Desired societal results for addressing destructive public conflict

- Trust in government, good governance, civility and public participation were critically important societal result desired by a majority of survey participants in managing destructive public conflicts.
- Other desired societal results to achieve in future resolutions of destructive public conflict included community unity and togetherness, community safety and security and economic vitality of city or town.

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 professional and regional organizations; in the university system, including state and community colleges; and in the state office of dispute resolution and state-sponsored community mediation centers, among others.

8. Experiences of local governments in employing non-traditional approaches to dealing with destructive public conflict

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.

9. Programs and best practices for supporting municipalities resolve destructive public conflict

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.

B. Final Recommendations

The following is a summary of the recommendations presented in the final report drawn from data collection within Massachusetts, comparative evidence and extensive research on how local governments are managing destructive public conflicts in other states. Assets and resources to implement these recommendations were identified through an assets inventory and map as part of this study. Some of these assets are included in the full recommendations (See full report for details).

1. Expand the scope and accessibility of high-quality training and educational opportunities for municipal officials

Current levels/opportunities for training and education provided to municipal officials, particularly for conflict resolution, is inadequate and should be increased and institutionalized. Overall, training and educational opportunities should include a combination of: 1) public management and leadership skills and competencies; and 2) conflict management skills and competencies designed for practical application with hands-on training and a balance of academic knowledge.

2. Provide conflict resolution technical assistance to municipalities through a dedicated grant program

The Commonwealth of Massachusetts should establish by statute a dedicated statewide and state-sponsored municipal conflict resolution technical assistance grant program to support municipalities, communities and public entities that need funding and resources for conflict resolution and other expertise needed to address/prevent destructive public conflict.

3. Explore options to study and remedy laws and regulations that cause or exacerbate destructive public conflict

The Commonwealth should continue its efforts to study and improve laws and regulations that create and/or exacerbate destructive public conflict with a view to minimizing conflict. A particular priority for study, clarification and/or revision should be the issue areas of: land use, particularly zoning, environmental and natural resource laws and regulations, municipal budgets, including school budgets, and regionalization/shared services – with special emphasis on the ways that these laws and regulations are interpreted.

Introduction

This Final Report contains comprehensive data and analysis, including refined findings and recommendations from the municipal conflict resolution needs assessment study. The intent of this Final Report is to galvanize into action municipal leaders, state legislators, members of the public, members of organizations concerned with public issues and others to implement the solutions contained in this report so that the needs identified herein will be met in ways that add measurable societal value for the Commonwealth and its residents.

Background

This study of municipal conflict resolution needs in Massachusetts was the result of a joint effort of municipal officials, legislators, the University of Massachusetts Boston – through the Massachusetts Office of Public Collaboration (MOPC) (author) at the John W. McCormack Graduate School of Policy and Global Studies, and state-funded community mediation centers. 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 and related activities, MOPC secured a Public Service Grant from the University of Massachusetts Boston 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 statutory state dispute resolution office and an applied 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 30-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, the main author of the report, designed and conducted the needs assessment 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 and meetings with the study advisors. The municipal study Needs Assessment Committee (NAC) provided advice and guidance. The Interim Report findings and recommendations were vetted by an 11-member Solution Strategies Group (SSG) who prioritized and further vetted the findings and recommendations before obtaining broad stakeholder input through a statewide solutions survey (See Appendix III for study team, 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 this combined needs assessment and assets mapping process is an inventory of current assets and resources that are available to municipalities. This assets inventory and mapping component acknowledges the contributions of many groups and individuals who are already working to better manage destructive public conflict in the Commonwealth of Massachusetts and who can assist in the development and implementation of strategies to meet municipal conflict resolution needs in future.

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 their constituencies in meeting the needs for constructive resolution of destructive public conflict. This included a pre-assessment phase where a Needs Assessment Committee (NAC) was formed to guide the study; an assessment phase where data collection was done to establish the gaps; a post assessment phase where solutions strategies were identified, prioritized and refined with broad input and; an implementation phase where the solutions strategies identified in this report would be implemented.

The societal results desired by Massachusetts municipalities and their constituencies were conceptually defined by the Needs Assessment Committee (NAC) and operationally defined

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

and investigated through the first statewide survey, focus group discussions and interviews (See Appendix II: Guiding Vision & Inquiry).

The data was collected through the deployment of three statewide surveys, eight regional focus group discussions, and 18 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 with experienced municipal officials, other regional and state government leaders as well as members of constituent groups (See Appendix V).

The first online survey was conducted with four categories of participants. Out of 226 responses in this survey, 117 responders or 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 the public concerned with public issues (see Figure 12). The second survey collected 36 responses as feedback on the Interim Report. Subsequently, an 11-member Solution Strategies Group (SSG) deliberated, prioritized and refined the findings and recommendations. A solutions survey collected broad feedback from 380 responders on the refined study recommendations. Of the 380 survey responders 176 or 46.32% identified themselves as a member of the public concerned with public issues; 153 or 40.26% as a member of an organization/group concerned with public issues; 126 or 33.68% as a local government official; 26 or 6.84% as a state, regional or federal government official. (See Appendix VIII: Solution strategies survey results)

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

Bad or ‘destructive’ conflict has been well documented to cause harm and dysfunction to government and local communities. The following are some examples of destructive public conflict and their harmful effects gathered from the first statewide survey, which includes the

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

crippling of town government, build-up of community tension and distrust, and declining levels of volunteerism in government:

Our small town has its own particular divisions, but division in general around town issues fills our local newspaper. Might there be a "circuit rider" of some sort created to help communities overcome such destructive patterns? Just one significant consequence of community conflict is that volunteering for public office is on the decline as people feel that ... serving their town makes them a ready target for public abuse and criticism.

I responded with reference to an issue that involves two different visions for the Town. That is an ongoing tension that is addressed by decisions on numerous distinct and specific decisions. That type of destructive tension is difficult to resolve because there is no single final decision. Matters about a narrower issue can often be resolved with time (staff and volunteers) and resources. Also, in the issue with a larger scope, the conflict often plays out through decisions on numerous, more specific matters. Then the tension and mistrust only [build] over time.

A select few (3-5 persons) in the town who use the OML and Public Records Law to harass town officials and cripple town government. These people use these two laws for the sole purpose of being destructive, harassing town hall employees, and gaining attention.

Further examples of the harm caused by destructive public conflict is documented in the next section of this report. While the harmful effects of conflict are well-documented, it is also important to focus on positive aspects of conflict. As survey responders in the solutions survey indicated, there needs to be a focus on positive or constructive conflict:

I have been a public official (volunteer and employee) for more than 30 years in Massachusetts. Thoughts: I find the term "destructive public conflict" very off-putting. Please focus on the positive, and on getting resources (written, video, training) in the hands of the volunteer officials who need them.

Again, I view public dissent/conflict as a healthy produce of local input into the decision-making processes. I do not think it is necessarily a bad thing to have conflict!

Despite the constructiveness of some conflicts, the destructiveness of other conflicts cannot be ignored. These destructive conflicts require proper management before they harm society. For purposes of this study, and in order to deepen the analysis of destructive and constructive public conflict, these different terms require definition. As a survey responder in the first statewide survey indicated:

Throughout this survey, I wanted more definitions. I'm not sure what constitutes a "public conflict," what "destructive" means, what "efforts" might entail, etc.

As another survey responder in the solutions survey indicated:

Define "destructive" public conflict? Is all public conflict considered "destructive"? Or might public conflict be a natural byproduct of responses by citizens concerned with certain actions or inaction by public officials, etc.? When is public conflict a positive? How can we identify what is constructive public conflict vs. destructive public conflict?

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 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,

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.

⁶ Vigoda, *ibid.*

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:

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.

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.

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 in this study were drawn from an analysis of two statewide surveys, eighteen interviews and eight regional focus group discussions.

B. Harms Caused by Destructive Public Conflicts in Massachusetts

The study finds that destructive public conflicts in Massachusetts cause significant harm and negative social, financial and economic impacts to municipalities and their constituencies. These conflicts are difficult to resolve and can reduce government efficiency, divide communities and demoralize public managers.

Destructive public conflicts can become intractable: Overall, almost two-thirds of persons surveyed (64.1%)¹¹ 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.

¹⁰ Perhaps this is because of the framing of the research inquiry process where some questions focused on the management of destructive public conflict.

¹¹ Unless otherwise indicated, $n=117$.

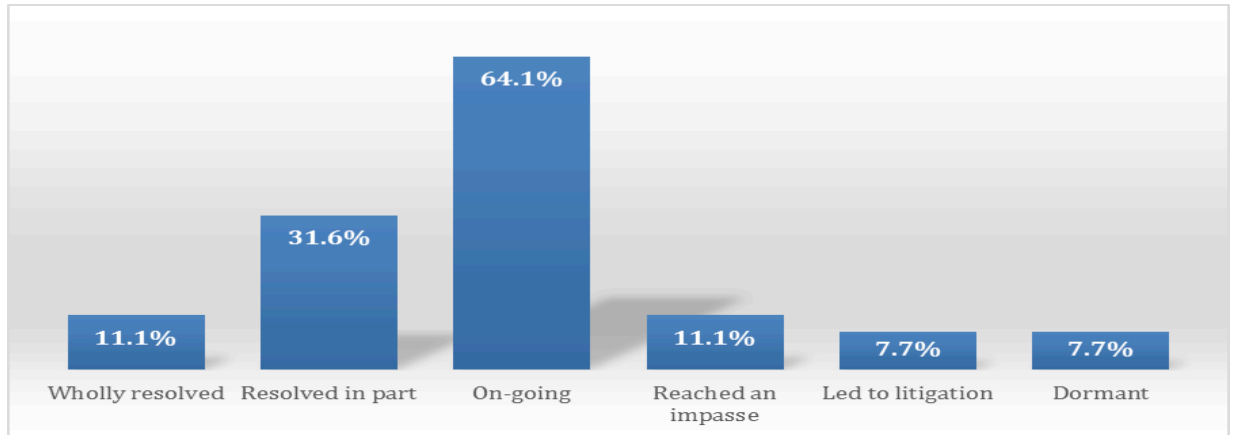


Figure 1: In response to the survey question titled: "What is the status of the recent destructive public conflict that you have been involved in? You may select multiple categories that apply." ($n=117$)

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%)¹² indicated that the most recent destructive public conflict they experienced was still on-going. A majority of members of the public (66.7%)¹³ and the majority (56.5%) of persons identifying themselves as a member of an organization or group concerned with public issues¹⁴ 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 described how destructive conflict divided a 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 nearly 15 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.

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:

¹² Unless otherwise indicated, $n=55$.

¹³ Unless otherwise indicated, $n=24$.

¹⁴ Unless otherwise indicated, $n=23$.

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 and 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 ways to maximize economic 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...

Rarely would municipalities or their constituencies consider the financial cost of unresolved conflict. As an interviewee indicated:

...the first question is what do you actually put in the "cost" column. And then, the benefit is really, I think the benefit would almost be measured by the opportunity cost of doing nothing. And what are the expenses that would have continued to accrue had the conflict been allowed to continue to carry on.

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 in a focus group:

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 indicated in a focus group discussion, 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 losses. Sometimes the cost is losing community peace and unity. As a municipal official observed in a focus group discussion:

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.

Destructive public conflicts can deter the delivery of critical municipal services like emergency services. As one municipal official noted in a focus group discussion:

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.

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 in a focus group discussion:

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 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 in a focus group discussion:

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 in a focus group discussion:

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 study provides further 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 further examination. This is because substantive issues are the key public problems that drive destructive conflict. For example, a substantive issue like regionalization 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.”¹⁵ For these types of complex issues, the relations among the parties become an additional factor in addressing the underlying substantive issue. And so, in Massachusetts municipalities, the involvement of multiple government entities in budgeting, including school budgets for example, can be accompanied by high conflict.

The chair of a select board in one Massachusetts town, remarked on the conflict between the select board and the school committee and their respective allies in local government during budget deliberations:

...the bite of the budget is always on the floor and...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

¹⁵ 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... 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 its 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.¹⁶ 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...

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,

¹⁶ 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.

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).

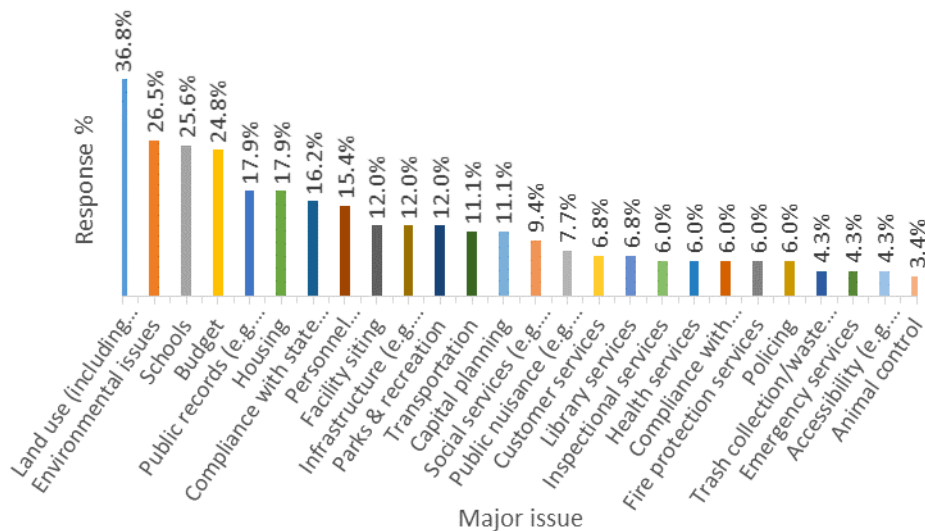


Figure 2: Responses to the survey question: “In the most destructive public conflict that you were involved in, what were the major substantive issues? You may select multiple categories.” ($n=117$)

Overall, 36.8% of the survey responders¹⁷ 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 responders 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).

¹⁷ Unless otherwise indicated, $n=117$.

Key issues that involve conflict - Issues over land use (including zoning), budgeting, and schools were attended by destructive public conflict according to a significant minority (over 24%) of survey responders 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 from these groups.

*Land use (including zoning) caused destructive public conflict:*¹⁸ Over a third of all survey responders 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,¹⁹ 41.7% of the members of the public,²⁰ 34.8% of persons identifying themselves as a member of an organization or group concerned with public issues,²¹ and 40% of the state, regional and federal government officials.²² As an interviewee noted, the use of land as a limited resource is often the core issue:

Well in my career, where I've seen a lot of conflict around societal differences within society about what the value of land is. How do we manage and care for land that provides society the highest and best use. And not surprisingly, there are going to be great differences of opinion with that answer and so out of that arises conflict. And I see that at many, many different scales. It may be as simple as an example would be a municipal leader or a business leader looking at land and seeing an opportunity for revenue generation by allowing development and another person may be saying, no that's not a good use of land. In fact, that will cause increased tax burden. So that's an example at a very core scale. At a very much finer scale, I witness and deal with conflict all the time even once a piece of land has been—society has decided that land is going to be protected, what successful protection looks like also can vary from depending on the stakeholders...People might look at a piece of forest and say success here is doing nothing, success is making good use out of forest products, success is perhaps active management that increases and optimizes visitor use and enjoyment.

¹⁸ 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.

¹⁹ Unless otherwise indicated, *n*=55.

²⁰ Unless otherwise indicated, *n*=24.

²¹ Unless otherwise indicated, *n*=23.

²² Unless otherwise indicated, *n*=15.

So in my world, it's both of those types of conflicts: the one at the very core scale that I started with: that fundamental question of what is the future of this land and to the finer how do we manage for that piece of land. Those are the conflicts that I encounter regularly. It certainly was very apparent with the Forest Futures work.

Zoning regulations were mentioned a number of times (40 comments) in focus group discussions 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.

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

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 in a focus group:

I'm talking about there's a lot 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: Municipalities are finding it difficult to fund all sectors of government at an optimum level. Increasingly, different local priorities clash with one other—over funding for schools, police, or fire departments. As one official commented in a focus group discussion:

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...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 its 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.

Another official interviewed expressed similar sentiments:

I would say and often the core of conflict relates to dollars and that the greatest destructive conflicts that I've experienced have to do with budgets and with deciding what funding went in which direction. And specifically, there seems to be ubiquitous conflict between the town and the school sides with regard to finite resources.

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.²³ This, as one municipal official remarked, was "the conflict between educational public local government and the non-educational public local government."

²³ 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.

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 district 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 disparities were assessed in a regional school district. As one municipal official noted in a focus group discussion:

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 in a focus group:

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 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 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.

Interview participants also observed the challenges associated with regionalization. As one interviewee noted:

It was really important to us that we regionalize and those two communities would have had dramatic failures—academically and institutionally—as well as horrible increases in cost that required, as a solution, a radical reorganization of their cultures and the structures of that geographic area. And making that happen is a messy process. It's a whole lot less messy when you can bring some focus to it and bringing that focus is difficult

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 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 in a focus group discussion:

Rules and regulations and mandates and things that we are required to do that in some cases make no sense whatsoever. They're 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 (17 comments), 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.²⁴ 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 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.

Connected therein to outdated laws and regulations is the culture and the form of government unique to Massachusetts. As a responder in the solutions survey indicated:

²⁴ 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).

I am not a native of Massachusetts and I find the Open Town Meeting to be a very inefficient and ineffective form of government. I understand the idealism in this form, the idea that everyone gets the same say as anyone else is great in theory but the attendance at these meetings is very low and I don't feel that a small group of people should be given the task of deciding what happens for a town. I realize the counter to that is to make sure that people attend the meetings but when a Town Meeting takes 3-4 nights with each meeting being in the neighborhood of 4 hours long I just don't think that's a realistic expectation of the public. That's just not how people live anymore. This form of government is also just a way for people to openly complain about their personal beliefs and hold everyone hostage while they rant.

The issue of the home rule process is also contentious with some seeing its merits as an unregulated (by the state) process that may assist local government raise revenue through taxation, for example, while others see it as an archaic form of government. In the interviews and the final survey, the following comments about home rule were raised:

But that's another point I want to make too that in other states outside of New England, when they talk about a home rule community, they are really home rule. They can set taxation; they can do everything they want. Not with property taxes, but other taxations, other ways to raise revenue. We had no authority in Massachusetts to do anything independently because everything we do has to be approved by the Legislature and that's sort of an obstacle, a big obstacle that I have personally because we can do things in our community, that might be helpful to our community, but because we're micromanaged by the state it's hard to do things because then it has to go through the Legislature and when you go through the Legislature sometimes what you ask for will happen because it is home rule and sometimes it won't. And I know issues that relate to revenue sometimes won't go through because even though it's a home rule petition and we want to raise money, some other Legislator in another area even though it doesn't relate to them might say, "We cannot let them do that in A-town because if it happens there it might happen in my community." So that home rule petition now becomes a political football and nothing happens.

There should be a review of the home rule process in Massachusetts. It seems very archaic and the public may be better served with a regional/shared services model for regions to decide (not the state house) to decide what development and local ordinances are best.

While many expressed concern with outdated laws, regulations, form and culture of government, for others, the existing systems did have its function and merits. As one survey responder in the solutions survey indicated:

Nothing stays the same forever. However most of the collective restrictions imposed by zoning, licensing, and environmental laws and regulations were imposed in response to a perceived need to regulate, based on the results of unregulated activity. It is not impossible to do business in Massachusetts. As in any part of the US, it requires competent advice, and careful planning. By example, the Mass SOC provides a significant amount of public information. The City of Boston is constantly trying to improve access to information. The tone of discussion today seems skewed towards promoting the view that all regulation is detrimental to business, and somehow restricts individual rights. The general public (i.e. Commonwealth) has rights which must also be protected. Incidentally I am an avowed capitalist, tending towards the red point of view politically.

Other issues that drive destructive conflict

Inter-personal issues and lack of deliberative skills: interpersonal issues and lack of deliberative skills can cause discourse on public problems to deteriorate. One official noted how deeply personal some public conflicts can become:

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 indicated what can be termed as a public deficit in social deliberative skills (19 comments).²⁵ 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 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:

²⁵ 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.).

I mean there is the issue of blogging that use to be much more prevalent. It never happened in [name of town]. But you'd go online to the newspapers and you would see this nasty vitriolic stuff and that's not something we experienced here in [name of town]., thankfully. But I, for some reason that's died down maybe because comments aren't being shown as much or people aren't blogging as much, but you know, I think that a while back my colleagues and I were talking about, How do you respond to that stuff? Do you respond to misinformation that was posted online?

Commenting on how interpersonal issues created conflict, a responder in the final state-wide survey indicated that lack of such skills was cause for distrust in government and affected good governance:

Not sure what you can do about this one but sometimes the people who chair twin committees do not have the interpersonal skills to hold the public trust. Their egos got in the way of good governance.

A municipal official described in the focus groups how two fire districts could not merge 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.

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, results from eight regional focus groups and eighteen interviews on how these different groups managed destructive public conflict are presented.

Complex public problems

The destructiveness of today's conflicts is often driven by their complexity. Complexities can create divergent views of a single problem.

Complexity has been defined as an intricate inter-twining or inter-connectivity of elements within a system and between a system and its environment.²⁶ In other words, public problems have many parts or components that may interact with each other in various ways, creating complex relationships. As an interviewee noted, a single issue may have redistributive implications creating many more issues that tend to linger on:

²⁶ Mitleton-Kelly, E. (1998, December). Organisations as complex evolving systems. In OACES Conference, Warwick (pp. 4-5).

So there have been almost entirely land use conflicts generated by one particular project or issue that then seep into all of the kind of community relations—how town meetings function, the relations in between neighbors—that sort of spreads throughout town. And then seems to persist for quite a while after.

These conflicts and their redistributive implications have placed a significant burden on municipalities as the frontline institutions for solving them. As a manager of an organization that helps government and communities deal with these issues observed:

But understand, that with many of the conflicts that are coming our way at the [name of organization], the conflicts are manifesting themselves very differently than when I think I started practicing dispute resolution twenty years ago and I'll tell you what I mean by that. A lot of local governments are dealing with issues that are multi-dimensional. So by the time a conflict comes, usually that isn't the issue that the conflict is really about.

