



Notice City Commission Study Session

7:00 PM

Monday, October 27, 2014

Governmental Center, Commission Chambers, 400 Boardman Avenue

Traverse City, MI 49684

Posted and Published: 10-24-2014

The meeting informational packet is available for public inspection at the Traverse Area District Library, Law Enforcement Center, City Manager's Office, and City Clerk's Office.

The City of Traverse City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, MI 49684, 922-4440-TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator.

If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator. At the request of City Manager Jered Ottenwess, City Clerk Benjamin Marentette has called this Study Session.

City Commission:

c/o Benjamin C. Marentette, CMC, City Clerk
(231) 922-4480

Email: tcclerk