Complexity is what drives today's intractable conflicts as it demands collaboration between various interests and stakeholder groups. An interviewee described this complexity and the multi-dimensional nature of complex social issues as follows:

I could give you an example about education. And people say kids aren't learning in school and then there's a big conflict about the teachers, the teachers' contract, often times, when you unpeel it, it's way more than just whether it's a union or teacher contract. It's about what's happening at home, does the child have the right support. There's no money coming into the schools to fund arts and ancillary programs. And so if you just look at the immediate issue, you might not be solving the problem. So the issues that we now deal with are so complex and multidimensional, that I think as public policy practitioners or dispute resolution practitioners we may need to say what does the universe of the conflict look like and then what are the tangible things we can do to address the conflict at its source and not at the end—the tail end. So what the really different orientation and I think local governments are also looking at this. Often times they feel the issues of unrest or stability or they might be dealing with neighborhood conflict that often times is not the issue of neighborhood conflict, but the issue of rampant unemployment might be loss of access to jobs—who knows what it is!? I think it's... the conflicts we're dealing with today are just so much more complex I think. I think than we tend to think about them.

Complexity in social interactions and processes can cause destructive conflict. There is no single definition of a social issue that would span across generations. Social issues tend to change or evolve. However, a social issue or social problem can be defined as one that the public or a segment of the public perceives as a problem²⁷. Often, these public perceptions of social issues are heavily influenced by a desired quality of life.²⁸ The social issues identified by people may change with the desired quality of life.²⁹ As an interviewee noted:

I think it depends; it's very context-specific. It depends on the issue and then it depends on the period of time, because a lot of the conflicts we deal with are not what we call "static issues" they just are playing out. So it's like, "do you move this bridge?" "What if you move the bridge?" "What do you do with the traffic?" "What do you do to ensure that there will actually be pedestrian access so there are a number of mini-issues that arise over a period of time. So I'm sorry not to have a more explicit answer, but some of that depends. Depends on the issue, depends on the timeframe, and it depends on the decision that's reached.

As another interviewee pointed out, public values change over time as society redefines its priorities and the underlying qualities of life:

But there are a whole bunch of things that natural areas give human society: clean air, clean water, recreation, natural resource products, and so on. You know, carbon sequestration, that society in total values, but obviously, as we look at all of those services, individuals and groups of individuals are going to prioritize the importance of those values differently and even within that prioritization, the definition of those values are subjective and so that's what I mean when I use... what is it that we value as individuals...so what society values also changes. And the classic is that a hundred years ago, society placed much more value on sort of commodity production off of natural lands than it does today. Today, there are much more spiritual and even recreational values certainly in Massachusetts that have trumped things like lumber or other forest products.

²⁷ Objective public opinion determines the problem and the quality of life desired by people, and experts identify those conditions which are incompatible with the desired quality of life. In Lauer, R. H. (1976). Defining social problems: public and professional perspectives. *Social Problems*, 24(1), 122-130.

²⁸ *Ibid.*

²⁹ The process of emergence may offer an explanation. Emergence plays an important role in complex systems and should therefore be an important consideration in addressing complex social problems and attending public conflict. Jeffrey Goldstein defines emergence as "the arising of novel and coherent structures, patterns, and properties during the process of self-organization in complex systems" In Goldstein, J. (1999). Emergence as a construct: History and issues. *Emergence*, 1(1), 49-72.

Complex social issues manifest in many shapes and forms. Some of these issues may arise out of competing needs for the same resource. As an interview participant indicated, there can be many competing interests on the management of natural resources:

..if we three stood and looked out my office window and onto an expanse of field and then wetland beyond, this is beauty is in the eye of the beholder and so one of us may say, “gosh, what a beautiful spot for wildlife.” One of us might say, “Aw, it would be great to build six homes here.” And one of us would say, “Gosh, that’s nice, but what I’d really like to see there is some trails so that I can go out and explore that.”

As another interviewee indicated, complex issues arise from complex relationships, as in the case of community policing:

I’d say the disconnect between the [Name of town] town government and the community back in the early 1990s was a particularly challenging time. And we had to break through some traditional approaches, traditional perspectives to offer the community another model of how we can approach relations between the community and the police department in particular. When I arrived in [Name of town], it was a period where there were marches of protest in the street. One year there were 20 incidents of hate motivated by violence and there were clashes between folks within the community about what the right approach was to those issues...

Preferred approaches to dealing with complexity and destructive public conflict:

In this study, survey responders undertook a range of activities to deal with complex problems by engaging with others on controversial public matters. But communication predominated over the other types of approaches undertaken by survey responders to manage destructive public conflict (see Figure 3). Responders' 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.

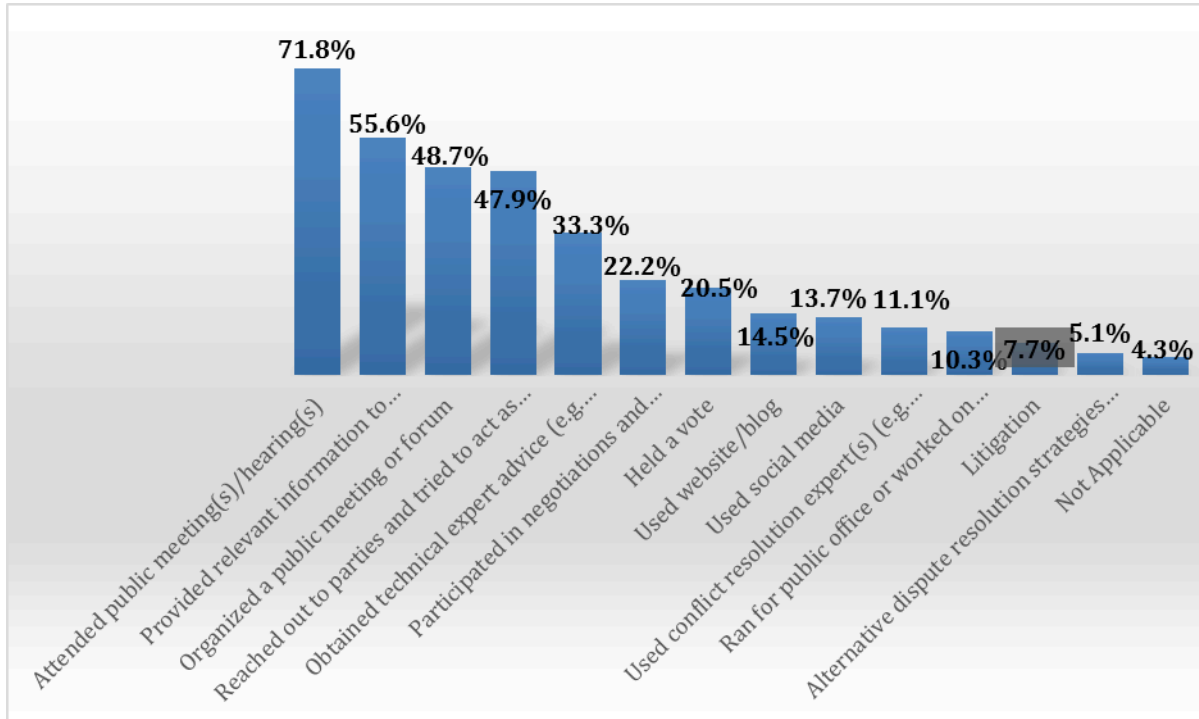


Figure 3: Responses to the survey question: “What strategies did you use (or are using) to address the destructive public conflict that you experienced? You may select multiple categories.” (n=117)

Public meetings: A substantial majority (71.8%) identified attendance at a public meeting as their preferred approach to address public conflict. When responses were disaggregated by group, a large majority (70.9%)³⁰ 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%)³¹ 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-

³⁰ Unless otherwise indicated, n=55.

³¹ Unless otherwise indicated, n=24.

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.

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.³² 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 in Massachusetts – and has been low for over a

³² 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 *folk moot* (Zimmerman, Joseph F. March 1999. *The New England Town Meeting: Democracy in action*. Praeger Publishers).

century.³³ Broad 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.

³³ 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 Records Relating to the Early History of Boston Containing Boston Town Records, 1814–1822* (Boston: Municipal Printing Office, 1906)).

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:

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...

The premise for convening a Town Meeting or any other public meeting is to collect public input. Sometimes public meetings are convened, input obtained, but the input may not be reflected in the decisions made.

They were going to take input, but that's it. It wasn't going to be applied or evaluated, was just going to get the input. And it's a full circle: its input, [inaudible word], tweak the system, and also if you can, clearly... if you take the input and you're not going to do anything with it, you have an obligation to explain why. So everybody understands that they come to a public meeting, they may provide public input, but it (1) may not technically be able to do it (2) it may not be feasible or it's too costly. But I think it's a respectful thing in the future for people to realize that when you have a public meeting, it's not just to hold public meetings. Find meaningful, two-way communication.

Organizing meetings: In addition to attending a regular public meeting or hearing, nearly half of survey responders 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.

Unfortunately, among these successful accounts of good public processes are some examples of bad and harmful public processes. As survey a responder in the solutions survey indicated, current public engagement processes may pressure the public to attend and agree to outcomes that they feel uncomfortable with:

I have seen some public officials create destructive conflict by openly calling for certain constituencies to be "shut up" if that public official wants a certain Article to be passed at Town Meeting, whether or not the article is good for the entire town. I personally was not the person who was "shut up" but I saw the conflict happen.

As other survey responders in the solutions survey indicated:

Perhaps, also, any public official ought to take some training in dealing with their position and the responsibilities that come with power, such as learning to deal with disagreement in a constructive way, and to welcome disagreement and listen to the reasons why public may disagree.

Occasionally the answer is no, and community members are forced to participate in a process to find a "compromise" where there may not be one. Public officials too often act as if they are obligated to find a way to get to yes, only because a proponent or their representatives have provided financial campaign support.

Town and school staff must be trained in effective public participation processes, they keep repeating the same mistakes and creating public opposition by their failure to include and inform the public throughout their decision-making.

I notice that because most people don't go to meetings, the people running the meetings think they can do what they want by listening to the vocal minority. We have town meetings and people try to get around things...like the ruling that was passed limiting how many rooms a hotel can have in town. Why bother with town meetings if people try to get around the laws? Please advise town leaders how to do their jobs for the towns as a whole.

Providing information to parties or the public: A majority of surveyed individuals also indicated that they provided relevant information to parties/public (55.6%).³⁴ 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. A greater majority (82.6%)³⁵ of the persons self-identifying as a member of a group concerned with public issues indicated that providing relevant information to parties and the public was the way they dealt with destructive public conflict. A small minority of survey responders – under 15% – indicated that they used websites or blogs (14.5%) or social media (13.7%).

Some public officials have developed multiple approaches to communicating with the public:

When they are surfing their channels they come across the [name of town] local channel, channel that a lot of the public meetings are televised and that particular group is being televised. So that's helpful. We have a messaging system, an email messaging system. We have at least a 1000 people signed up for that so we send out messages about meetings and the latest update about what's happening that sort of thing. So I think even more so we will make sure that we get the information out and try to develop consensus.

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:

³⁴ Unless otherwise indicated, $n=117$.

³⁵ Unless otherwise indicated, $n=23$.

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 [facilitative] 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.³⁶ 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." This official commented that having buy-in from the meeting participants for this approach was necessary for this approach to have worked.

Managing the media: In this study, focus group discussions provided evidence that the media posed both opportunities and challenges in assisting public officials communicate effectively with the public. A key aspect of communication was the way municipal officials dealt with the media, or the way the community dealt with a public issue, 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

³⁶ A feather would be handed from one person to the next at a meeting, and the individual holding the feather would get to speak.

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 a 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.

The media might cause harm by focusing on the negative aspects of a public problem. As one interviewee noted, the media has a tendency to highlight the loudest and/or the most negative voices in town:

I think part of what was interesting is that when you look at news coverage of the conflict, the quote that's in the lead is the loudest voice and the angriest person—and you don't see as many of the people who are actually thinking in a more positive or more open way about things and what that causes to happen is that a lot of people who are reading the newspaper and read only the lead of the newspaper story, get a strong emphasis on the negative because it's a headline making a kind of idea and not as deep an understanding of the issue that you're attempting to deal with. So the more ways that you can reach people, the more likely they are to fully grasp what the concept really is.

In the meantime however, 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.

With more new media outlets, there are now 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 than 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.

Attending a focus group discussion, 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 pointed out some

of the deficiencies of hearings as a way to communicate about issues (three 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 responders (47.9%) reached out to personally intervene in the conflict as a 'go-between.'³⁷ 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."

³⁷ 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.

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 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 using regulatory action: Government(s) may employ traditional approaches of enforcement and regulatory action to swiftly address issues. On complex and divisive issues/environments, these enforcements and regulatory actions can cause more harm than good. As one interviewee indicated:

If you go into an enforcement mode, that also has significant resource sinks involved in terms of time and ultimately, it would be the authority of the government that they impose a solution that a community may not like, so they can take up time in appeals and that sort of thing, which is even more resources, but at the end of the day, it may breed a lot of resentment because it's kind of like the bully coming in and imposing its will, but that's our responsibility if we're not able to get compliance

with the regulations that are in place, like I said, public health, safety, and the environment.

Dealing with conflict by using conflict resolution strategies and/or 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. On occasion where such expertise was used, the results were promising. As an interview responder indicated:

So we have a professional facilitator. We hired a professional engineering consultant-very objective in the field. And the two of them under the general direction, and I only mean general direction, of the Board of Selectmen and I am Chairman this year, since May of 2000. I am chair of the Board and running this thing. We having meetings twice a month, four hours each meeting with probably 35 to 40...stakeholders- the key people who represent various constituencies here in town and various points of view. And we've gone through four or five meetings already and I'd say that the mutual respect has increased dramatically. The collaboration has increased. Everybody is being heard. It is the only way to move forward in conflict in what I can see and we're implementing it through this approach by getting people to sit down to basically throw out, but not abandon, but to throw out all previously defined solutions, but to take the already gathered data and to move forward with that to arrive at a consensus solution moving forward. And so far so good. It's working out, I'd say, very well.

As another interviewee indicated, there is a time and place for employing conflict resolution to defuse a harmful situation:

Well I think it's the nature of destructive process. If it escalates to a certain point, I think what is needed is to recognize sort of the tipping point where you do need to bring someone in from the outside in order to craft a workable compromise short of having to go to enforcement. And I think internally, we would try to deal with it ourselves, if it got beyond a certain point, then we would go to some sort of conflict resolution and then if... hopefully that would be successful, but if not, the final option would be to pursue a regulatory or statutory remedy, which is not something that we want to do.

Dealing with conflict using alternative methods: Sometimes municipal officials create their own processes with mixed results. 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.

Municipalities interested in leveraging the benefits of regionalization initiatives have used alternative approaches with intermittent success. 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, ensuring the quality of the expertise, 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

Mixed results were achieved through current approaches to dealing with destructive public conflict. An examination of the survey data revealed that current practices achieved no progress in improving party relationships, communications, party satisfaction with solutions and in the problem-solving skills of conflicting parties.

However, some progress was achieved 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. 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:

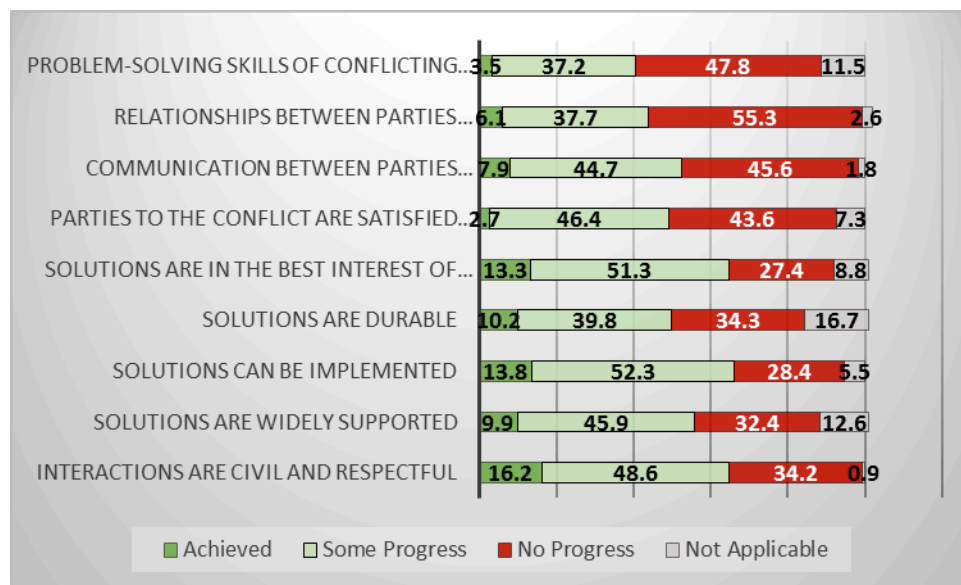


Figure 4: Responses to the survey question: "Please rate the progress in achieving the following results from efforts to address the destructive public conflict you have been involved in." (n=117)

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%).³⁸ However, a majority of 55.3% indicated that there was no progress in the relationships between conflicting parties. A somewhat lower percentage of survey responders 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%).

³⁸ Unless otherwise indicated, n=117.

A substantial percentage of survey responders (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%),³⁹ 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%)⁴⁰ 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 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%),⁴¹ problem-solving skills of conflicting parties (63.6%), party satisfaction with solutions (59.1%), and wide support for

³⁹ Unless otherwise indicated, *n*=55.

⁴⁰ Unless otherwise indicated, *n*=15.

⁴¹ Unless otherwise indicated, *n*=55.

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

Generally, key societal results like trust in government and community unity and togetherness have decreased due to weaknesses in the current approaches to dealing with destructive public conflict. Other results like economic vitality of city/town, good governance, community safety and security, civility and economic vitality of community have remained the same. Many of the key results identified in the survey had increased only marginally.

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? A significant societal impact is trust in government. As a municipal official indicated at a focus group discussion:

I am not sure, but it seems like a core theme/thing... runs across all of these conflicts that I've seen and that is the issue of mistrust. And it often plays out at the town meetings or in the selectmen's meetings. And that is where you get into the you people kind of accusations. You are not telling me how much this is really going to cost. You're not telling me how extensive this project is going to be. You have not

done your research. If you looked at the data I looked at you would know that what you are proposing it is just a bunch of crock. Water, ongoing regionalization, Police Department in Provincetown. I think the issue of mistrust in government which played out in the larger stage over to the federal level is something that we are seeing really play out locally.

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.

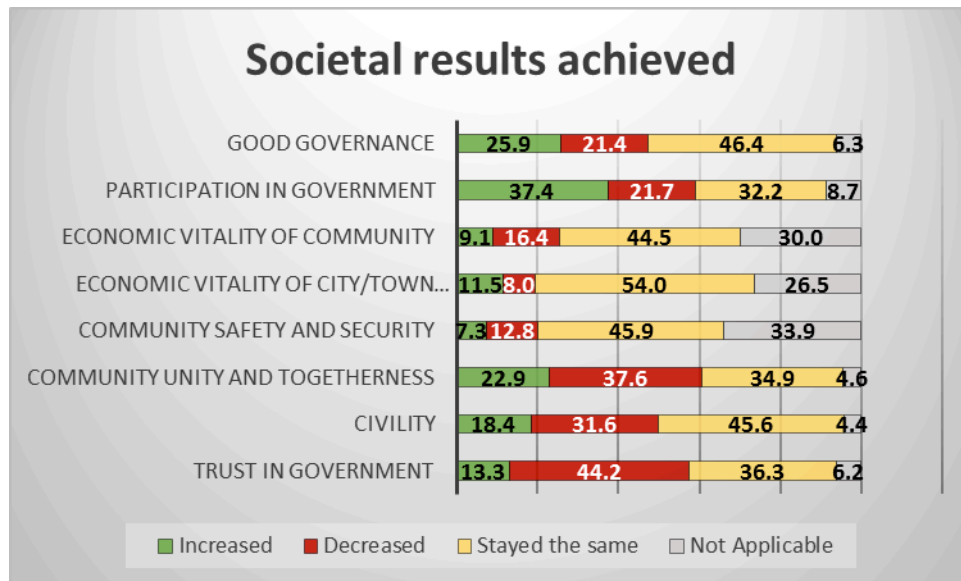


Figure 5: In response to the survey question titled: “Please indicate how the efforts to address the destructive public conflict that you have been involved in has changed the following societal outcomes. Select all that may apply.” (n=117)

A large percentage of survey responders (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 responders 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. Commenting on the importance of trust, a municipal official interviewed noted that trust is a reciprocal process and a lack of it is a problem:

...there’s a lot going on, but this is a good example to use where there could be a lot of destructive conclusions because first of all, we’re losing faith in the public. The public is losing faith in us because they can’t go to FEMA. They can’t go to MEMA.

They come to the town hall and because the process has taken so long and it's not clearly defined. I mean, I got a call today from the state rep and some constituents now from our town will go to the state rep trying to get help and then they call me. It's probably better if they come to us, but we're losing, we lose faith, we lose the faith of the public because we can't answer their questions.

For many municipal officials, the societal impact of dealing with destructive public conflict through current approaches involved no change in the status quo. The majority of the municipal officials⁴² 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.

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,⁴³ 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 official⁴⁴ agreed that trust in government decreased and half (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 issues⁴⁵ also indicated that trust in government decreased, and 40.9% of the same group indicated that community unity and togetherness had also decreased.

⁴² Unless otherwise indicated, *n*=55.

⁴³ Unless otherwise indicated, *n*=24.

⁴⁴ Unless otherwise indicated, *n*=15.

⁴⁵ Unless otherwise indicated, *n*=23.

III. Massachusetts Local Government Needs

A. Needs for Successfully Managing Destructive Public Conflict

The needs to address destructive public conflict runs 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 responders.

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 and participation, introducing structural or systemic changes like improvements to laws and regulations, and improving communication. In addition to the above needs, interview participants indicated the need to maintain high quality conflict resolution expertise that meets the required standards of neutrality, training and skills. Interview participants agreed with the need to build capacity within government and to engage the conflict early in the cycle by deploying existing public resources.

In the following section, the needs identified by the study participants are discussed in depth, 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 critically important or important needs for addressing destructive public conflict were: 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).

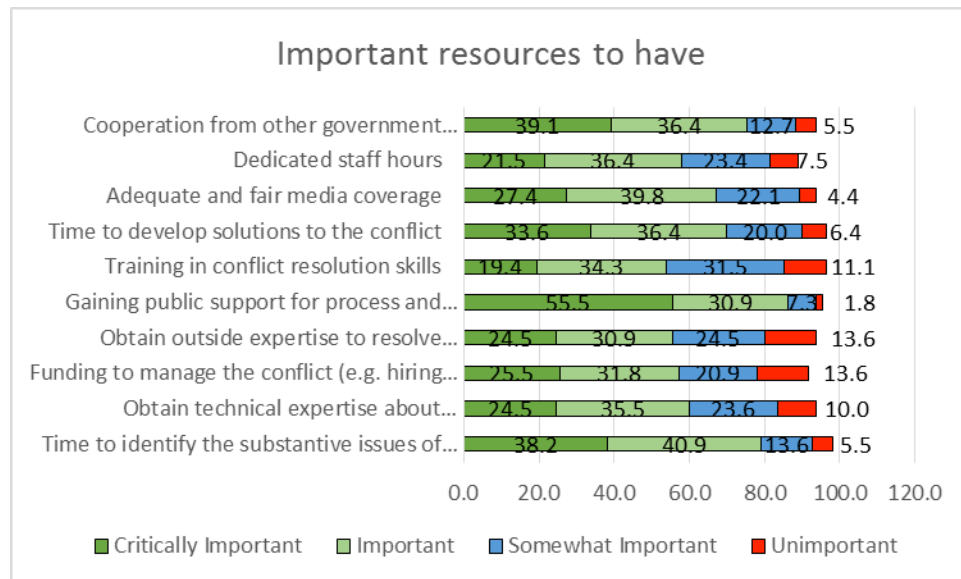


Figure 6: In response to the survey question: “If you had to deal with this type of conflict again, how important would it be to get more of the following resources?” (n=117)

Gaining public support

Gaining public support for process and solutions: Based on survey results, over three-quarters or 86.4% of all survey responders identified gaining public support for process and solutions as an important need or as a critically important need.⁴⁶ 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

⁴⁶ “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).

support for process and solutions as merely 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.⁴⁷ 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?

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.

⁴⁷ 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)

Similar sentiments were expressed in the solutions survey:

How do we get new people to participate in local government? How do we get our constituents to take the time to be familiar with difficult issues at the start, rather than end, of the process?

As we consider approaches to increasing public engagement and participation in government decision-making, an idea with practical implications would be to explore the use of online tools and technology. As an interview participant noted:

I guess that I'm realizing the work of our town meeting advisory committee, which did the survey, 635-person survey is really important because one of the problems we have is who shows up at town meeting and it's a select group of people who are able to attend an open town meeting, devote the time to it and participate and there are a lot more people who would like to be involved in decision-making in town but they can't find the time or make the time for a town meeting. If they were allowed to vote differently for example remote voting, online voting or voting in some way or voting apart from a town meeting where you have to sit for hours and hours and hours and listen to discussion then they may be more willing to participate.

Online technology may address the problem of having the same individuals attending public meetings as “the usual suspects”, which, according to research on large group methods, likely leads to the usual outcome: controversy without resolution.⁴⁸ As a focus group participant noted:

But some of these big decisions are not necessarily reflective of the greater public, but simply reflective of the people who are able to show up. And if we are somehow able to broaden participation and this is where the Legislature comes in frankly...Um there might be an opportunity for better decisions that reflect ... a greater number of people.

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

⁴⁸ In Bunker, B. B., & Alban, B. T. (2006). The handbook of large group methods. *Creating sys.*

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 a conflict was rated critically important or important by 79.1% of all survey responders. 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 responders. 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 responders. The need for technical expertise was considered a critically important need by 42.9% of the surveyed public. As an interview participant noted, technical/scientific experts can provide alternatives and an objective opinion on an issue that helps conflicting parties move ahead:

I said let us reach out as part of our homework to those specialists where we think we need someone to come in and talk about a certain issue. So as an example, we enlisted a professor from UMass whose specialty was around recreation sociology, but understanding how people value outdoor natural areas for recreation. And his name was [name of individual] and he came and did a presentation for us to explain how

attitudes have evolved really over a hundred year period. So as we dealt with values of land, that we didn't have to think that that's a static thing. That changes as those societal values evolve.

As another interview participant noted:

We did actually have—in fact it would have been impossible for us to have done it if we hadn't had—the funding we were able to receive from the state that was in support of regionalization. And that allowed us to do the planning and to hire consultants. A really specific example would be that we were able to hire a financial analyst who could crunch the numbers for us and could present them in a way that was not only well-informed, but also coming from a neutral voice and that was really helpful to us that it wasn't a matter of the voices that...sometimes the voices that people hear information from has a strong impact on whether they believe it or not, so hearing the same information from me, as the superintendent of the town that had been told it needed to regionalize, was different than hearing it from someone who really had nothing to do with the situation, so that was really helpful and we did use consultants a fair amount.

Obtaining outside expertise to resolve conflict: Results from the first statewide survey also showed that, overall, obtaining outside expertise to resolve conflict (e.g., from third party neutrals and facilitators of process) was rated a critically important or important need by 55.4% of survey responders. 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. As a survey responder in the solutions survey indicated, these outside experts have multiple ways of assisting municipalities to deal with destructive public conflict:

Supplying consultants in actual conflicts; facilitate meetings, design processes and evaluate results, and build capacity within municipal government.

The difference that a neutral facilitator and a well-designed process bring to the table is captured in the words of interview participants as follows:

Going into the initial stage, without that kind of facilitation, would quite likely have failed, because we would have come to the table with differing perspectives and somebody—it would have been the superintendents, probably—would have had to start organizing the discussion and the fact that the role of doing that represents a sort of assertiveness would probably have turned off the community members who were involved and made them feel as if they were being forced into something that they weren't comfortable doing. As it was, with a facilitator what happened was that

everyone was asked some neutral questions in advance and the earliest discussions were kept on a very calm tone and the sort of the knitting together of the thought processes in the room was something that you really have to have an outsider to do—unless you're a miracle worker.

But to have a facilitator who can come back to you and say, “here's what we talked about the last time, where do you think we should go?” was really critical and then when we got to the point where we were doing the documents that would be the formal, legal basis for the region, we had a lawyer who worked with us. So we really did try to keep it as unemotional as possible by using facilitators who brought a skill related to either interpersonal communication or a specific content area that we were working on and that... I wouldn't recommend that anyone do it a different way.

A number of responders in the focus group discussions and surveys cited the value of a neutral third party to manage destructive conflict, build public trust and skills:

I believe that there should be resources available to public officials in the areas of communication, conflict resolution, and consensus building. This could best be offered through professional development with a designated resource to call upon to deal with specific issues as they arise.

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.

Mediators provided to the public through municipalities for municipal employees as well as the community; particularly elder services. Mediators available to assess work group conflict would be especially helpful as well. In my experience, as a municipal hearing officer, there is a need for work group training as well as organizational culture design changes.

Another municipal official participating in the focus group discussions expressed the need for outside experts to manage destructive public conflict⁴⁹ 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. 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.

Similar sentiments were expressed in the interviews and the solutions survey:

So you know aside from maybe some mini-mediation service of some sort, maybe a resource to call. You know, any suggestions, a clearinghouse of how things have been addressed in other places. You know best practices maybe if there was some sort of offices that dealt with conflict resolution. Maybe collecting best practices or providing best practices based on other experiences could be helpful.

⁴⁹ 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).

Compared to my colleagues in other towns and I hear from them pretty regularly. I would say maybe it would be helpful to have some mediation service available. You know someone who could come into a contentious meeting and help both sides be heard – maybe that sort of resource could be useful.

I think it is a combination of capacity building so local governments can manage conflicts better and helping to know when obtaining neutral assistance (and how to get it) is potentially worthwhile.

Using professional facilitators and mediators can be really helpful - and providing some basic training in those skills would also be helpful.

The evidence points to a need to obtain conflict resolution expertise, particularly for the resolution of complex issues where good process is needed to sift through divergent and often opposition views. The need for substantive (technical/scientific) expertise is also required to sift through scientific/technical information and complex data.

Conflict resolution may offer a unique opportunity to address complex public problems at the root, by going to the locations where it is directly affecting people's lives. It offers an opportunity for municipalities to address local issues locally and to then expand those solutions to regions, the state and beyond. As a manager at an organization funding such initiatives noted:

Yeah. So I think that local governments are uniquely positioned to work with their constituency, unlike state governments and big metropolitan area, it's the local governments where those decisions are being made about land uses around issues that are affecting their localities. And I think dispute resolution offers an opportunity to sort of have dialogue that are neighborhood, community and then trickle up to sort of a regional—sort of a regional perspective. When I think about some of the issues that we focus at [name of foundation] related to climate change—climate change isn't just a city problem, it's a region. When we think about transportation, transportation is a whole regional, a state-wide network, and goes beyond Massachusetts if you look at a sort of from the whole New England perspective. And so understanding how dispute resolution can engage the different constituencies that have very specific conversations and then sort of connect to a larger sort of objective of goal or solving a bigger issue, I think it's an important opportunity that dispute resolution can offer. People that can connect the dots, so start very local and connect the dots, so how does this local issue impact multiple communities in a region. How does a region then think collaboratively about how to solve particular issues or problems. I just think there's an opportunity there.

As another interview responder indicated, there is a return on investment when destructive conflicts are managed constructively:

It costs funds, but the objective facilitator to come in and to manage the consensus building process, that's one important resource. Second, is the objective technical consultant that can provide all view points on engineering alternatives and techniques and solutions that are not biased in any respect. I would say those are the two most important resources that the town can bring to bear on answering this. And I think you know this is an interesting over all, yeah, this has to do with a sewer system and the water ... but in a lot of ways can be generalized to basic disagreements et al. It's in all the municipal world. You need someone to help the dialogue proceed and that someone has to be objective, i.e., a facilitator, and any nasty dialogue removed. Somebody objective out there that can provide the facts that everybody can agree upon.

However, municipal officials may not be fully aware of ways to obtain outside expertise, hence the need to increase education and awareness on the availability of such resources. As an interview participant observed:

So I guess the starting point might be people need a higher level of awareness that that's even a possibility. That you don't have to just kind of work your way through a process, doing the best that you can. And all of it, even the really unpleasant encounters with some of the finance committee people looking at what the costs were going to be, they brought their honest, sincere perspective to that discussion, just as we did. So when you start with those very different perspectives, it's not easy to get to a point where progress can happen. And so understanding that in a situation that has the potential to go more in a negative direction than a positive one, that there is a resource that you can connect with to help either in a consultant role or a facilitator role, I would say would be something that would be really useful. And as I said, I don't think I was aware that there was such a thing before I got involved in that process.

Ensuring the quality of conflict resolution services: Another serious need raised in the study was to ensure the quality of the conflict resolution expertise available in the Commonwealth of Massachusetts. The need is for neutrals who are capable of providing high quality services to government and communities. As a member of an organization concerned with public issues indicated in the solutions survey, incompetent mediators may cause more harm than good:

I do not really respect the sphere of "conflict resolution" and "mediation", which I know a lot of people think is a good thing. I know people who do this professionally, and I know them well enough to think they are ill qualified to do it!

They often create conflict themselves in their own neighborhoods by being very opinionated and thinking highly of their own abilities, and they don't help any when there is conflict here.

As a former municipal official and mediator observed at a focus group discussion, the quality of the conflict resolution expert, as well as the process of vetting the quality of their services, were critical to the principle of do-no-harm:

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 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....

The evidence from the study also suggests that not all conflict resolution experts meet the required standards of neutrality. In some cases, they may develop processes that favor the sponsor. As an experienced conflict resolution expert and manager of an organization noted:

I think that the importance of having a skilled facilitator is really critical and what we found at our [organization] is that one of the reasons we will pay for a neutral is because we've seen, over time, that different advocacy group hires the neutral or the state agency hires a neutral that neutral, even though they say they're not, their primary objective is to meet the goals of whoever hires them. So [name of foundation] can actually step in and say your objective is to do a process there and that creates a neutral environment rather than saying you work, rather than being [name of state agency] who hires someone and, of course, if they hire you, you're going to be more willing to be flexible with them. We don't have that issue. We will hire them to sort of meet with all the parties, and I think that's a good lesson. That's an important role that philanthropy can play in creating a neutral space for good public process, good governance, good decision-making.

In addition to this concern of bias towards a sponsor, survey, interview and focus group feedback further highlighted the need to ensure facilitators have the required training and core skills necessary to become a successful public policy conflict resolution expert.

I can tell you of a little bit of optimization on my part because I use a lot of facilitation, I'm finding that I'm not finding a really solid skill set amongst facilitators. I'm finding that there are facilitators that will say they're facilitators and they've never taken a facilitation class in their life. They've taken a public dialogue class, they've taken a consensus-building class, but what they haven't done is taken any nuts-and-bolts of how you get from a-to-b, I mean, how you get from a-to-z, and as a result of that, I'm finding, I'm seeing really bad facilitation happening in the field. I'm seeing a lot. I'm also seeing that the field, in and of itself, isn't catching up with the latest technology, so you're going to meetings and people are still pulling out white board and markers and that's not that efficient, there's way more better technology, so I'm not finding that within expert organizations—I'll give you an example, like architects. Landscape architecture firms, transportation, planners, I'm finding that they both have the expertise and the ability to facilitate because they don't come from these consensus-building institutions and organizations. They've gone out and done the work to get skilled, and so often times I'm struggling because I want to hire someone who is a conflict resolution professional, and I find that skillset isn't always there.

Resources to manage conflict

Funding needed to manage the conflict: According to results from the first statewide survey, 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 responders. The proportion of members of the public who rated it critically important was 40.9%. State agencies, let alone municipalities, find it difficult to allocate funding for conflict resolution early on in the cycle of a destructive public conflict.

In the solutions survey, over 56% of stakeholders found great value in funding conflict resolution experts (67.4% of 365 responses), providing professional resources for assessing conflict (60.61% of 363 responses) and consensus building (60.61% of 363 responses), and funding substantive experts (56.35% of 362 responses).

As a state agency representative interviewed in the study indicated:

One of the reasons that the conflicts kind of get out of hand before we would call in the Mass Office of Public Collaboration is it's very hard to find money in the budget for items like that. When the forest visioning process got way out of hand—I mean the conflict before that—it became such a big priority that the Secretary and the Commissioner found the money to fund that project, which was pretty expensive. It could have been done a lot cheaper a year earlier, when people weren't so angry, but I think that's one of the impediments. Even to the forest tax law project, [MOPC

facilitator] basically facilitated one meeting in the state house for maybe two or three hours, but even finding that small amount of money is difficult. So if there was some sort of a pool of money that state agencies could use, like apply for a grant to hire MOPC to do a project, when it's earlier on in the conflict, I think a case could be made that that would save a lot of money.

The resolution of destructive public conflicts may become costlier overtime. Hence the significant cost-savings to managing conflicts early-on in their destructive cycle by deploying existing public resources. As a state government official interviewed in the study noted:

And I know that MOPC used to do some trainings for state workers for conflict resolution. I think that's a good use of resources as well because how you handle a meeting and have results that are a lot more positive if you're kind of aware of what skills could help. I think that agencies are not going to hire MOPC for kind of a simple conflict that could be resolved fairly simply, but it could get out of hand, a year later, you might be spending \$50,000 a year later to hire MOPC to fix it. So there's, I think, a balance of making access to MOPC easier when needed and the earlier the better. And some trainings so that tiny little conflicts don't become bigger ones.

A municipal official interviewed for the study expressed similar sentiments:

I think there is money to be saved and I think if we had... your group out before we had the vote—many months before we had the vote for the library—we could've brought those people who were so choked off by emotion and anger over what they thought or didn't think, I think that would go a long way. So if we can somehow couch it that the money up front for these communities to work through these conflicts is going to save those communities money in the long run, I think is an important piece.

The allocation of municipal funds, even for sharing information with the public on a contentious public issue can be resource intensive. As an interview responder indicated:

And, as I said before, what we would see in the newspaper were the negative voices and I think if we had greater resources, we would, for example, every voter had received a packet—which we did, on a certain level—but perhaps we could have done it at an increased level. We could have done more responses to questions and those kinds of things. So that probably would be the primary thing. If we would have done what we did in a somewhat more deliberate and effective way given greater resources to not always be doing it on the fly with people who were not as skilled in some of those areas.

Some large to medium size cities and towns might have the financial wherewithal to manage conflict in the short-term, but there are doubts about sustaining these initiatives over time. As a town official noted:

Right now, funding. The finance committee, I haven't had any problem going to the finance committee and the Selectmen saying, "Look, what we're doing is really working, I'd like to appropriate some more money so that we can continue." They see that we're making progress working with MOPC and UMass and they know that good management and good government requires some money. So we're hoping that going forward—once everything is in place—we will be able to kind of maintain it and go out on our own a little bit more and maybe even work with other communities doing a little a bit of that now, so...

Obtaining funding to hire experts to manage conflict is a serious issue for smaller municipalities that are strapped for cash. As noted in the solutions survey:

Local funding is not going to happen; need to be aware of very limited resources in many communities, i.e. don't solve the Boston or large city problems and expect them to be transferrable to towns generally under 5000 or especially 1000 population.

Local governments need more resources - tight budgets and lack of professional staff lead to much conflict.

As noted in the interviews, asking municipalities to pay for a mediator or to acquire conflict resolution skills has serious opportunity costs:

In other words one of the problems is that people look at mediation and say, "Gee whiz, I've got to settle this case. I'm already paying my lawyer and now I have to pay a mediator and a lot of communities have to go through a town budget process and I don't know how much you are familiar with municipal finance, but in [name of town] we've had to budget and there are a lot of department heads and judgments and settlements account and it also got staff counsel and a lot of communities, they don't have that.

...they awarded like four or five million dollars to cities and towns trying to make their government more efficient and a lot of the projects were computerizing everything or sharing equipment and things like that. So this proposal was to train municipal officials in negotiation skills. And I think it looks like soft kind of funding versus buying a dump truck that three cities will share or everybody loves modernizing computers, but I think that you can save as much money through

having people communicate better, so that the conflicts don't waste money. It's just a harder case to make.

A lack of funding, coupled with a lack of awareness about whom to approach for assistance are acute needs for many municipalities. As an interviewee pointed out:

...who can be called on to come in and help and either do some diagnostics because sometimes that's really what's needed, or perhaps help sort out a conversation and do that in a way that doesn't put the community's own resources immediately at risk. That would be, seems to me, a positive development for many municipalities because they don't have funds to do that and they don't know who to ask. And that's, so there's both a deficit of understanding plus even if they did understand what they wanted they can't afford it and they don't know who to go to.

Human resources needed to manage conflict: Funding may affect the quantity and quality 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 responders (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 needs associated with solving destructive public conflict. Many small town managers had to rely on regional entities for support. As one official from a small town noted in a focus group discussion:

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.

As another official indicated in an interview, obtaining resources, human or otherwise, is a challenge:

I think manpower is probably the biggest resource, but there's, I don't know off the top of my head what other resources, I mean we're, we in A-town, we don't have custodians for the public buildings. We have a cleaning service that comes in three times a week. Our infrastructure is deteriorating because we can't sustain it. We just don't have the capability to do it and it's scary to me and it's going to be more divisive and when we go to our town meeting, the pure democracy and we try to do certain things. Because of the form of government, it gets complicated because there

are, there is no focal point for priorities. Whatever the priorities of the town meeting are, it gets very complicated.

Maintaining required levels of human resources is a serious challenge for smaller municipalities. As a result, even emergency services have suffered cutbacks. As an interviewee noted:

Well specifically in our case in the last ten years, we have five less employees than we had ten years ago. So there's been a number of changes, but we're probably down a total of ten policemen and probably close to that for firefighters.

Some small towns do not have town managers. As one municipal official from the Berkshires 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 managers 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 effective governing: An overwhelming majority (about 90% or more) of responders in the solutions survey recognized the value of providing state support for local government officials to increase their competencies in public management, laws and procedures, conflict management, public engagement, communication, and online public engagement through training and education. As a survey responder indicated, public managers require numerous skills:

Small towns are run by select boards that have no education or training. Misinformation is disseminated frequently. There should be a state agency acting as a watchdog over small municipalities. Most of the skillsets identified in this survey are essential skills for addressing public needs and expectations. Those that address direct interaction with the public should have highest priority. Institute a requirement for LOCAL and STATE civics education in secondary education. Often the skills of local government officials are key to whether conflict is managed well or not. Providing opportunities where promising leaders are identified and receive high quality professional development/training is critical to ensure a supply of competent

leaders. Town and school staff must be trained in effective public participation processes, they keep repeating the same mistakes and creating public opposition by their failure to include and inform the public throughout their decision-making.

Not all officials have the required skills and competencies to function in their role as public managers, let alone the skills to manage destructive public conflict.⁵⁰ As one official indicated:

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.

Municipal managers and staff are better able to 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 and interviews. This is primarily due to the changing role of government and the increasing complexity of issues local government officials face. As noted in the interviews:

I think people who get involved in town government think whatever expertise they have is easily transferable to local government and it isn't any more, I mean we're very complicated. I mean, you know because of the litigious society, there are so many things that you can do that will really mess things up and in the old days, government was more volunteers and there wasn't many professionals. And government has changed significantly where in my career, I saw lawyers go from they were just the closest lawyer to the town hall became town counsel where today we've created a niche in the legal industry. We have labor lawyers. We have environmental lawyers. We have a town counsel. We have uh, insurance lawyer. We have so many lawyers, so the point is, is that it's become so complicated that people when they get involved with town government, you know, they don't automatically bring everything we need and sometimes that's kind of a conflict because if they don't know what they're doing, it makes it much more difficult and we depend on volunteers and we depend on those people, but, the volunteers, but it should come with some minimum knowledge of what they're getting into and an understanding.

⁵⁰ 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 traditional institutional framework (Policy Consensus Initiative. April 2006. *Legislators at a crossroads: making choices to work differently*).

The acquisition of core competencies, knowledge and skills was especially pertinent for small town officials who were largely volunteers:

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.

Training and education were 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.

In the Interim Report feedback survey administered in March 2015 ($n=36$), the need for training was welcomed by one of the responders as follows:

The single most important conclusion in the preliminary findings is the importance of training for committee and board members, particularly chair persons. I can't begin to count the number of poorly run meetings, poorly trained chairs, and well-meaning but inept participants to which I have listened. To be successful in any profession one needs to learn a wide variety of skills and needs to hone and improve

those skills over time. But any volunteer can be appointed or elected to a town board without receiving any training, meeting any qualification standards or with any expectation of on-going training. Some individuals do come to boards with natural or learned people and leadership skills, but most of us can benefit from continuous training; and many of those who think they don't need further training, need it the most. Massachusetts mandates Conflict of Interest and Open Meeting Law training but not how to be an effective committee member, not how to work with and relate to the public, not how to run a proper meeting, not how to use scarce meeting time efficiently.

Training in conflict resolution: According to the first statewide survey, training in conflict resolution skills was rated a critically important/important need by a majority of surveyed persons (53.7%). Conflict management skill training for local government officials was valued by the greatest number of individuals in the solutions survey (97% of 378 responses), over three-fourths of whom (79.37%) considered such training very valuable. Stakeholder sub-groups tended to reflect this overall convergence on the high value of training in conflict management skills. A responder in the final state-wide survey considered conflict resolution training as mandatory training for municipal officials:

Most of our public officials run meetings very poorly and don't think they need help managing public conflicts, so like Open Meeting Law, training participation may need to be mandatory rather than voluntary.

According to another survey responder, public officials need to learn skills to manage public dissent:

I have seen some public officials create destructive conflict by openly calling for certain constituencies to be "shut up" if that public official wants a certain Article to be passed at Town Meeting, whether or not the article is good for the entire town. I personally was not the person who was "shut up" but I saw the conflict happen. Perhaps, also, any public official ought to take some training in dealing with their position and the responsibilities that come with power, such as learning to deal with disagreement in a constructive way, and to welcome disagreement and listen to the reasons why public may disagree.

According to another 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.

Survey responders in the solutions survey indicated an acute need for training on public meeting management, facilitation and public deliberation skills for public officials and members of the public. The following are some of the survey responses:

...a critical topic; public also needs to be trained as this isn't just a public officials issues. There is a great deal of difference between what one town allows at say Select Board meetings for public input and even where on the agenda versus another. These differences can appear as limiting public input when in fact a legal option for the Board, this is a multi-layered issue. Clear rules of engagement at town meetings – moderator training and public training – would also help greatly, thank you for taking it on.

...how to develop "common ground" engendering more public participation developing new blood for committees and boards – there are too many entrenched public servants and public attitudes of defeatism bullying by officials as a past member of many municipal and state boards/committees I see that it is not "safe" for new, out of the box ideas to be presented or taken seriously. As a dialogue and deliberation facilitator I see that the "people" need to have many more experiences of successful engagement to want to participate and public servants need the proper attitude of welcome – especially of differing opinions.

Similar sentiments were echoed in the interviews. As one interviewee pointed out, although skills may exist that help municipalities deal with conflict now, with the more experienced managers transitioning and new managers taking over, there might be a need to deliver skill-building training in a more systematic way:

We have good public officials in this town for the most part who care about doing the right thing for the town and that's when they're able to really keep the level of conflict minimized I think because of their own personal skills and abilities. So how do you provide that in an environment where there aren't people like that. You know maybe there's training that's offered. You know and before new selectmen or boards of selectmen or boards of whatever –you're new in this role. How do you deal with an angry citizen or the person who doesn't think that anything you do is right? And maybe there's an opportunity to provide those skills to people or to give people strategies who don't already have that because they need them themselves for their own work.

Training in leadership skills: During focus group discussions, a key need identified by municipal officials for dealing with destructive public conflict was leadership skills. 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] 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:⁵¹

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 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.

A core leadership competency is for newly elected public officials to understand their duties and responsibilities in-depth. As one responder in the last state-wide survey indicated:

⁵¹ 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.

All newly elected officials should be required to attend workshops on the extent of their duties, responsibilities and powers (or lack thereof), a "Municipal Service 101: Now that I'm in office what should I do" course.

For another survey responder, having the required skills and competencies was something municipal officials should consider before getting themselves elected/appointed:

Municipal officials should have job descriptions and skill requirements to ponder over before ever putting their names on a ballot just because the Town Clerk/BOS Chair or person of influence pushes or persuades them onto it.

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:⁵²

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

⁵² "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).

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 public process and outcomes was improved communication with the public as well as increased oversight and documentation:

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 focus group participant, town officials do not fully grasp how school budgets work:

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 it's 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 participation and engagement are necessary to identifying mutually beneficial solutions to today's complex issues. When issues are complex, public managers are encouraged to involve a broader cross-section of the public as collaborators and joint problem-solvers.⁵³ Learning how to engage the public was identified as very or somewhat valuable by nearly 95% of all individuals in the solutions survey. As a survey responders indicated:

Go beyond what is mandatory. The public processes (notices, hearings, public comment periods) that are required by law should be the baseline, not the bar. It would often behoove public officials to engage the public at the beginning of initiatives, and projects as collaborators, rather than near end, as unilateral problem solvers. The public could become partners in the work of government, rather than simply "customers." I believe this could go a long way to preventing conflict in the first place.

⁵³ 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)

Broad, early, and meaningful engagement - including groups that tend to be under-represented in public discourse - is critically important. Just holding the usual bunch of night-time, weekday meetings is not meaningful engagement. Also, in the land use and environmental field, I feel it is important to encourage broader planning across a wider physical area and a longer period of time, so the public, local officials, and developers don't have to "fight it out" over every single parcel and project.

Unfortunately, in local Massachusetts representative democracy, public participation in policy-making/decision-making tends to remain low. Recognizing this need, many officials 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.

While increasing public participation is generally good, the quality of the engagement/deliberation is also important. To this end, it is important to develop measures to identify the expected results of the engagement. An example of good process is one that is inclusive and seeks to address the interests of multiple stakeholders. The results of such a process would mean a higher quality of life for all constituents. As an experienced former dispute resolution practitioner noted, one measure of success is the sense of 'normalcy' restored to a community through authentic public engagement:

So back in the day, when I was a dispute resolution practitioner, a lot of the work I did focused on environmental contamination, so whether it was issues related to superfund sites or issues related to Department of Defense storing chemical material and things like that, I saw decisions about clean up inciting location that not just had the ability to dismantle entire communities. So when you have a site that is heavily contaminated, needing to make decisions is important, but how the decision was made and who was engaged in the decision-making process is equally as important and in my experience, communities that were part of the discussion about not just how do we clean up, but if we have to relocate, how do we do it in a way that the community feels that they've been respected and made whole were the kinds of disputes... those were the kinds... when the processes were done well that's when

you had the least emotional disturbance because it was always going to be a disturbance, the question is how you would minimize the kinds of disturbances that impact people emotionally and psychologically over the long term. And people often [inaudible]... that affect them the most. I saw really good examples of that being done well and I also saw examples of it not done well and you could tell when they had been real legit processes and where they hadn't been just because of the way the community had felt afterwards, how the clean-up had taken place: did people's lives go back to quote unquote normal...[inaudible]...did people resume their day-to-day living?

Structural and systemic changes: During focus group meetings, several officials mentioned the need for structural or systemic change like changes/improvements to laws and regulations, including the updating and/or interpretation of small town operational procedures involving town meetings, which were identified as necessary for dealing with the increasingly complex demands on government. As a municipal official observed in a focus group discussion:

I think we are going to have to [make] structural changes representing a town meeting 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.

In the solutions survey, a majority of responders (93.54% of 356 responses) valued environmental and natural resource studies while another significant majority (88.95% of 353 responses) found value in studying regionalization and shared services. Surveyed local government officials, unlike the surveyed stakeholders as a whole and the other stakeholder sub-groups, were a bit more skeptical about the worth of such studies, resulting in a high of 92.04% (of 163 responses) finding some degree of value to studying the legal landscape dealing with the environment and natural resources to a low of 83.19% (of 163 responses) attributing value to studying the laws governing open meetings and public records.

Survey responders indicated the following hopes, concerns and ideas about the study of municipal laws and regulations:

Studies are done, presented, and sit on a shelf never to be consulted again. Education in a public forum would be more effective.

I'm not sure we should change laws and regs just to reduce conflict. Sometimes, we have laws and regs precisely to manage conflict. The question is, "How could we improve these laws to anticipate and resolve conflicts." I marked everything "somewhat" because I don't think any one section is more conflict-inducing than the others.

Such studies could be helpful, but a better use of dollars now would be to actually fund conflict resolution activities.

All valuable if the study is done well and the information is used. Just a study with no action is not as useful.

Any studies need to be objective not based in vested interests like homebuilders reviewing environmental laws. Include the general public's perceptions and concerns.

Studies are not valuable without buy-in of the public to trust sources.

Public conflict around these issues is valuable. It's a function of democracy.

During focus group discussions, some officials discussed the subject of modifying and interpreting 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?

Similar sentiments were expressed in the statewide surveys and interviews. As a responder in the solutions survey indicated:

Need to also require municipal to adhere to these zoning regulations. Much of the conflict is due good old boys manipulating government officials and the public distrust and disgust from these undisclosed conflicts of interest.

Other themes for structural reforms like changes to laws, including procedural laws and regulations identified in the solutions survey were as follows:

Local governments should support a strong public records reform bill that will: 1) Contain more cost containment measures so that excessive fees don't block access to public records 2) Reduce response times for public records requests to make sure information remains relevant. 3) Streamline bureaucracy and ensure that enforcement agencies and the courts have all the tools they need to enforce the law. 4) Ensure open and accountable government for every Bay Stater.

Increased and expedited enforcement of statutes such as the conflict of interest law and open meeting law would be helpful. The lag between when violations occur and when punishment is meted out is too long and too far removed from the violation.

Many state regulations have not been updated for quite some time and cause conflict and upset. Laurel differences are also not well addressed. These need to change in order to diffuse conflict.

Statutory changes to allow local governments alternatives to traditional public hearing format for decisions where that format is mandated but not constructive at avoiding conflict.

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 (five 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.

Yet another official remarked on the difficulty of 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 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.

Municipalities might need education and training on new and innovative methods and tools to improve current levels of public communication, much like state government has learned over the years. As a state government official noted, these skills have assisted state agencies in avoiding controversy:

Well, they understand the importance of communication. Taking the time to make the effort to get input and I see that can be lacking...that understanding in some organizations... that... "Why would I even want community input?"... And so it's an education piece there. I think under the more mature organizations like Mass

DEP, they understand it, but I think maybe on the municipal level, it may be missing, because they don't have that training that readily available. So it would be, I think, very helpful to get those tools out there and show maybe case studies where if you have community input and openness, what the results would be versus not doing that. Conflict, mistrust, and often instead of getting to a good end point, you never get there.

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 a municipal official as follows:

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 responders (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 it's 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 the traditional media like newspapers and local TV. Several focus group participants commented (seven 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 traditional 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 prevalence of social media was noted numerous times:

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....

The role of new media in fueling conflict was also recognized:

If you look at most online 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.

The early use of social media and other forms of new media was considered important. As one interviewee indicated, having a good social media strategy very early-on in a process can help increase public communication, education and engagement:

We were not as technologically skilled or advanced partly because of our own knowledge base because only in recent years have we really had the access to even something as basic as Facebook. We did use Facebook in the last stages around the development of a building and that...there are so many different modes of communication that particularly when you're dealing with a community, you have to recognize the full range of people's way of receiving and understanding information.

So we did television, we did public groups, but I think probably there would have been additional ways that given maybe a little more time and/or a little bit more clerical support would have helped the process.

B. Assets Available to Meet Municipal Conflict Resolution Needs

As part of the needs assessment process, an assets inventory and mapping process was also undertaken. While needs assessment can identify gaps in results, assets mapping identifies existing resources and strengths that can then be leveraged to provide solutions to issues. Although these two processes can be complementary, they have rarely been used together (J. Altschuld, personal communication, November 12, 2015). Thankfully, attempts have been made to bridge the divide between assets mapping and needs assessment, resulting in the creation of a hybrid framework that combines the strengths of both approaches⁵⁴. This combined needs assessment and assets mapping exercise will add value to those efforts as well.

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 capital⁵⁵ 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

⁵⁴ Altschuld, J. W. (2014). *Bridging the Gap Between Asset/Capacity Building and Needs Assessment: Concepts and Practical Applications: Concepts and Practical Applications*. SAGE Publications.

⁵⁵ 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.

Massachusetts Municipal Association (MMA) and the Massachusetts Office of Public Collaboration (MOPC) are both organizations that were identified as statewide resources by participants in the focus groups and interviews 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 and interviews.

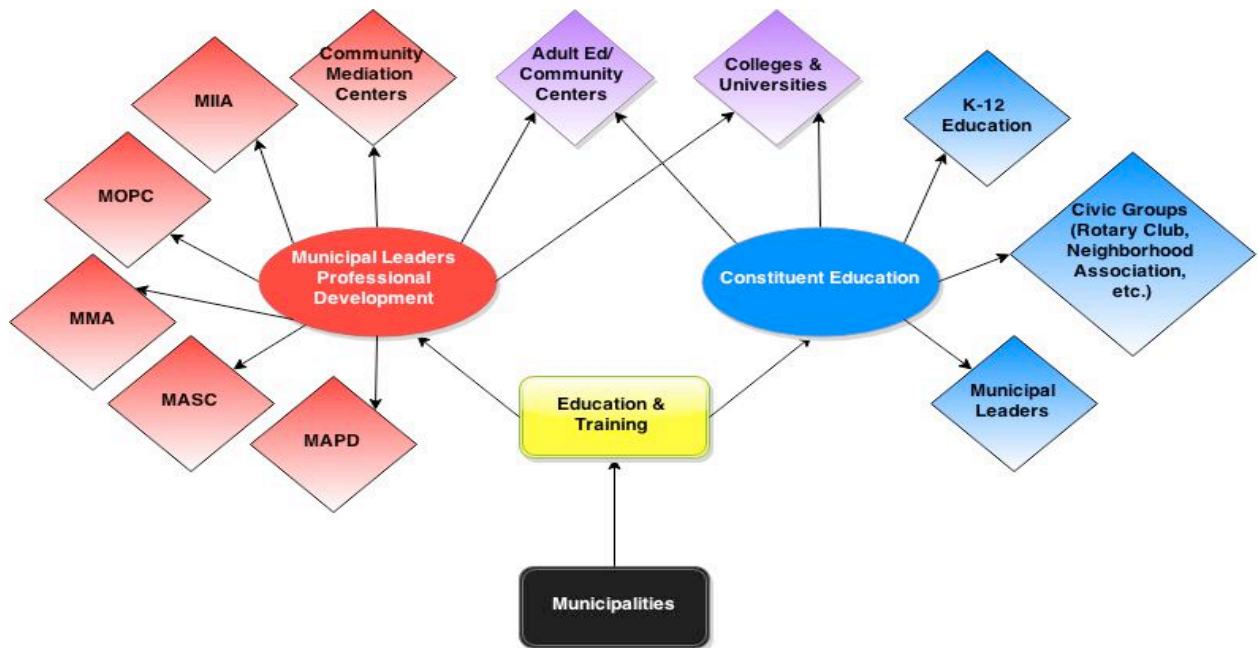
Three broad categories of assets and resources emerged: training and education (see Figure 7), government communications (see Figure 8), and experts and consulting tools (see Figure 9). Findings were predominantly based on organizations and resources identified by municipal leaders who participated in 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 accessible training in public management skills and conflict resolution training.

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.

Figure 7 – Education and Training Asset Map



The Massachusetts Municipal Association (MMA) provides support and advocacy services to municipalities in the Commonwealth. It was the most mentioned resource by responders (eight comments). The MMA is the umbrella organization for five 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 adequate 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.⁵⁶ One municipal official mentioned 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 conveners of 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.⁵⁷ 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. MOPC's services have been well received in the past, particularly as a cost-effective statewide resource that helps avoid harmful conflict. However, the issue of funding

⁵⁶ MIIA. (2015). MIIA Rewards Program Description. Retrieved from, http://www.emiia.org/index.php?option=com_content&view=article&id=100&Itemid=218

⁵⁷ 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.

collaborative processes is a challenge particularly when municipalities cannot afford the costs. Yet the demand for services keeps increasing. As a few interviewees noted:

I think moving you over to UMass gave you guys an office, the place to hang your hat and a home. It also meant, it was not part of the state infrastructure in the same way it might have been before and I hope one of the outcomes of this effort is that people will come to realize there is real cost effectiveness in having talented people available when a problem arises. And to get there before it gets expensive because it can get real expensive for all sorts of reasons for everybody and early detection and early prevention just like in health care. If it's available, it will have significant assets to the community and not only that but to the state.

If there were a situation where there was kind of a flying squad of talent that could come in without committing the community's own resources.

I mean, my understanding of how MOPC is as a state-sponsored agency, if you can help provide facilitators at no cost or low-cost to communities who otherwise would have to go out and hire their own consultants as facilitators, so I think anything that helps achieve the same goals and results at reduced cost is what would be an appropriate role.

I think if it was well known that their services were available... I think if you look across state government, you could find a lot of examples of efficiency and also serving the public better through resolving conflicts. The results would be well worth the small investment and also, I think the forest visioning process is a good example of we could have spent a lot less money on facilitation if we would've brought in the facilitators earlier.

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 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).⁵⁸ In late 2015 and early 2016, several trainings were conducted by CMCs with very promising results.⁵⁹

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.⁶⁰

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.

⁵⁸ 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.

⁵⁹ The Greater Brockton Center for Dispute Resolution (GBCDR) trained 26 municipal employees from various housing authorities in Southeastern Mass in conflict resolution techniques. Most of the responding trainees found the skills acquired through training to be useful in achieving such outcomes as settling disputes, fulfilling their own interests, finding win-win solutions, and building relationships. Sizable majorities, exceeding three-fourths of surveyed trainees (14 or 78%), considered the skills to be useful for resolving disputes and meeting their own interests. Nearly two-thirds of respondents acknowledged the usefulness of these skills in finding mutual gains (12 or 67%) and building relationships (11 or 61%). No trainee regarded these skills as useless for accomplishing specified outcomes other than relationship building. Moreover, the value of additional training was universally acknowledged. Forty-four percent (or 8) considered more training essential, 66% (10) found it useful, and no one thought that it would be merely somewhat useful or useless. The Middlesex Community College Law Center conducted a Municipal teacher training at the Richardson Middle School in Dracut MA., focused on defining destructive and constructive conflict; discussing the Thomas-Kilmann model of conflict styles. 99% of the participants found the training to be essential, somewhat relevant, relevant and very relevant to their work.

⁶⁰ MOPC. (2013). Massachusetts Community Mediation Center Grant Program Fiscal Year 2013 Year-End Report & Evaluation. Boston, MA: University of Massachusetts Boston.

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 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.

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 responders 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:

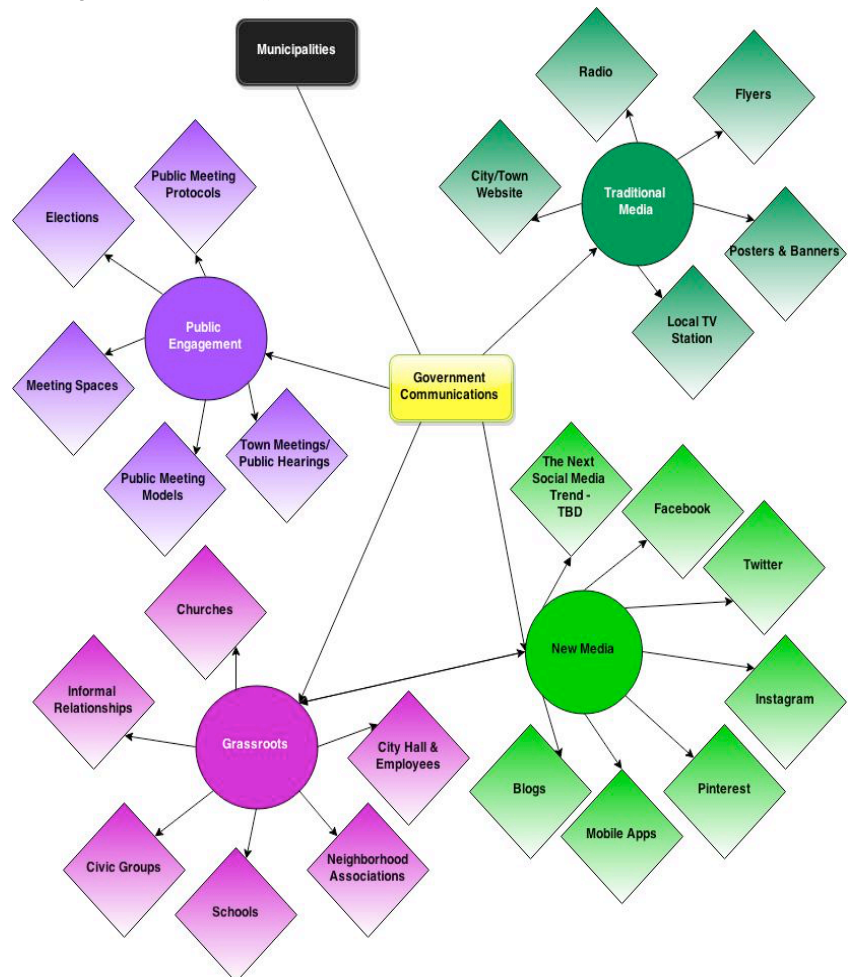
You get new people in new positions, volunteers with no prior experience or good training. Somehow, there has to be a readily accessible system that we could all get into and get training from. From the state government or county or whatever regional sources there are maybe through the university systems. 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. Responders 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

Figure 8 – Asset Map of Government Communications Resources



media contributes to destructive conflict in municipalities. However, despite the dangers of social media, it is a tool that 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 citizens' 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 social deliberation.⁶¹ 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.⁶²

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

⁶¹ 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.

⁶² 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/>).

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 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 responders (six comments) cited the importance of neutral third parties when managing municipal conflict:

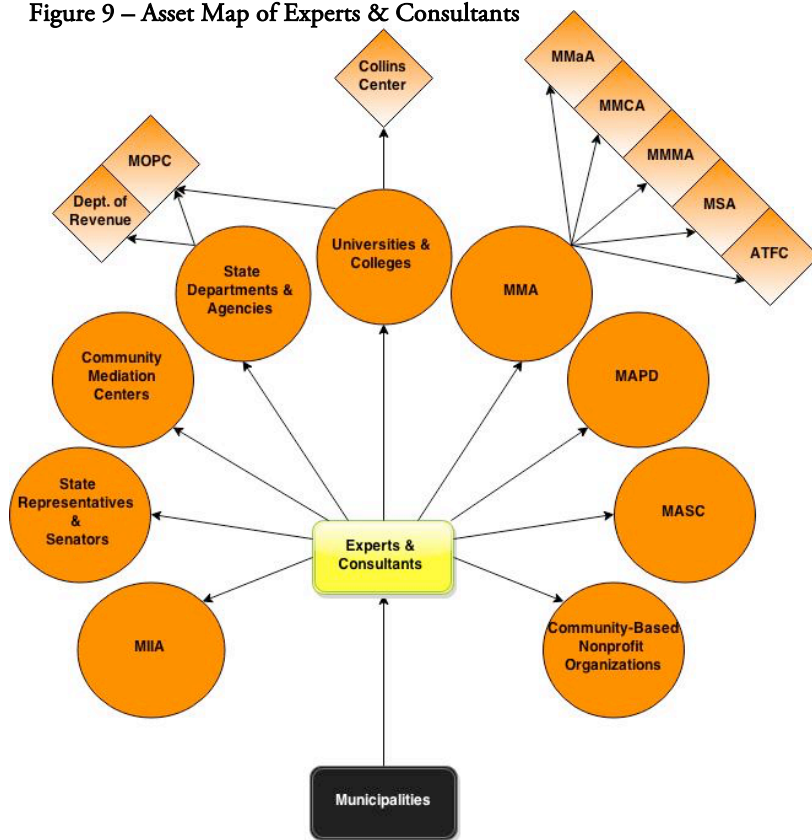
I feel strongly that it is often necessary to have a third party that is neutral to identify and gain a better understanding of the issues. This also helps to build trust between the parties involved.

As other survey responders indicated in the solutions survey, the decision as to who chooses the source of the services matters:

If the municipality chooses the services and providers, then the most powerful or persuasive factions will be able to control the process. A neutral from outside of the situation, whose contract is not dependent on garnering local officials favor, is necessary.

Municipally-provided services always favor government officials. Outside resources would be more valuable.

Figure 9 – Asset Map of Experts & Consultants



Community mediation centers and MOPC are valuable 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. This creates a useful peer support network.

Municipal leaders recognized the knowledge that State Representatives and Senators bring to their districts. Several (three) 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 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, as public servants, are motivated by the desire to achieve societal results. This needs assessment study attempted to identify the societal results that municipal officials desire when they dealt 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 and interviews as well.

Trust in government: Overall, the majority of the surveyed individuals (68.4%)⁶³ 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.

⁶³ Unless otherwise indicated $n=117$.

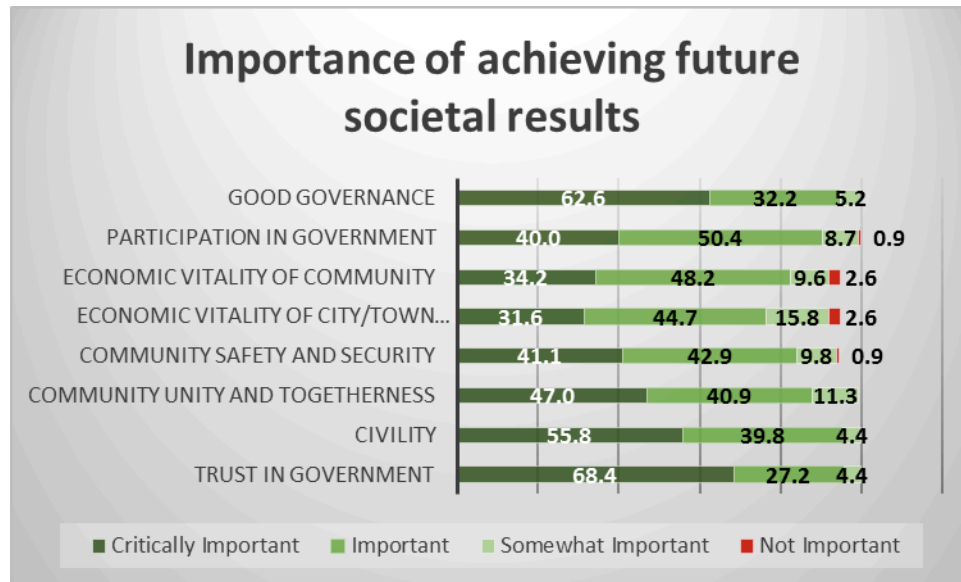


Figure 10: In response to the survey question: "As you deal with future public conflicts, how important would it be to achieve the following societal outcomes?" ($n=117$)

For a large majority of the surveyed municipal officials (72.2%),⁶⁴ 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 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%),⁶⁵ 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.⁶⁶ This was also the case with the majority of the state, regional and federal government officials who responded to this question (53.3%)⁶⁷ who felt that trust in government was critically important.

The issue of trust in government resurfaced in the solutions survey, with survey responders expressing very strong views on the issue. The following are two examples:

⁶⁴ Unless otherwise indicated $n=55$.

⁶⁵ Unless otherwise indicated $n=24$.

⁶⁶ Unless otherwise indicated $n=23$.

⁶⁷ Unless otherwise indicated $n=15$.

Communication with constituents in today's world is critical to setting priorities and funding. This is a high priority. More and more people express a lack of confidence in government. A big hurdle to overcome.

People who do not believe in government or governing should not be given the reins of power; their mission and goal is to render our local, state, and national governments impotent. This is a movement across the country to dismantle our democratic way of life and to allow the buildup of anarchy and strife.

Good governance: A majority (62.6%) also indicated that good governance⁶⁸ 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 conflicts⁶⁹ while 39.8% indicated that it was an important societal result of dealing with future public conflicts, and 4.4% indicated 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 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.

⁶⁸ 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*.).

⁶⁹ 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.).

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.

Civility was again highlighted as an important desired result in the solutions survey. As one survey responder indicated, “we are all in this together”:

Partisan attacks seem to be the norm today...it's either Democratic or Republican, conservative or liberal, left or right and our leaders in the White House and Congress are examples of this high school clique, the 'us against them' mentality. Until people stop demonizing those who don't agree with them... stop the critical attacks placing everyone on either the offense or defense, there can be no conflict resolution. We are all in this together and need real leaders of integrity, intelligence and wisdom. Where are they?

any and all extra help available to the public would be useful...very useful...some kind of mediation available at these meetings...some kind of reminders that's we are all wanting the BEST for our communities and that if we cannot be respectful to each other NOTHING will be gained.

Public participation: A majority or 50.4% of survey responders indicated that public participation was an important societal result of dealing with destructive public conflict⁷⁰ 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.⁷¹ As noted by a municipal official at a focus group discussion:

⁷⁰ 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).

⁷¹ “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.).

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:⁷²

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 nearly half 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

⁷² 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 accept decisions, even if they personally benefit from them, if they perceive the process to be unfair (Jutz, *op. cit.*).

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 in a focus group discussion:

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.

The importance of mobilizing the community's spirit in overcoming complex and divisive public problems was described as follows by an interview participant:

I guess I would say that the most dramatic experience that I've had was in the regionalization process and that what has stood out to me through the work that I did with the towns of [name of towns]—because I did start in [name of first town]—to create a new school district was that there were significant challenges, but that what I was able to take away from it was that the spirit of community and community responsibility for the next generation is a strong force when it can be mobilized in the right direction.

Community unity and togetherness are increased through public engagement, communication and overall government transparency. Some municipal officials felt that 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 indicates that publicly funded statewide resources was providing technical assistance, grant funding and training opportunities to municipal officials seeking assistance to resolve destructive public conflicts. These programs focus primarily on inter-municipal, intra-municipal, and conflicts between municipalities and constituents. 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 operate from within universities. The university-based centers contribute to research and service learning and to 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 conflict resolution and other technical expertise, distribution of financial and resources and training to municipalities.

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. It is recommended that the following principles and models be used as a template for developing a Massachusetts model for municipal conflict resolution.

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 1999.⁷³ 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.”⁷⁴

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, whose allocated budget for 2014-15 is \$48.8 million.⁷⁵ 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.⁷⁶ After assessing the appropriateness of mediation, MDRS meets with the parties to explain the process. Each

⁷³ 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

⁷⁴ Alberta Municipal Affairs, *Ibid*.

⁷⁵ Alberta Municipal Affairs. Retrieved July 30, 2014 from <http://www.municipalaffairs.alberta.ca/albertacommunitypartnership.cfm>

⁷⁶ 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

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.⁷⁷ 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 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 inter-municipal issues or that wish to create inter-municipal 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

⁷⁷ Alberta Municipal Affairs. Retrieved on August 13, 2014 from http://www.municipalaffairs.alberta.ca/MDRS_collaboration.cfm

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.⁷⁸ 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 Davenport Institute at the Pepperdine University School of Public Policy works to engage the citizens of California in the policy decisions that affect their everyday lives.

The Davenport Institute supports communities by offering funded-service grants to off-set the cost of consultants and outside facilitators in designing and implementing a vibrant civic engagement process.

Since 2008, Davenport Institute annual grants have supported cities, counties, special districts, and civic organizations endeavoring to engage their residents on issues ranging from budgets to land use to public safety and more.

In 2014, the Institute launched an additional grant in partnership with The Village Square, which is a non-partisan public educational forum on matters of local, state and national importance, to help communities improve the local civic dialogue and support an ongoing, constructive relationship between government and citizens around various issues. Through service grants, Davenport Institute provides the necessary expertise and support including training and funding to launch programs, including the development of a website, event management infrastructure, publicity support, graphic design, and organizational structure to develop continued public support for future programming. Grantees also receive consultation from the Davenport Institute to build understanding and support for public engagement efforts among administrative and elected officials. Davenport works with grantees to design unique public engagement series tailored to a community and reimburses incidental program expenses to the grantee up to \$5,000.

⁷⁸ Alberta Municipal Affairs. Retrieved on August 13, 2014 from <http://www.peernetwork.ca>

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 numbers 20 of whom 13 are practitioners. 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.”⁷⁹

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 organizations and civic and neighborhood leaders and others, and (3) through research and publications.⁸⁰

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

⁷⁹ University of North Carolina, School of Government, Public Dispute Resolution. Retrieved on August 13, 2014 from <http://www.sog.unc.edu/node/257>

⁸⁰ University of North Carolina, School of Government, Public Dispute Resolution. Retrieved on August 13, 2014 from <http://www.sog.unc.edu/programs/dispute>

services and health care) and (2) promoting the use of collaborative problem solving to conserve public resources and promote harmony.⁸¹

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.⁸² The current professional staff numbers six (6) with assistance from the University's office support staff.

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."⁸³

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

⁸¹ Oregon Consensus. Retrieved July 23, 2014 from [http://oregonconsensus.org/our-services/our-services-overview/OTRS 174.109](http://oregonconsensus.org/our-services/our-services-overview/OTRS%20174.109) [2005 c. 817, § 11]

⁸² Oregon Consensus, *ibid.*

⁸³ See Oregon Solutions: Solving community problems in a new way. Retrieved January 27, 2015, from <http://orsolutions.org/about>

problem-solving and dispute resolution services, e.g., mediation, facilitation negotiation, consensus building, strategic planning, training and community engagement, and assisting with public decisions.⁸⁴ 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.

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."⁸⁵

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.⁸⁶ 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.⁸⁷

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

⁸⁴ University of Virginia. Institute for Environmental Negotiations. Retrieved on August 6, 2014 from <http://ien.arch.virginia.edu/history>

⁸⁵ 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>

⁸⁶ Washington State University. The William D. Ruckelshaus Center. Retrieved on August 6, 2014 from <http://ruckelshauscenter.wsu.edu/about/>

⁸⁷ Washington State University. The William D. Ruckelshaus Center. Retrieved on August 6, 2014 from <http://ruckelshauscenter.wsu.edu/help/>

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 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.⁸⁸

The Applied Research and Fact-Finding services involve "applied research and fact-finding that responds to current policy needs and 'real world' timelines."⁸⁹

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."⁹⁰

⁸⁸ Washington State University. The William D. Ruckelshaus Center. Retrieved on August 6, 2014 from <http://ruckelshauscenter.wsu.edu/help/>

⁸⁹ Washington State University, *ibid.*

⁹⁰ Washington State University, *ibid.*

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.

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.⁹¹

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.⁹²

⁹¹ Florida State University. Retrieved on January 29 , 2015 from <http://consensus.fsu.edu/Civic-Advance/index.html>

⁹² Florida State University. Retrieved on August 12, 2014 from <http://consensus.fsu.edu/principles> and http://consensus.fsu.edu/faqs_n14.shtml

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.⁹³

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.”⁹⁴

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.

MACRO funds grants to develop and expand conflict resolution services and education and to promote excellence in mediation throughout Maryland. Two categories of funds are available: Conflict Resolution Grants and Community Mediation Performance-based Grants.

Conflict Resolution Project Grants

MACRO’s Conflict Resolution Projects Grant Program provides funding for Alternative Dispute Resolution (ADR) programs or projects which support and further its mission to develop, improve, and expand high quality alternative dispute resolution (ADR) services in Maryland’s courts, communities, criminal and juvenile justice programs, state and local government agencies, as well as schools and universities for the benefit of the general public. Through this funding, MACRO helps state and local government and their constituencies resolve conflict. As a result of these grants, Maryland was able to establish a statewide Shared Neutrals Pilot Program for resolving state employee disputes. Additionally, state, county and

⁹³ Maryland Courts. Retrieved on July 31, 2014 from <http://www.marylandmacro.org>

⁹⁴ Maryland Courts, *ibid*.

city employees receive training in conflict management and de-escalation skills for dealing with angry members of the public.

In addition to funding, MACRO also offers technical assistance to many conflict resolution programs and projects across the state and works to raise the quality of Maryland conflict resolution services and providers.

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, 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.⁹⁵

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

⁹⁵ University of Arkansas at Little Rock. Institute of Government. Retrieved on January 13, 2015 from <http://ualr.edu/iog/cpc-services/>

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.⁹⁶ Basically, CPD "serves as an impartial resource ... assisting local

⁹⁶ Colorado State University. Retrieved on January 10, 2015 from <http://cpd.colostate.edu/about-us/>

governments and community organizations with projects to improve the quality of public discourse and community problem-solving.”⁹⁷

“[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](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.”⁹⁸

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 of a hierarchical approach to public policy issues emerge, for one, when the problem under

⁹⁷ Colorado State University, *ibid*.

⁹⁸ Colorado State University. Retrieved on January 11, 2015 from <www.cpd.colostate.edu>

consideration demands the participation of more than one institution.⁹⁹ 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.”¹⁰⁰ 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.¹⁰¹ 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.¹⁰²

*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.*¹⁰³ 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.¹⁰⁴ 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.*¹⁰⁵ 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 Camden, NJ, the conflicting views of the

⁹⁹ Bryson et al., *op. cit.*, Margerum, et al., *op. cit.*,

¹⁰⁰ Margerum et al., *op. cit.*, p. 1.

¹⁰¹ 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>

¹⁰² 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>

¹⁰³ Bryson et al., *op. cit.*

¹⁰⁴ NACCHO (2012a). Pulling together section one: Roles and responsibilities. Retrieved May 26, 2017 from <http://www.naccho.org/topics/environmental/pullingtogether/sectionone.cfm>

¹⁰⁵ Bryson et al., *op. cit.*

region's impacted towns, cities, and suburbs about meeting the costs of the project stalled implementation for 14 years.¹⁰⁶ 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.¹⁰⁷

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."¹⁰⁸ 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.¹⁰⁹

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.¹¹⁰ 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.¹¹¹ 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 mutual aid

¹⁰⁶ Andrew, J. S. (1999, November). Use of mediation in intermunicipal dispute resolution: Literature summary. Intergovernmental Committee on Urban and Regional Research.

¹⁰⁷ Massachusetts Department of Conservation and Recreation. (2010, April 21). Forest futures visioning process recommendations of the technical steering committee.

¹⁰⁸ 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.

¹⁰⁹ Kenty, D., Gosline, A. R., & Reitman, J.W. (2010). Public collaboration Maine: When and why it works. *Maine Policy Review*, 19:2, 14-30.

¹¹⁰ Bryson et al., *op. cit.*

¹¹¹ Massachusetts Association of Regional Planning Agencies (2013, January), *Massachusetts shared services manual: A toolkit of regionalization best practices for city and town officials*.

agreements, shared service agreements, and agreements between municipalities and host agencies.”¹¹²

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.”¹¹³ 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.¹¹⁴

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.¹¹⁵ 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.”¹¹⁶ 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.¹¹⁷

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 tend

¹¹² Ibid.

¹¹³ Ansell, C. & Gash, A. (2007). Collaborative governance in theory and practice. *Journal of Public Administration Research and Theory*, 543-571, 553.

¹¹⁴ Kenty et al., *op. cit.*

¹¹⁵ Ibid.

¹¹⁶ 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.

¹¹⁷ Beierle, *op. cit.*

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.¹¹⁸ 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.¹¹⁹ 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.¹²⁰

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.¹²¹

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.¹²² 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 effectiveness in

¹¹⁸ *Ibid.*

¹¹⁹ Williamson, A. & Turco, D. (2013, May 22). Op Ed: Cape Codders overwhelmingly vote to close the Pilgrim Nuclear Power Plant. *capecodtoday*. Retrieved November 3, 2014, from <http://www.capecodtoday.com/article/2013/05/22/18928-cape-coddards-overwhelmingly-vote-close-pilgrim-nuclear-power-plant>

¹²⁰ Beierle, *op. cit.*; Oregon Public Policy Dispute Resolution Program, *op. cit.*

¹²¹ Beierle, *op. cit.*

¹²² Beierle, *ibid.*

furthering common interests, and their accountability to constituents.¹²³ 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.¹²⁴ 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.¹²⁵ 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.¹²⁶ 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.¹²⁷ 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 well as such

¹²³ 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.

¹²⁴ Beierle, *op. cit.*

¹²⁵ 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.

¹²⁶ Beierle, *op. cit.*

¹²⁷ 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>

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.¹²⁸ Acts of communication may also be distinguished by the opportunity for the mutual exchange of information.¹²⁹ 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.¹³⁰ 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.¹³¹ 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.¹³² 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 to exchange information

¹²⁸ 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.

¹²⁹ Beierle, *op. cit.*

¹³⁰ Piotrowski, S. J. & Van Ryzin, G. G. (2007). Citizen attitudes toward transparency in local government. *The American Review of Public Administration*, 37, 306-323.

¹³¹ Bingham, L. B. (2010). The next generation of administrative law: Building the legal infrastructure for collaborative governance. *Wisconsin Law Review*. 297-356.

¹³² Beierle, *op. cit.*

with interested members of the public.¹³³ 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.¹³⁴ 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.¹³⁵ 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.¹³⁶

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.¹³⁷ Negotiations may be classified as distributive or integrative. Distributive negotiation is characterized by the maximization of individual gains,

¹³³ Coglianese, C. (1997). Assessing consensus: The promise and performance of negotiated rulemaking. *Duke Law Journal*: 46: 6, pp. 1255-1349, 1333-1334.

¹³⁴ Beierle, *op. cit.*, p. 92.

¹³⁵ Newton, Massachusetts. Citizen advisory committees. (n.d.) Retrieved November 20, 2011, from <http://www.newtonma.gov/gov/planning/hcd/cac/default.asp>

¹³⁶ Town of Medway, Massachusetts. (2014, November). Public hearings. Retrieved November 5, 2014, from http://www.townofmedway.org/Pages/MedwayMA_Bcomm/PlanEcon/hearings

¹³⁷ Walton, R.E. & McKersie, R.B. (1965). A behavioral theory of labor negotiations: An analysis of a social interaction system. New York: McGraw Hill.

competition, and a win-lose dynamic while integrative negotiation comprises a 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.¹³⁸ 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.¹³⁹

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.¹⁴⁰ 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

¹³⁸ Lax, D. A., & Sebenius, J. K. (1986). *The manager as negotiator*. New York: Free Press; Walton & McKersie, *op. cit.*

¹³⁹ 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.

¹⁴⁰ 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

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 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.¹⁴¹ 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.¹⁴²

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.¹⁴³ 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.¹⁴⁴ 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.¹⁴⁵

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.¹⁴⁶ 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

¹⁴¹ 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

¹⁴² Massachusetts Association of Regional Planning Agencies, *op. cit.*

¹⁴³ NAFCM. (n.d.). Purpose. National Association for Community Mediation. Retrieved December 2, 2014, from <http://www.nafcm.org/?page=Purpose>

¹⁴⁴ Andrew, J. S. (1999, November). Use of mediation in intermunicipal dispute resolution: Literature summary. Intergovernmental Committee on Urban and Regional Research.

¹⁴⁵ Ibid.

¹⁴⁶ 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.

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 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."¹⁴⁷ 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.¹⁴⁸

"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.¹⁴⁹

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

¹⁴⁷ 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.

¹⁴⁸ Bryson et al., op. cit; Kenty et al., op. cit

¹⁴⁹ 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>

consultation failed to resolve the decades-long conflict between advocates for resource extraction and those favoring preservation that had bedeviled its centralized planning efforts.¹⁵⁰ 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 responders 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 responders (78%) felt their participation influenced the outcomes of the collaboration.

¹⁵⁰ 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.

Almost two-thirds (64%) of participants considered that they possessed enough solid information to make decisions. Merely 57% thought their participation was adequately funded.¹⁵¹

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.¹⁵² 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 quo¹⁵³

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.¹⁵⁴

¹⁵¹ *Ibid.*

¹⁵² Also see Booher, *op. cit.*

¹⁵³ Carter & Gronow, *op. cit.*; Frame et al., *op. cit.*

¹⁵⁴ Bingham, *op. cit.*; Booher *op. cit.*; Oregon Public Policy Dispute Resolution Program, *op. cit.*

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 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.¹⁵⁵ 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.¹⁵⁶

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.¹⁵⁷ 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

¹⁵⁵ Booher, *op. cit.*

¹⁵⁶ Ibid.

¹⁵⁷ 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>

funding from a \$25,000 Massachusetts Department of Elementary and Secondary Education grant, the towns' school systems jointly proceeded to study their regionalization options.¹⁵⁸

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.¹⁵⁹ 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, 2010.¹⁶⁰

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.¹⁶¹ 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

¹⁵⁸ 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

¹⁵⁹ 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>

¹⁶⁰ 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*.

¹⁶¹ 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/.

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 resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources.¹⁶²

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.¹⁶³

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.¹⁶⁴ 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%

¹⁶² 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>

¹⁶³ Tuxill & Mitchell, *op. cit.*

¹⁶⁴ 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>

and 86%, respectively), followed by deliberative processes like town hall meetings (67%). Nearly half (49%) of officials reported that 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 responders 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 responders 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 responders, the media hindered higher levels of public participation. Interest groups fared equally poorly in officials' estimation of their contribution to public engagement.¹⁶⁵

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

¹⁶⁵ Mann & Barnes, *ibid.*

negotiations may not reduce subsequent lawsuits.¹⁶⁶ A specific 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.¹⁶⁷

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.”¹⁶⁸ 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.¹⁶⁹ 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.”¹⁷⁰ 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.¹⁷¹

¹⁶⁶ Coglianese, C. (1997). Assessing consensus: The promise and performance of negotiated rulemaking. *Duke Law Journal*: 46: 6, pp. 1255-1349.

¹⁶⁷ 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.

¹⁶⁸ Beier, *op. cit.*, p. 85; Booher, *op. cit.*

¹⁶⁹ 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>

¹⁷⁰ Beierle, *op. cit.*, p. 84

¹⁷¹ 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/vultr/vol34/iss2/6>

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 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.¹⁷² 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.¹⁷³ Indeed, there is evidence that attempts to correct misinformation can backfire and reinforce mistaken beliefs.¹⁷⁴ Better options for solving a problem may get overlooked when individuals experience loss aversion, the tendency to greatly favor avoiding loss over acquiring gains.¹⁷⁵ 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

¹⁷² 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/

¹⁷³ 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.

¹⁷⁴ 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/>

¹⁷⁵ Kahneman, D. & Tversky, A. (1984). *Choices, values, and frames*. *American Psychologist*, 39:4, 341–350.

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 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."¹⁷⁶ The likelihood of flawed communication may be diminished when the presence of communication obstacles is recognized and managed.¹⁷⁷

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.¹⁷⁸ 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.¹⁷⁹ 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]."¹⁸⁰ (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

¹⁷⁶ Interview conducted under the auspices of the Massachusetts Municipal Needs Study.

¹⁷⁷ Cialdini, *op. cit.*

¹⁷⁸ Piotroski & Van Ryzen, *op. cit.*

¹⁷⁹ *Ibid.*

¹⁸⁰ Beierle, *op. cit.*, p. 85.

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 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.

V. Comprehensive Findings and Recommendations for Massachusetts

A. Comprehensive Findings

The evidence in this study 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 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; 8 regional focus groups attended by 51 current and past municipal officials, qualitative analysis of 18 interviews of municipal officials and other stakeholders; 36 surveys on the Interim Report findings and recommendations; and 380 surveys of municipal officials, other government officials, members of organizations and the public at large from the statewide solutions survey. Additionally, an 11-member Solution strategies Group refined and prioritized the Interim Report findings, and its feedback and refinements are also included in the findings (See Appendix I: Needs Assessment Methodology).

1. Managing destructive public conflict: On the whole, Massachusetts municipalities managed destructive public conflict well. However, 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 and interviews remarked on the economic, social and political costs of harmful and/or dysfunctional public conflict and the incivility, divisiveness, and issues related to public participation in government. They also remarked on how continued stresses on public managers can discourage high quality professionals and community volunteers from entering public service.

The destructiveness of today's conflicts is often driven by their complexity. Complex public problems can create competing interests, divergent views of the problem and solutions. These complex public conflicts place a significant burden on municipalities as the frontline institutions for solving them. (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 complex zoning laws and 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. (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 sometimes brought on by anonymous communications on social media. A sizable minority of individuals working in or affected by local government dealt with conflicts by acting as a go-between. Only 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: An examination of the survey data revealed that current practices achieved no progress in improving party relationships, communications, party satisfaction with solutions and in the problem-solving skills of conflicting parties. Some progress was achieved 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. 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. (See section III. B: Results achieved through current conflict resolution practices). (See section II. B: Results achieved through current conflict resolution practices)

5. Societal outcomes achieved from current approaches to dealing with conflict: Overall, the majority of those surveyed 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)

6. Needs identified and prioritized for addressing destructive public conflict: A large majority (70% or more) of those first 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 first 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 and/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. In addition to the above needs, interview participants indicated the need to maintain high quality conflict resolution expertise that meets the required standards of neutrality, training and skills. Interview participants agreed with the need to build capacity within government and to engage the conflict early on in the cycle by deploying existing public resources.

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. Not all officials were considered to have the required skills and competencies to function in their role as public managers, let alone having the skills to manage destructive public conflict. The evidence points to a need to obtain

conflict resolution expertise, particularly on the more complex issues where good process is needed to sift through divergent and often opposition views. The need for substantive (technical/scientific) expertise is also required to sift through scientific/technical information and complex data. Obtaining funding to hire experts to manage conflict is a serious issue for smaller municipalities that are strapped for cash. Hence, municipalities need funding from the state to manage destructive public conflict.

7. Desired societal results of addressing destructive public conflict: Municipalities are institutions dedicated to the service of the public, and municipal officials, as public servants, are motivated by the desire to achieve societal results. These results include 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. Trust in government, good governance, and civility were the three societal outcomes that were considered critically important by a majority of surveyed individuals. (See section III.B: Desired societal results of addressing destructive public conflicts)

8. 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 as well as for training and education in conflict resolution strategies and in civics reside in professional organizations of municipal/public officials; planning agencies; the state dispute resolution office and state-sponsored community mediation centers; and in the 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)

9. Experiences of local governments in employing non-traditional approaches: The experiences of local governments throughout North America 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. For almost a decade, the Davenport Institute has supported California local governments in improving their engagement with residents through training, grant-making, and consulting support. In

February 2016, the Institute will be launching a Public Engagement Platform offering municipalities in California (and, eventually, nationwide) a way to evaluate their engagement efforts, identify areas for improvement, and to be recognized for what they are doing well. It will function as both a self-evaluation tool – including guidance to finding the right resources to make relationships with residents even stronger – and as an opportunity for municipalities to apply for recognition as a "publicly engaged" municipality.

Another example is the Municipal Government Act of Alberta, Canada, which recommends the use of mediation and conflict resolution in inter-municipal and land-use disputes. Alberta's Inter-municipal Dispute Resolution Initiative (IDR Initiative) continues to provide mediation services to municipalities with disputes involving annexation and land use. (See section IV.A: Benchmarking successful municipal models and section IV.B: Experiences of local governments across the country).

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

Municipalities and public officials require skills and outside technical assistance to effectively manage public conflicts. This need was identified in Massachusetts and elsewhere in North America as a best practice principle for the management of destructive public conflict. To this end, dedicated programs have been established in at least nine US states and one Canadian province for municipal conflict resolution. Some states have successfully incorporated conflict resolution technical assistance and grant programs to assist municipalities to deal with conflict.

The Davenport Institute at the Pepperdine University School of Public Policy supports communities by offering grants to off-set the cost of consultants and outside facilitators in designing and implementing a vibrant civic engagement process. Since 2008, the Davenport Institute annual grants have supported cities, counties, special districts, and civic organizations endeavoring to engage their residents on issues ranging from budgets to land use to public safety and more. In 2014, the Institute launched an additional grant to help communities improve the local civic dialogue and support an ongoing, constructive relationship between government and citizens around various issues for years to come.

Maryland's Mediation and Conflict Resolution Office (MACRO) operates the Conflict Resolution Projects Grant Program that provides funding to state and local government and their constituencies to resolve conflict. As a result of these grants, Maryland was able to establish a statewide Shared Neutrals Pilot Program for resolving state employee disputes. Additionally, state, county and city employees receive training in conflict management and de-escalation skills for dealing with angry members of the public. In addition to funding, MACRO also offers technical assistance to many conflict resolution programs and projects

across the state and works to raise the quality of Maryland conflict resolution services and providers. In the area of conflict resolution, grants can be for \$5000 or more. The average grant is \$40,000 to \$50,000..

The Inter-municipal Dispute Resolution Initiative (IDR Initiative) in Alberta, Canada provides mediation services to municipalities with disputes involving annexation and land use, recreation services delivery, water access and regional waste, to name a few. Grant funds in the area of \$10,000 per award are given for conflict resolution projects. The program presently enjoys a 90% success rate. Massachusetts has not considered this option thus far and the evidence is that such a technical assistance program should be established independent of regionalization objectives. (See section IV.A: Benchmarking successful municipal models).

11. State funding is required to support municipal technical assistance grants, training and capacity-building programs for Massachusetts municipalities: One of the most prominent needs in terms of addressing destructive public conflict was the need for resources which includes personnel at the municipal-level (internal resources), and personnel needed from the outside (external resources). The need exists for human resources at the municipal level as well as conflict resolution and technical/scientific experts. Often the essential requisite of having adequate amounts of internal and external resources was funding. Collaborative processes can be expensive and time-consuming. Many Massachusetts municipalities cannot afford to hire and/or to retain the services of conflict resolution experts or technical/scientific experts to resolve destructive public conflicts. Smaller municipalities in particular lacked the financial wherewithal to afford outside experts.

State funding is the predominant source of funding for conflict resolution and technical assistance grants to municipalities in North America that increase access to technical and process experts for managing destructive public conflict. For example, 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. The state of Oregon allocates close to half a million dollars for Oregon Consensus to assist municipalities with dispute resolution and collaborative problem-solving. The William D. Ruckelshaus Center (Ruckelshaus Center) at Washington State University (WSU) and the University of Washington (UW) receives state funding and has \$2 million worth of assets as of June 2014, a part of which is used for municipal conflict resolution grants. In Alberta Canada, the Alberta Community Partnership (ACP) allocated \$13 million for application-based inter-municipal collaboration and municipal dispute resolution grants in 2014. (See section IV.A: Benchmarking successful municipal models).

B. Final Recommendations

The following final recommendations are based on the comprehensive findings that resulted from data collected in Massachusetts and research into the ways that local governments in Massachusetts and other states manage destructive public conflicts, including the use of programmatic approaches that provide support and resources to meet pressing needs. These recommendations were vetted and refined by the Solutions Strategies Group and supported by a broad range of stakeholders in the solution survey.¹⁸¹

Specific recommendations for Massachusetts state action are presented below for implementation. Assets and resources to develop and implement each recommendation, along with suggested implementation steps, are listed for further exploration.

Overall, the most highly leveraged recommendations from this study are for training municipal officials, particularly in conflict resolution skills, and technical assistance to municipalities to obtain outside experts to resolve complex issues occasioned by destructive public conflict. The first recommendation is that the Commonwealth of Massachusetts utilize available infrastructure, including higher education infrastructure, to provide accessible and affordable training and educational programs designed specifically for municipal officials in order to increase their core public management, and particularly conflict resolution skills. The second recommendation is for the Commonwealth to establish a statutory municipal conflict resolution technical assistance grant program, funded through an annual legislative appropriation, that provides municipalities and other public agencies with grant funding to obtain the services of conflict resolution as well as technical and scientific experts to design and implement community problem-solving, and public engagement initiatives to address complex social issues occasioned by destructive public conflict. It is further recommended that through this grant program, the Commonwealth invest in and deploy an online civic engagement toolset for increasing two-way communication, public participation as well as societal results like civility and trust in government.

The third study recommendation advocates for the continuous study of structural issues (laws and regulations, policies, form and culture of government) that impair efforts by municipalities and their constituencies to effectively manage public conflict, and carry out public and cross-municipal collaboration on important community objectives. This study recommends continuous targeted review of substantive and procedural laws and regulations that create and/or exacerbate public conflict at the local, regional, or state-level in

¹⁸¹ Final study findings and recommendations are based on three statewide surveys, including a solution survey, needs assessment focus groups and interviews. The recommendations were further refined from the recommendations contained in the Interim Report based on additional input from municipal leaders and advisers convened to guide the development of solution strategies to identified needs (See Appendix VIII: Comprehensive analysis of the Solution strategies survey).

consultation with relevant executive agencies, legislative committees, municipal organizations and advocacy groups. The aim of this recommendation is to identify ways to diminish or manage public conflict triggered by these laws.

Recommendation #1: Expand the scope and accessibility of high-quality training and educational opportunities for municipal officials¹⁸² (and other stakeholders) (See Comprehensive Findings 2, 3, 4, 5, 7, 8 and 9)

The Commonwealth should support comprehensive training and education for municipal officials, with a special focus on conflict resolution skill-building: Current levels/opportunities for training and education, particularly conflict resolution skill-building provided to municipal officials is inadequate and should be increased and institutionalized. The skill-building should focus on effectively addressing destructive public conflict. Effective training and educational opportunities should be easily accessible to both current and new municipal officials and managers (professional and volunteer) in the form of basic, advanced, and refresher trainings and skill-building opportunities throughout the state. These training and education opportunities should include a combination of: 1) public management and leadership skills and competencies; and 2) conflict management skills and competencies.¹⁸³ These educational and training opportunities should be designed for practical application with hands-on training and a balance of academic knowledge.

Skill-building and hands-on training opportunities should be delivered through local dispute resolution centers and public management and leadership training should be expanded through professional associations, regional planning agencies, universities and other relevant institutions. To increase easy accessibility, online courses and regional workshops and seminars should be organized by public and private colleges, professional associations, regional planning agencies, community colleges and others. The training programs should be based on best practice principles and standards in the field of public policy, public policy dispute resolution and collaborative governance. Degree and certification programs should

¹⁸² The Solution Strategies Group (SSG) agreed that, in terms of priority, the most highly leveraged and high priority need is to provide additional core skills and competencies for public officials and public managers, especially newcomers, so as to function effectively in their role as elected/appointed officials with training in conflict resolution skills and new approaches to communicating with the public to address generally decreasing levels of public participation and occasional overwhelming participation when contentious or significant problems arose. The criteria used by the SSG to assess the importance of needs included being under the control of government (officials/managers), short versus long-term impact, and having a foundational role.

¹⁸³ In the solutions survey, an overwhelming majority (90% or more) recognized the value of providing state support for local government officials to increase their competencies in public management, laws and procedures, conflict management, public engagement, communication, and online public engagement through training and education. A sizable majority identified skill-building training using local dispute resolution resources (63.13% of 377 responses) and professional development offerings from municipal associations (60.74% of 377 responses) as very valuable (See Appendix VIII: Comprehensive analysis of the Solution strategies survey).

be offered by public and private universities, community colleges, or other recognized degree-awarding or accrediting bodies to ensure deeper learning about theories of public policy, and about the theories, approaches and practices of public policy dispute resolution and collaborative governance.

Tuition scholarships and waivers should be made available to municipal officials who enroll in these certificate and degree programs offered by universities, community colleges and other degree-awarding organizations where possible. In order to increase the outreach of these programs, the University of Massachusetts, state and community colleges and other institutions of higher education in Massachusetts as well as municipal associations and planning agencies should build statewide awareness of the training opportunities, particularly for newly-elected municipal leaders. Resources available at private foundations should also be leveraged where possible to fund training and skill-building programs statewide.

Areas that merit training and education include (but is not limited to):

- a. Public management and leadership skills development (See Comprehensive Findings 2 and 5)
 - A broad, functional overview of municipal management
 - Organizational behavior
 - Leadership models and how they relate to management roles & responsibilities
 - Planning and organizing for results
 - Performance management
 - Human resources management and managing a diverse workforce
 - Communication, coaching, and mentoring
 - Making effective decisions
 - Customer service
 - Managing change and transitions
 - Project management
 - Budget and finance
 - Performance measurement and employee performance evaluation
 - Risk management and safe workplace environment
 - Workplace harassment and workplace violence
 - Utilization of municipal websites for public communication
 - Utilization of traditional and new media
 - Design and implementation of municipal communications plans
 - Regionalization and inter-municipal resource-sharing and collaboration
 - Strategic planning and community visioning
 - Laws, regulations, and practices related to local governance, including open meeting laws, land use, zoning and regionalization initiatives.
- b. Conflict management training (See Comprehensive Findings 3, 5 and 9)
Theoretical and practical knowledge

- Understanding conflict
- Conflict resolution theories and practices
- Negotiation theory and practice
- Public policy dispute resolution theory and practice
- Collaborative governance theory and practice

Skill-building

- Basic and advanced mediation training and skill-building
- Dialogue and deliberation training and skill-building
- Facilitation training and skill-building

Application of knowledge and skills

- Strategies for gaining public support
- Strategies for effective public communication
- Strategies for interacting with the media, including the use of new media
- Strategies for managing and conducting effective public meetings
- Strategies for utilizing online public engagement tools and technologies

Assets that could help develop and implement Recommendation #1:

- The University of Massachusetts (UMass) system
- Massachusetts State and Community Colleges
- Massachusetts Association of Regional Planning Agencies (MARPA)
- The UMass Donahue Institute
- John W. McCormack Graduate School of Policy & Global Studies
- Edward J. Collins Center for Public Management
- Massachusetts Office of Public Collaboration (MOPC)
- Community Mediation Centers (State-funded)
- Suffolk, Harvard, Brandeis, MIT and other university-based dispute resolution programs
- Massachusetts Municipal Association (MMA)
- Massachusetts Interlocal Insurance Association, or MIIA
- Massachusetts Mayors' Association (MMAA)
- Massachusetts Municipal Councilors' Association (MMCA)
- Massachusetts Municipal Management Association (MMMA)
- Massachusetts Selectmen's Association (MSA)
- Massachusetts Association of Town Finance Committees (ATFC)
- Massachusetts Association of School Committees (MASC)
- Massachusetts Association of Planning Directors (MAPD)
- Massachusetts Citizen Planner Training Collaborative (CPTC)
- The International Institute of Municipal Clerks (IIMC)
- Barr Foundation

Implementation Steps for Recommendation #1:

1. Establish a state-appointed multi-stakeholder task force comprised of the University of Massachusetts, state and community colleges, private universities and colleges currently providing educational programs for municipal officials, municipal associations, planning agencies, and state-funded dispute resolution agencies to enable cross-sector collaborative development and implementation of this recommendation.
2. Inventory and evaluate all academic and non-academic training and educational programs and resources currently serving Massachusetts municipal officials, including those provided through municipal associations and planning agencies, to identify successful models for replication and expansion.
3. Create and implement a comprehensive framework for statewide education and training of municipal officials that can enable public and private investment, and fund proven and innovative educational programs and initiatives in this area.

Recommendation#2: Provide conflict resolution technical assistance to municipalities through a dedicated grant program¹⁸⁴ (See *Comprehensive Findings 5, 7, 8 and 9*)

*A dedicated technical assistance grant program to help municipalities manage destructive conflict:*¹⁸⁵ The Commonwealth of Massachusetts should establish by statute a dedicated statewide and state-sponsored¹⁸⁶ municipal conflict resolution technical assistance grant program to support municipalities, communities and public entities that need funding and resources for conflict resolution and technical/scientific expertise to address destructive public conflict. The proposed technical assistance grant program should also support inter-municipal collaboration on resource-sharing and regionalization initiatives where possible. The functions of the proposed program should be: 1) to provide state funding and resources for municipalities to obtain the services of conflict resolution (process) experts to help municipalities design and manage problem-solving processes (conflict assessment, neutral facilitation, public meeting management, conflict resolution and mediation, conflict coaching, communication and access to information, inclusive decision-making, etc.); 2) to develop and utilize an online civic engagement toolset for use by municipalities and their

¹⁸⁴ The SSG also agreed that obtaining assistance from outside conflict resolution experts was a high priority, followed by technical and scientific expertise to address complex social problems and attending conflicts. The criteria used by the SSG to assess the importance of needs included being under the control of government (officials/managers), short versus long-term impact, and having a foundational role.

¹⁸⁵ In the solutions survey, over 56% of stakeholders found great value in funding conflict resolution experts (67.4% of 365 responses), providing professional resources for assessing conflict (60.61% of 363 responses) and consensus building (60.61% of 363 responses), and funding substantive experts (56.35% of 362 responses) (See Appendix VIII: Comprehensive analysis of the Solution strategies survey).

¹⁸⁶ In order to implement a number of these priority needs, the SSG agreed that funding and human resources are needed as municipalities may not be able to obtain these resources on their own.

constituents on grant-funded municipal conflict resolution interventions that require scaled-up engagement and examination of complex data; and 3) to ensure professional and practice standards, including neutrality of state-qualified neutral public policy dispute resolution (process) experts (mediators and facilitators) for deployment on conflict resolution and public engagement processes across the Commonwealth.

State funding for the proposed municipal conflict resolution technical assistance grant program should be allocated through an annual state appropriation tied to an enabling statute that establishes the grant program and ensures utilization and public accountability. The proposed grant program should be administered through the existing statutory state dispute resolution agency and should access the resources of existing publicly-funded state and local dispute resolution infrastructure to enable more accessible and cost-effective use of trained conflict resolution experts at the state and local level.

The technical assistance grant program should serve projects initiated by municipalities, regional agencies, state agencies, legislators, non-governmental entities, and other civic leaders collaborating on complex issues. When designing the grant program, the state dispute resolution office should draw on the successful benchmarked programs, best practice principles, and models from Massachusetts and elsewhere (many of which are documented in this study). As the grant administrator, the state dispute resolution office should establish accountability for the disbursement and impact of grant funds through monitoring, evaluation and research. The state office should provide a comprehensive evaluation report detailing grant program implementation and impact to the Governor and the State Legislature annually. State institutional support for the grant program should be used to leverage supplemental sources of public and private funding, such as grants from philanthropic organizations to underwrite some of the costs for hiring neutral process and technical experts, wherever possible.

*A dedicated online engagement toolset supporting civility and social deliberative skills:*¹⁸⁷ The municipal technical assistance grant program should utilize/develop a technology-based civic engagement toolset to be deployed on grant-funded interventions that demand higher levels of public participation and scaled up engagement on complex issues occasioned by high conflict. These tools should be designed to help municipalities and their constituencies manage destructive online behavior and support higher quality deliberation on complex issues between government and their constituents, particularly those that involve competing interests, divergent viewpoints and the interpretation of complex data.

¹⁸⁷ A minority of at least one-quarter of stakeholders surveyed in the solutions survey (28.06% of 360 responses) did not consider the web-based tool to be valuable (See Appendix VIII: Comprehensive analysis of the Solution strategies survey).

The toolset should be developed with the following objectives in mind: a) to provide an effective alternative to destructive online spaces; b) to increase participation, representation, efficiency and cost of civic engagement processes in ways that increase social deliberative skills; c) to act as a conflict prevention and management tool that increases civility and trust in government; d) to support formal decision-making processes that reduce engagement risks and costs of scaled-up public engagement; and e) to enable continuous deliberation on complex public issues even after the conclusion of formal engagement processes (to ensure public involvement and accountability).

The toolset should be deployed alongside, and in support of municipal conflict resolution and public engagement processes funded by the proposed technical assistance grant program. The toolset should support participatory budgeting, public opinion polling, collaborative problem-solving and both synchronous and asynchronous engagement technologies benchmarked for successful adoption and implementation in Massachusetts.

Assets that could help develop and implement Recommendation #2:

- The University of Massachusetts (UMass) system
- John W. McCormack Graduate School of Policy & Global Studies
- Edward J. Collins Center for Public Management
- Massachusetts Office of Public Collaboration (MOPC)
- The University of Massachusetts Amherst - Computer Science Department
- Community Mediation Centers (State-funded)
- Executive Office for Administration and Finance
- Department of Revenue Division of Local Services
- Department of Housing and Community Development (DHCD)
- Department of Elementary and Secondary Education (DESE)
- Massachusetts Department of Agricultural Resources (MDAR)
- State Representatives and Senators
- Regional Planning Agencies
- The Massachusetts Municipal Association (MMA)
- Massachusetts Association of School Committees (MASC)
- Massachusetts Association of Planning Directors (MAPD)
- Massachusetts Interlocal Insurance Association, or MIIA
- County Governments (Barnstable, Bristol, Dukes, Nantucket, Second Norfolk, Plymouth)
- The Charles F Kettering Foundation
- JAMS Foundation
- Barr Foundation
- National Coalition for Dialogue and Deliberation (NCDD)
- Code for America
- Leading Newspapers Companies (State-wide and neighborhood)

- Journalism and Mass Communication experts and institutions
- The National Center for Technology and Dispute Resolution

Implementation Steps for Recommendation #2:

1. Establish the municipal conflict resolution technical assistance grant program through the state budget by appropriating funding for the program through the statutory state dispute resolution office, and passing the program's enabling statute through an outside section.
2. Assign the state dispute resolution office to design and administer a statewide municipal conflict resolution grant program and roster of qualified neutrals/dispute resolution practitioners; develop/maintain standards of practice for public dispute resolution practitioners; and leverage services of existing state-funded community dispute resolution infrastructure.
3. Assign the state dispute resolution office to benchmark successful online public engagement technologies used in Massachusetts and elsewhere. Establish a team of experts to work on the design and implementation of the online civic engagement toolset under the auspices of the municipal conflict resolution technical assistance grant program and seek assistance from non-profit open-source technology developers to provide consultation, advice and technical assistance to undertake an audit of local/regional technology infrastructure and capacity to deploy such technology.
4. The state dispute resolution office should appoint a multi-stakeholder grant program board of advisors comprised of relevant government entities, municipal associations, civic organizations and private foundations to provide guidance on the successful and accountable implementation of the municipal conflict resolution technical assistance grant program.

Recommendation #3: Explore options to study and remedy laws and regulations that cause or exacerbate destructive public conflict. *(See Comprehensive Findings 2 and 7)*

Explore opportunities to study and remedy laws and regulations deemed to cause conflict:^{188, 189}

The Commonwealth should continue its efforts to study and improve laws and regulations

¹⁸⁸ A majority of stakeholders surveyed in the solutions survey found value in commissioning studies that would examine the impact of these legal requirements on public conflict and propose recommendations for solutions, with approving majorities ranging from 93.54% (of 356 responses) who valued environmental and natural resource studies to 88.95% (of 353 responses) who found value in studying regionalization and shared services (See Appendix VIII: Comprehensive analysis of the Solution strategies survey).

¹⁸⁹ Study participants indicated skepticism about studies and their impact on making changes to laws and regulations. Surveyed local government officials, unlike the surveyed stakeholders as a whole and the other

that create and/or exacerbate destructive public conflict with a view to minimizing conflict.¹⁹⁰ A particular priority for study, clarification and/or revision should be the areas of land use, particularly zoning,¹⁹¹ environmental and natural resource laws and regulations, municipal budgets, including school budgets, and regionalization/shared services – with special emphasis on the ways that these laws and regulations are interpreted and/or implemented that may create or exacerbate destructive public conflict. In this endeavor, the Commonwealth should obtain the support of a broad range of stakeholders including municipal associations, regional planning agencies and researchers within the public and private university system.

In addition to laws concerning substantive issues that lead to destructive public conflict, the Commonwealth should continue to study and improve procedural laws, including open meeting laws and public records laws, to ensure that these are interpreted and implemented in ways that support the spirit of transparency contained in the laws. At the same time, municipalities, particularly smaller municipalities, should be supported by further study and action by the Commonwealth in their efforts to comply with the law to the satisfaction of their constituencies and take steps to enhance transparency of government functions and data in ways that minimize the need for numerous public records law requests¹⁹².

Assets that could help develop and implement Recommendation #3:

- The University of Massachusetts (UMass) system
- John W. McCormack Graduate School of Policy & Global Studies
- Edward J. Collins Center for Public Management
- Massachusetts Department of Housing and Community Development (DHCD)
- Massachusetts Association of Regional Planning Agencies (MARPA)
- The Massachusetts Municipal Association (MMA)
- Massachusetts Mayors' Association (MMAA)
- Massachusetts Municipal Councilors' Association (MMCA)
- Massachusetts Municipal Management Association (MMMA)
- Massachusetts Selectmen's Association (MSA)

stakeholder sub-groups, were skeptical about the worth of such studies, resulting in a high of 92.04% (of 163 responses) finding some degree of value to studying the legal landscape dealing with the environment and natural resources to a low of 83.19% (of 163 responses) attributing value to studying the laws governing open meetings and public records. As a responder from the solutions survey indicated: Studies are done, presented, and sit on a shelf never to be consulted again. Education in a public forum would be more effective. (See Appendix VIII: Comprehensive analysis of the Solution strategies survey).

¹⁹⁰ Since the Interim Report of this study was published, several new Bills have been introduced that have the potential for addressing some of the structural conditions identified in this study such as the Gov. Charlie Baker sponsored bill “An Act to modernize municipal finance and government”

¹⁹¹ Several bills have been presented. Some of these bills even prescribe the use of dispute resolution/mediation. Examples include S.116 “An Act to promote livable communities and zoning reform act” and S.1075 “An Act promoting healthy communities.”

¹⁹² An example of a recently introduced bill seeking to improve the open meeting law is “An Act to improve the open meeting law” Bill H.2715.

- Massachusetts Association of Town Finance Committees (ATFC)
- Massachusetts Association of School Committees (MASC)
- Massachusetts Association of Planning Directors (MAPD)
- Legislative Committees
 - Joint Committee on Municipalities and Regional Government
 - Joint Community Development and Small Business Committee
- Massachusetts Association of Community Development Corporations
- Massachusetts Smart Growth Alliance
- Massachusetts Public Health Association
- Massachusetts Association of Health Boards
- City Solicitors and Town Counsel Association
- Citizens' Housing and Planning Association
- American Planning Association
- Conservation Law Foundation
- Conservation commissions
- Massachusetts Association of Realtors
- Massachusetts Association of Consulting Planners
- Environmental League of Massachusetts
- Massachusetts League of Women Voters
- The Commercial Real Estate Development Association, NAIOP-Massachusetts

Implementation Steps for Recommendation #3:

1. Continue to explore ways of improving laws and regulations relating to the following areas: land use and zoning, environment and natural resources, municipal budgets, including school budgets, and regionalization/shared services; recommend changes to these laws and regulations and/or to clarify their interpretation/implementation in ways that diffuse destructive public conflict.
2. Continue to explore ways of improving the open meeting and public records laws and recommend changes and or enhancements to these laws that clarify their interpretation/implementation in ways that diffuse destructive public conflict and burdensome requests on public resources.

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.¹⁹³

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 mapping¹⁹⁴, shows connections between municipalities and helpful resources. The benefit of

¹⁹³ Kaufman, R. (2013). *Needs assessment for organizational success*. Alexandria, VA: American Society for Training & Development Press.

¹⁹⁴ In this context, an “asset” goes beyond the financial concept to include skills, community and natural resources, history and social capital¹⁹⁴ (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 the course of their own development*. Practical Action Pub.). The asset map is a tool for identifying networks in communities that exist

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.

Post-Assessment: December 2014 – January 2016

Data analysis and report-writing commenced in December 2014 and the Interim Report was finalized in January 2015.

Interim Report Submission: January 2015: Filed Interim Report with Legislature and Governor

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.

March 2015 – Interim Report feedback survey was launched. 36 responses were collected and analyzed.

April – September 2015 – Convened the Solution Strategies Group of municipal representatives; vetted findings and recommendations with the SSG; prioritized findings and needs; selected recommendations for solution strategies; prepared data analysis for Final Report for submission in January 2016.

October 2015 – Solution Survey launched. 380 surveys were received.

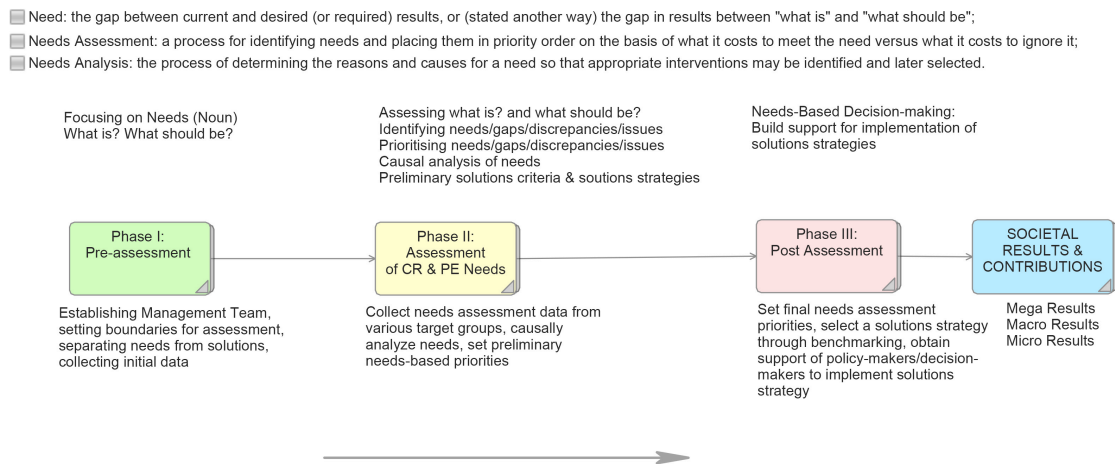


Figure 4: Needs Assessment Phases

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 finalized¹⁹⁵ (see Appendix III for a list of NAC members) and the roles and responsibilities of the Committee

¹⁹⁵ 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.

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;
- 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 – November 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 and what strategies for dealing with the conflict was affective and what strategies were not. Then the focus gradually shifted to results (both actual and desired). Results were both in terms of process results as well as societal results, like increasing trust in government, civility, community unity and togetherness etc. The last few questions concerned needs identification and prioritization with 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)

Focus group 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 officials 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 first online survey was open from October 10th to November 30th for public input. The Interim Report Feedback Survey was open from February 20th to November 19th 2015 and the Solution strategies statewide survey was open from September 8th to December 21st 2015. Four groups of survey responders were targeted in each survey:

1. Primary stakeholders: Participants who have some *direct relationship* with municipal government (elected and appointed officials, including state, local and federal government 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).
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. Survey participation was anonymous, unless survey responders chose to identify themselves by providing their name and other data in the final question of the survey which asked them if they liked to be contacted/involved in the

project. Geographical data was collected, in terms of the name of City/Town of residence or employment.

The first statewide survey collected information regarding the current and desired results of conflict management. Survey responders were also asked to answer questions that indicate the size, direction, and relative priority of gaps/needs. The online surveys 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, Solution strategies Group contacts and 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, among others. A total of 226 survey responders provided input in the first survey. 117 survey responders completed all ten (10) questions in the survey. A total of 36 participated in the Interim Report feedback survey and a total of 380 completed the final solution strategies statewide survey.

The responders from the first survey and final solution surveys were in the following categories and percentages:



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

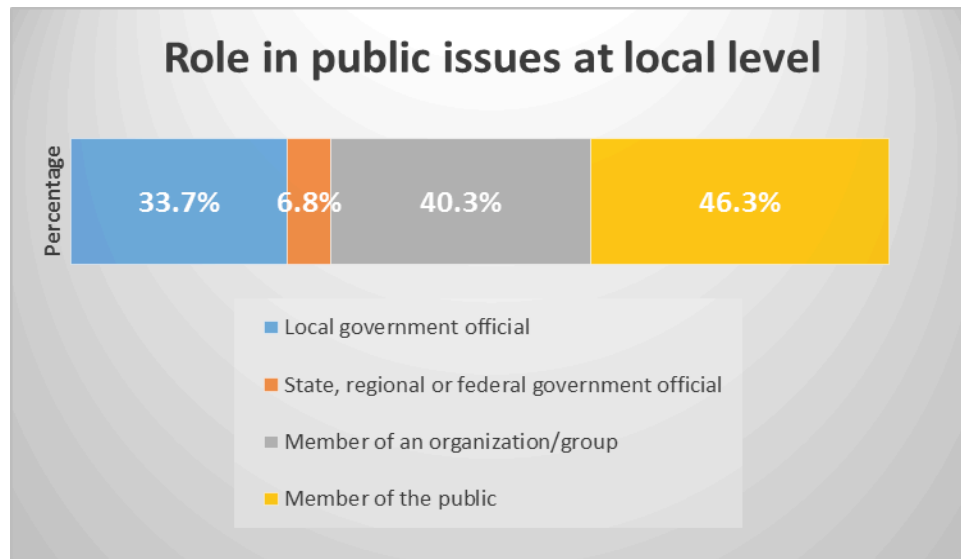


Figure 63: In response to the question titled: “Please identify your role in the public issues at the local level.” (n=380)

In view of the survey distribution method, the response rate is unknown, and the resulting survey population samples are non-representative. However, of the 380 survey responders 176 or 46.32% identified themselves as a member of the public concerned with public issues; 153 or 40.26% as a member of an organization/group concerned with public issues; 126 or 33.68% as a local government official; 26 or 6.84% as a state, regional or federal government official. (See Appendix VIII: Solution strategies survey results).

Phase III: Post-assessment phase (December 2015 – January 2016): This phase commenced with the analysis of assessment phase data and the compilation of the Interim Report, which was finalized and submitted to the Governor and the Legislature in January 2015. Subsequently, in March 2015, the Interim Report feedback survey and was launched. In April 2015, the Solutions Strategies Group (SSG) who convened to review, prioritize and refine the findings and recommendations contained in the Interim Report. In October 2015, a final statewide surveys was launched resulting in 380 survey responses that was essential for the prioritization and refinement of the findings and recommendations. The final result of the post-assessment phase is the filing of this Final Report submitted for legislative action in January 2016.

The assessment phase resulted in a significant amount of qualitative data. Computerized qualitative data analysis was conducted using Nvivo 10 and Nvivo 11. In order to define a coding structure, the lead researcher Madhawa Palihapitiya as the codebook manager, created an Excel workbook as a framework for the codebook. In order to create a shared understanding of the codes, the codebook was developed by five researchers and finalized through two collaborative meetings. 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. 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. The analysis also generated data visualizations contained throughout this report. Additionally, a comprehensive assets inventory was developed with graphical illustrations of these assets. The assets inventory and mapping was carried-out as a separate, yet complementary process to the needs assessment. The result was a comprehensive understanding of needs, or gaps in results, as well as a comprehensive understanding of resources/assets available to address those gaps. This dual needs assessment-assets mapping exercise is considered rare (J. Altschuld, personal communication, November 12, 2015).

Phase IV: Implementation phase (February 2016 –): This phase is yet to commence.

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.¹⁹⁶

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

¹⁹⁶ Kaufman, 2006, *op. cit.*; Kaufman, R. (2013). *Needs assessment for organizational success*. Alexandria, VA: American Society for Training & Development Press.

our workgroups (that is, the needs assessment committee and focus groups) and our 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?.¹⁹⁷ 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 problems¹⁹⁸. While many problems are resolved with positive outcomes, some lead to destructive public conflicts¹⁹⁹.

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.

¹⁹⁷ Kaufman, 2006, *op. cit.*; Kaufman, 2012, *op. cit.*

¹⁹⁸ 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.

¹⁹⁹ 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 <u>Ideal</u> Targets)
Conflict	<ul style="list-style-type: none"> • No adversarial and/or problematic managerial policy-making • No destructive community tension/conflict, community fears/suspensions • No municipal-stakeholder interaction that causes destructive conflict
Engagement	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • No adversarial relationships between elected/appointed officials and stakeholders
Skills	<ul style="list-style-type: none"> • No deficit of conflict resolution/social deliberative skills among elected/appointed officials and municipal stakeholders
Costs	<ul style="list-style-type: none"> • 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 solution 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 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 particularly important to you?

Thinking back over all those years of public service, what types 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

Needs Assessment Survey

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	—	—	—	—

	Achieved	Some Progress	No Progress	Not Applicable
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	_____	_____	_____	_____
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 Important	Unimportant	Not Applicable
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?

Solution Survey

1. Which of the following best describes your role in public issues at the local level? Please check all that apply.
 - I am a member of the public who is concerned with public issues.
 - I am local government official
 - I am a member of an organization/group concerned with public issues.
 - I am county, state or federal government official.
2. As local governments are confronted by complex social problems that sometimes result in destructive public conflict, state support for the training and education of local government officials and managers has been proposed as a way for municipalities to acquire the internal expertise needed to carry out public functions, gain public support, and manage public conflict.

How valuable would it be to provide state support for the following types of training and educational opportunities to local government officials? Rating scale: Very valuable, Somewhat valuable, Not valuable.

- Mastering core public management skills & competencies (e.g. finances & budgets)
 - Mastering local laws, regulations & procedures (e.g. open meeting laws, land use)
 - Mastering conflict management skills and competencies (e.g. mediation, negotiation)
 - Mastering public engagement skills and competencies (e.g. meeting facilitation)
 - Mastering communication using new and traditional media (e.g. social media & newspapers)
 - Mastering online public engagement tools (e.g. facilitated website to share information and deliberate on issues)
3. How should these training and educational opportunities be delivered? Rating scale: Very valuable, Somewhat valuable, Not valuable.
 - Professional development opportunities provided by municipal associations
 - Training opportunities provided to officials by planning agencies
 - Skill-building training provided by local dispute resolution resources (e.g. community mediation centers)
 - Workshops and online courses delivered through state and private higher education institutions
 - Certification and degree programs at universities and community colleges

4. The complexity of the problems that local governments are called upon to address may require levels of expertise that are beyond the purview of public officials or government employees.

How valuable would it be to provide the following types of state support to local governments for hiring outside experts to provide assistance with technical and scientific matters or with processes concerning public participation, conflict management, etc.?

Rating scale: Very valuable, Somewhat valuable, Not valuable.

- Provide funds to local governments to obtain services of substantive experts (e.g. communications experts)
 - Provide funds to local governments to obtain services of conflict resolution experts (e.g. mediators)
 - Provide a web-based tool to resolve government-public conflict through online engagement
 - Provide a special municipal ombudsman service to assist municipal officials in dealing with interpersonal conflict
 - Provide professional resources to assist local governments with assessing conflict
 - Provide professional resources to assist local governments with designing/convening consensus building processes
5. Common substantive issues that have driven public conflict involved land use and zoning, environmental and natural resource management, budgeting and resource allocation, and inter-municipal resource-sharing. Government rules and regulations (substantive & procedural) surrounding these matters and their implementation may have helped defuse the conflict.

How valuable would it be to commission studies on the following types of municipal laws and regulations to better understand their impact on public conflict and recommend actions to help diffuse destructive public conflict? Rating scale: Very valuable, Somewhat valuable, Not valuable.

- Land use & zoning
 - Municipal budgets, including school budgets
 - Regionalization/shared services
 - Open meeting & public records laws
 - Environmental & natural resources laws/regulations
6. Do you have any additional information or thoughts that may be useful to local governments in dealing with complex public issues and destructive public conflict? If so, please share them:

7. Would you be interested in receiving the final report on the MA Municipal Conflict Resolution Needs Assessment Study?

____ Yes ____ No

8. Please provide your contact information for further communications:

Name _____ City/Town _____.

Email address _____.

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 Assistant	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)

The Solution Strategies Group

Eleven committed municipal officials from across the state served on our Solution Strategies Group (SSG) to refine and prioritize the Interim Report findings and recommendations and to recommend specific implementation strategies for inclusion in the final study report filed in January 2016. They are as follows:

- Tim Dodd - Westborough Selectman
- Kimberley Driscoll - Salem Mayor
- Mary Greendale - (former) Holliston Selectwoman
- Rocco Longo - Marshfield Town Administrator
- Sherry Patch - Hardwick Town Administrator
- Barbara Searle - Wellesley Selectwoman
- Michael Sullivan - South Hadley Town Manager
- Jennifer Tabakin - Great Barrington Town Manager

- Sheila Vanderhoef - Eastham Town Administrator
- Carol Woodbury - Dennis-Yarmouth Superintendent
- Michelle Wu - Boston City Councilor

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 [Name of town]
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

Name	Title	City/Town
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 [Name of town] (Convener)
John Scibak	Former Selectman; Rep.	Town of South Hadley (Convener)
Aaron Vega	Representative	Convener

Name	Title	City/Town
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 McNerney	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

Name	Title	City/Town/Organization/Agency
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)	<ul style="list-style-type: none"> • 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 (MMA), Massachusetts Selectmen's Association (MSA), and the Massachusetts Association of Town Finance Committees (ATFC) 	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • In addition to its regularly scheduled workshops, 	<ul style="list-style-type: none"> • Build statewide awareness of training opportunities,

School Committees (MASC)	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.	particularly for newly elected municipal leaders.
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Organization or Tool	Current Resource(s) Provided	New Considerations & Recommendations
Massachusetts Association of Planning Directors (MAPD)	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Build statewide awareness of training opportunities, particularly for newly elected or appointed municipal leaders.

Massachusetts Office of Public Collaboration (MOPC)	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • Specific services vary by organization. Mediation and alternative dispute resolution services are offered. Some mediation centers offer trainings, facilitation services, or conflict coaching. 	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • The Technical Assistance Section provides consultant services to cities and towns at no charge on municipal operations, government structure, and financial management. 	<ul style="list-style-type: none"> • Build statewide awareness of technical services, particularly for newly elected or appointed municipal leaders.

Organization or Tool	Current Resource(s) Provided	New Considerations & Recommendations
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<p>Massachusetts Regional Planning Agencies</p> <p>Includes:</p> <p>Berkshire Region Metropolitan Planning Organization</p> <p>Pioneer Valley Metropolitan Planning Organization</p> <p>Franklin Regional Council of Governments</p> <p>Central MA Metropolitan Planning Organization</p> <p>Massachusetts Metropolitan Planning Organization</p> <p>Northern Middlesex Council of Governments</p> <p>Merrimack Valley Metropolitan Planning Organization</p> <p>Boston Region Metropolitan Planning Organization</p> <p>Old Colony Metropolitan Planning Organization</p> <p>Southeast MA Metropolitan Planning Organization</p> <p>Cape Cod Metropolitan Planning Organization</p> <p>Martha's Vineyard Commission</p> <p>Nantucket Planning and Economic Development Commission</p>	<p>Services vary by regional organization, but may include expertise and consulting in:</p> <ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Build statewide awareness of technical services.
<p>Community-Based Nonprofit Organizations</p>	<ul style="list-style-type: none"> • Specific resources vary by community, but may include expertise in civic engagement, education programs, development, public relations, grant writing, etc. 	<ul style="list-style-type: none"> • Look for ways to collaborate or contract with these organizations to improve municipal projects and expand professional civic capacity.
<p>Kindergarten -12th Grade Education</p>	<ul style="list-style-type: none"> • Provides civics education to 8th graders. 	<ul style="list-style-type: none"> • 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
<p>Civic Groups</p> <p>Includes associations like Rotary Clubs, Lyons Clubs, local advocacy groups, parent organizations, etc. These will vary in each municipality.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Services vary by community, but may provide a wide range of low-cost classes and workshops to develop skills. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Knowledge of local budgeting and fiscal issues that affect municipalities. 	<ul style="list-style-type: none"> • Host engaging and informative public meetings to explain municipal budgeting and/or regionalization issues.
<p>New Media</p> <p>Includes social media, blogs, and innovative technology</p>	<ul style="list-style-type: none"> • 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) 	<ul style="list-style-type: none"> • 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
<p>Traditional Media</p> <p>Includes newspapers, local TV, radio, and municipal website</p>	<ul style="list-style-type: none"> • Provides formal communications opportunities for municipalities to inform constituents of local issues. • Provides oversight of municipal functions. 	<ul style="list-style-type: none"> • 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.
<p>Grassroots Groups</p> <p>Includes formal and informal organizations and associations such as churches, neighborhood associations, and informal personal</p>	<ul style="list-style-type: none"> • Offers networks for distributing information and soliciting constituent feedback. 	<ul style="list-style-type: none"> • Incorporate individuals and grassroots groups into formalized plan for distributing municipal information.

relationships.

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



Appendix VIII: Solution strategies survey results

Surveying stakeholders to determine the value of recommended solutions to municipal conflict resolution needs

In order to determine the value that Massachusetts stakeholders placed on the solutions recommended for meeting the conflict resolution needs of local governments that were identified in the needs assessment study conducted by MOPC, an online survey was distributed to local government officials, members of the public concerned with public issues, members of organizations or groups concerned with public issues, and non-local government officials (i.e. county, state, and federal government officials). Among other things, the survey asked participants to indicate whether various solution options were very valuable, somewhat valuable, or not valuable. A link to the survey was emailed to a variety of organizations and individuals known to be interested in public matters, and recipients were encouraged to forward the link to appropriate others.

Three hundred and eighty useful surveys were received. In view of the survey distribution method, the response rate is unknown, and the resulting survey population sample is non-representative. The largest number of responders – 176 or 46.32% – self-identified with the stakeholder sub-group of members of the public concerned with public issues; 128 responders (33.68%) were local government officials; 153 or 40.26% were members of an organization or group concerned with public issues; and the remaining 26 or 6.84% were non-local (county, state, or federal) government officials. There was some overlap among the sub-groups: 15 individuals were local officials who also identified as concerned members of the public and organizations. Four non-local officials also belonged to concerned organizations and the public.

Survey results were analyzed on the basis of the frequency and percentage of responses to survey items, and comparisons were made between the responses provided by the surveyed stakeholders as a whole and those of the different stakeholder sub-groups.

The survey analysis presented evidence that a majority of the surveyed stakeholders found that the solutions specified in the survey were either very or somewhat valuable. The size of the appreciative majorities varied with the solution being considered, and size differences in the majorities holding positive value judgments as well as in the minorities passing negative evaluations were noted.

The value of training and educating local government officials

According to the municipal needs assessment study, the variety of needs challenging local government officials included increasing the effectiveness of the administration and management of core public duties, improving the implementation of certain laws and regulations – both substantive and procedural, and gaining greater skills in conflict management, public engagement, communication, and the use of online public engagement tools. Based on survey responses from an array of stakeholder groups, including members of the public concerned with public issues, members of organizations involved in public affairs, local government officials, and officials in county, state, and federal governments – state-supported training and education for local government officials were widely recognized as valuable ways of addressing these needs.

An overwhelming majority (about 90% or more) of responders recognized the value of providing state support for local government officials to increase their competencies in public management, laws and procedures, conflict management, public engagement, communication, and online public engagement through training and education. Conflict management skill training for local government officials was valued by the greatest number of surveyed individuals (97% of 378 responses), over three-fourths of whom (79.37%) considered such training very valuable. Stakeholder sub-groups tended to reflect this overall convergence on the high value of training in conflict management skills. Learning how to engage the public was a close second with nearly 95% of all surveyed individuals considering it very or somewhat valuable. As one survey responder indicated, public managers require numerous skills:

Small towns are run by select boards that have no education or training. Misinformation is disseminated frequently. There should be a state agency acting as a watchdog over small municipalities. Most of the skillsets identified in this survey are essential skills for addressing public needs and expectations. Those that address direct interaction with the public should have highest priority. Institute a requirement for LOCAL and STATE civics education in secondary education. Often the skills of local government officials are key to whether conflict is managed well or not. Providing opportunities where promising leaders are identified and receive high quality professional development/training is critical to ensure a supply of competent leaders. Town and school staff must be trained in effective public participation processes, they keep repeating the same mistakes and creating public opposition by their failure to include and inform the public throughout their decision-making.

Another survey responder argues that training municipal officials alone is not adequate and that members of the public also require training, particularly in-terms of the way they engage local government:

A critical topic; public also needs to be trained as this isn't just a public officials issues. There is a great deal of difference between what one town allows at say Select Board meetings for public input and even where on the agenda versus another. These differences can appear as limiting public input when in fact a legal option for the Board, this is a multi-layered issue. Clear rules of engagement at town meetings - moderator training and public training - would also help greatly, thank you for taking it on.

Few responders – under 8% – found no value in providing training and education which focused on improving the ability of local government officials to meet the aforementioned needs. The fewest favorable responses concerned gaining proficiency with online public engagement tools at almost 93% of 377 responses, with a bare majority (51.99%) viewing mastery of online public engagement tools to be very valuable. Local government officials diverged from this view about the online option, in that the largest minority of local officials (10.16% of 128 responses) deemed training in public administration/management to be valueless. However, some participants identified the usefulness of online tools in reaching a broader audience of stakeholders:

I did not say high priority to web based engagement because face to face is more authentic in my opinion, however there would probably be more public participation, engaging facilitators for important public issues that have public dialogue.

Valuing various ways of delivering training and education to local government officials

Most surveyed stakeholders acknowledged the value of assorted training/education delivery systems – whether the system involved skill-building training from local dispute resolution resources (e.g., community mediation centers), workshops or online courses from state or private institutions of higher learning, certification or degree programs at universities and community colleges, professional development offered by municipal associations, or training for officials from planning agencies. Certification and degree programs, however, were the least valued by stakeholders.

Over 70% of all surveyed stakeholders attributed either considerable or minor value to the above specified types of training/education. A sizable majority identified skill-building training using local dispute resolution resources (63.13% of 377 responses) and professional

development offerings from municipal associations (60.74% of 377 responses) as very valuable. Except for certification and degree programs, a very small minority of stakeholders (below 10%) failed to value the specified delivery systems. At least one-fourth of stakeholders (25.6%) attached no value to certificate and degree programs at universities and community colleges.

The same pattern of value judgments was exhibited by stakeholder sub-groups with the exception, again, of local government officials. Although, the largest minority of these officials (38.5% of 127 responses) devalued certificate and degree programs, the greatest majority (at least 96% of 128 responses) assigned some degree of value to professional development from municipal associations, followed by a slightly smaller majority (about 94% of 127 responses) who esteemed workshops and online courses at institutions of higher education. Survey responders offered their ideas on the specific skills and training needs; methodologies resources, logistical and barriers to resolving these needs as follows:

Types of skills

- Training in conflict resolution skills for town managers especially in towns which have town meetings.
- Training for local officials in the substantive areas of jurisdiction (zoning and land use laws for Planning Boards, etc.) basic training in good governance practices and the roles of local officials.
- A course on 'how to deliberate in a public forum'.
- Anti-bias training discovering one's own prejudices and stereotypes that affect our reflex responses when dealing with others of different race, class, sexual orientation, etc.
- De-escalation, assertiveness, traditional media training Managing stress at meetings
- Training new Board, Committee, and Commission members on rules in conducting meetings. Public education to get involved in their local government.
- Teach ethics and common sense.
- Train the media to report only the facts of a situation, and do so in an impartial manner.
- Conduct of meetings under Roberts rules of order
- Managing difficult people.
- Customer service skills
- Teaching officials to be more open and transparent. Techniques to separate fact from fiction someone wants believed. Mediation of all kinds: schools, courts, emergency management

- Manners and civil discourse for those attending public meetings should be offered also
- Peaceful civic dialogue training
- Cross cultural Collaboration
- Consensus building
- Restorative Justice

Mechanisms for delivering training

- I believe it would be highly beneficial for the state to conduct workshops for public officials on conflict communications with an emphasis on empathetic listening skills.
- Most valuable would be skill-building training provided by professional dispute resolution resources.
- MACC, MAPD, APA, MMA, Mass Federation - use existing groups
- Programs provided by non-profit organizations with skills in the subject areas training by nonprofits mentoring is best b/c it's ongoing; who has time for courses?
- Consider Adult Education Courses

Training resources

- New legislators at the state level go through an introductory training process and have ranking members to whom they can go for information and advice. Such a resource for newly elected municipal officers would be a good idea.
- I believe that there should be resources available to public officials in the areas of communication, conflict resolution, and consensus building. This could best be offered through professional development with a designated resource to call upon to deal with specific issues as they arise.
- Each municipality should have a trained person to contact for help with conflict coaching for conflicts between members of local committees and commissions.
- Funding and easy process for hiring consultants to assist local governments resolve conflicts; local training for volunteer Board and Commission members.
- The underlying conflict is between declining numbers of volunteers on one side and the increasing need for more intensive and mandatory training which in turn discourages volunteers. We need to regionalize local government for small towns, it does not work anymore.
- Provide programs for town citizens to learn conflict resolving techniques
- It would be great to set up a leadership program for youth or public education for youth so that youth are exposed to and learn mediation as a tool for solving conflict.

- I think it is a combination of capacity building so local governments can manage conflicts better and helping to know when obtaining neutral assistance (and how to get it) is potentially worthwhile.
- As mentioned earlier in the survey, tap community resources (community mediation centers, local engagement professionals, etc.) to develop local capacity to meet these needs.
- I think the study needs to take into account the services now provided to municipalities by private non-profits and how they can be supported. Specific examples are the Massachusetts Association of Conservation Commissions and the Citizen Planner Training Collaborative.

Training methodology

- Workshops held in-person locally like the Adobe Ed Ex, build repository of "lesson plan" tutorials.
- Mentoring, or conflict coaching in person interactive workshops and trainings conducted by outside experienced professionals, training provided to councilors & city hall staff, make sure these are solid, content courses, not just fluff. Assemblies and skits showing different viewpoints, how they can be handled, and the various potential outcomes. For instance, "taking a position" often results in stalemate. Learning about the other side's concerns, sharing mutual concerns, and discussing differences and potential ways to resolve those differences is a good way to arrive at consensus. These types of training should ideally be required for board members and town officials
- Hands on, breaking into groups with role play would be a great way to give practical experience.
- Short term intensive in person probably best.
- Online webinar
- On line seminars on conflict issues by subject and how to resolve them for people who work with the public.
- The on-line Conflict of Interest training is a good example of useful on-line training.
- A hierarchy of training: online - workshops - cohort programs

Frequency of training

- Should be required that municipal leaders take the training that already exists on an ongoing basis to build and strengthen the skills mentioned above.
- Provide and require new officials to attend training each year while in office.
- Since board members change these resources need to be offered frequently.

- An occasional workshop on how to conduct their committee and handle conflict both in the committee and between the committee and the public.
- All newly elected officials should be required to attend workshops on the extent of their duties, responsibilities and powers (or lack thereof), a "Municipal Service 101: Now that I'm in office what should I do" course.

Barriers to training

- The challenge is getting officials to attend. Many refuse to participate even if trainings are held locally. Mandatory training may be necessary.
- The structure of an organization can affect how dispute resolution is approached. Whether individual employees have the support of their organizations to intervene when needed, also matters. People have different levels of comfort in dealing with conflict, and individual practice and reflection on their talents in this area, as well as acknowledgment of personal biases also need to be considered in training. It's hard to see how online training would offer the same results as personal feedback and reflection in person. Understanding the principles of ADR is one thing, but knowing what to do, when to do it, and how to do it requires different skill sets.
- Most of our public officials run meetings very poorly and don't think they need help managing public conflicts, so like Open Meeting Law, training participation may need to be mandatory rather than voluntary.
- All depends on the quality. It is hard to know how skilled the trainers are in any of these venues.

Training logistics

- Regional training sessions might be the most economical way to deliver helpful training from the state.
- Providing funds is less effective than offering in person off site relevant training a reasonable distance from the municipality.
- Training public officials on conflict management and meeting facilitation would be extremely helpful, but trainings have to be short and nearby enough for people to be willing to sign up for.
- Most effective if trainers come to municipal board meetings rather than expecting the board members to dedicate more time to learning. make these available in the Berkshires...we are ways forgotten about and travel is an issue at times for us because of the size of our staffing forces and small budgets need to be aware of distances traveled/time committed during working hours required for training.

Despite conflict resolution training and skill-building, barriers may still remain to how effectively these skills are utilized. Some of these barriers may be institutional. Other barriers may be cultural. As a survey responder indicated:

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Valuing state support for different forms of outside assistance for local governments

A majority of stakeholders appreciated the value to be derived from state support for such forms of local government assistance as funding the services of substantive experts or of conflict resolution experts, providing professional resources for conflict assessment or for designing/convening consensus-building processes, obtaining the services of a municipal ombudsperson to help address interpersonal conflict, or acquiring a web-based tool to assist with online public engagement. Over 56% of stakeholders found great value in funding conflict resolution experts (67.4% of 365 responses), providing professional resources for assessing conflict (60.61% of 363 responses) and consensus building (60.61% of 363 responses), and funding substantive experts (56.35% of 362 responses). Below are some comments from the survey that substantiate this:

There should be a recognition that in some communities, government is primarily run by volunteers who may need professional support in conflict resolution and communication skills. They devote enormous amounts of their personal time to their offices and are subject to lots of criticism, often from uninformed voters. They deserve all the support and respect they can get. They may be sensitive to suggestions that they are not professional enough in their governance.

Supplying consultants in actual conflicts; facilitate meetings, design processes and evaluate results, and build capacity within municipal government.

Using professional facilitators and mediators can be really helpful - and providing some basic training in those skills would also be helpful.

Mediators provided to the public through municipalities for municipal employees as well as the community; particularly elder services. Mediators available to assess work group conflict would be especially helpful as well.

If the municipality chooses the services and providers, then the most powerful or persuasive factions will be able to control the process. A neutral from outside of the situation, whose contract is not dependent on garnering local officials favor, is necessary.

Local residents that get involved in an issue, i.e. open space, do so because they have an opinion and are not necessarily looking for an objective, balanced assessment. It would be tremendous to have an objective state resource to offer a balanced assessment of issues pending at the local level especially if the assessment involved the impact that initiatives/policies have on the local tax rate.

any and all extra help available to the public would be useful...very useful...some kind of mediation available at these meetings...some kind of reminders that's we are all wanting the BEST for our communities and that if we cannot be respectful to each other NOTHING will be gained.

Funding and easy process for hiring consultants to assist local governments resolve conflicts; local training for volunteer Board and Commission members.

Knowing that resources are available to help them deal with these issue and how they can access them is key to creating healthier communities. The challenge will be in spreading the word.

Bring in outside mediators and moderators ASAP. After twenty years of being an elected official/firefighter/First Responder in a tiny town I have witnessed too much damage as a result of lack of communication skills and not having outside help.

A minority of at least one-quarter of surveyed stakeholders (28.06% of 360 responses) did not consider the web-based tool to be valuable. Around a tenth (i.e. 10.86% of 360 responses) of stakeholders regarded an ombud service as least valuable. Under 10% of stakeholders disfavored the remaining state-supported forms of assistance to local governments. A similar pattern of evaluations was generated by three of the stakeholder sub-groups. The group of non-local government officials was the hold-out, with virtually equal numbers of negative evaluations of funding substantive experts, a web tool, and the ombud service (five, six, seven responses out of 25, 24 and 25 total responses, respectively).

Value of studying the impact of specified laws and regulations on public conflict and proposed solutions

Local governments were also faced with the need to deal with structural problems connected to municipal laws and regulations concerning land use and zoning, municipal and school budgeting, regionalization and shared services, open meeting and public records requirements, and the environment and natural resources.

Most stakeholders found value in commissioning studies that would examine the impact of these legal requirements on public conflict and propose recommendations for solutions, with approving majorities ranging from 93.54% (of 356 responses) who valued environmental and natural resource studies to 88.95% (of 353 responses) who found value in studying regionalization and shared services. Surveyed local government officials, unlike the surveyed stakeholders as a whole and the other stakeholder sub-groups, were a bit more skeptical about the worth of such studies, resulting in a high of 92.04% (of 163 responses) finding some degree of value to studying the legal landscape dealing with the environment and natural resources to a low of 83.19% (of 163 responses) attributing value to studying the laws governing open meetings and public records. Survey responders indicated the following hopes, concerns and ideas about the study of municipal laws and regulations:

Studies are done, presented, and sit on a shelf never to be consulted again. Education in a public forum would be more effective.

I'm not sure we should change laws and regs just to reduce conflict. Sometimes, we have laws and regs precisely to manage conflict. The question is, "How could we improve these laws to anticipate and resolve conflicts." I marked everything "somewhat" because I don't think any one section is more conflict-inducing than the others.

Need to also require municipal to adhere to these zoning regulations. Much of the conflict is due good old boys manipulating government officials and the public distrust and disgust from these undisclosed conflicts of interest.

Such studies could be helpful, but a better use of dollars now would be to actually fund conflict resolution activities.

Budget issues will follow from the first four questions. To bring the budget into question initially will create fear to begin any other changes.

All valuable if the study is done well and the information is used. Just a study with no action is not as useful.

Any studies need to be objective not based in vested interests like homebuilders reviewing environmental laws. Include the general public's perceptions and concerns.

Studies are not valuable without buy-in of the public to trust sources.

Local conservation commissions have a lot of input into enforcing environmental laws in MA. You need to consider their role.

Public conflict around these issues is valuable. It's a function of democracy.

Tables

Q2. How valuable would it be to provide state support for the following types of training and educational opportunities to local government officials? N=380

Mastering core public management skills & competencies (e.g. finances & budgets)
 Mastering local laws, regulations & procedures (e.g. open meeting laws, land use)
 Mastering conflict management skills and competencies (e.g. mediation, negotiation)
 Mastering public engagement skills and competencies (e.g. meeting facilitation)
 Mastering communication using new and traditional media (e.g. social media & newspapers)
 Mastering online public engagement tools (e.g. facilitated website to share information and deliberate on issues)

Options	All Surveyed		
	Very valuable	Somewhat valuable	Not valuable
Management skills (n=376)	226 (60.11%)	128 (34.04%)	
Laws & procedures (n=379)	255 (67.28%)	107 (28.23%)	22 (5.85%)
Conflict management (n=378)	300 (79.37%)	67 (17.72%)	17 (4.49%)
Public engagement	274 (72.11%)	91 (23.95%)	11 (2.91%)

(n=380)			
Communication (n=378)	215 (56.88%)	145 (38.36%)	15 (3.95%)
Online public engagement (n=377)	196 (51.99%)	153 (40.58%)	18 (4.76%)

Q3. How should these training and educational opportunities be delivered?

Skill-building training provided by local dispute resolution resources (e.g. community mediation centers)

Workshops and online courses delivered through state and private higher education institutions

Certification and degree programs at universities and community colleges

Professional development opportunities provided by municipal associations

Training opportunities provided to officials by planning agencies

Options			
	Very valuable	Somewhat valuable	Not valuable
Skill-building local DR resources N=377	238 (63.13%)	109 (28.91%)	30 (7.96%)
Workshops & online from higher ed N=376	172 (45.74%)	167 (44.41%)	37 (9.84%)
Certificate & degrees at univ & community colleges. N=375	90 (24%)	189 (50.4%)	96 (25.6%)
Prof'l dev't municipal associations N=377	229 (60.74%)	130 (34.48%)	18 (4.77%)
Training from planning agencies N=379	184 (48.55%)	163 (43.01%)	32 (8.44%)

Q4. How valuable would it be to provide the following types of state support to local governments?

Provide funds to local governments to obtain services of substantive experts (e.g. communications experts)

Provide funds to local governments to obtain services of conflict resolution experts (e.g. mediators)

Provide a web-based tool to resolve government-public conflict through online engagement

Provide a special municipal ombudsman service to assist municipal officials in dealing with interpersonal conflict

Provide professional resources to assist local governments with assessing conflict

Provide professional resources to assist local governments with designing/convening consensus building processes

Options			
	Very valuable	Somewhat valuable	Not valuable
Funds for substantive experts N= 362	204 (56.35%)	123 (33.98%)	35 (9.67%)
Funds for CR experts N=365	246 (67.4%)	90 (24.66%)	29 (7.95%)
Web tool for on-line engagement N=360	90 (25%)	169 (46.94%)	101 (28.06%)
Ombudsperson N=359	171 (47.63%)	149 (41.5%)	39 (10.86%)
Professionals to assess conflict N=363	220 (60.61%)	121 (33.33%)	22 (6.06%)
Professionals for consensus building N=362	220 (60.77%)	124 (34.25%)	18 (4.97%)

Q5. How valuable would it be to commission studies on the following types of municipal laws and regulations to better understand their impact on public conflict and recommend actions to help diffuse destructive public conflict?

Land use & zoning

Municipal budgets, including school budgets

Regionalization/shared services

Open meeting & public records laws

Environmental & natural resources laws/regulations

Options			
	Very valuable	Somewhat valuable	Not valuable

Land use & zoning N=356	200 (56.18%)	131 (36.8%)	25 (7.02%)
Municipal budgets N=356	202 (56.74%)	127 (35.67%)	27 (7.58%)
Regionalization N=353	157 (44.48%)	157 (44.48%)	39 (11.05%)
Open meeting & public records N=355	178 (50.14%)	139 (39.15%)	38 (10.7%)
Environmental N=356	171 (48.03%)	162 (45.51%)	23 (6.46%)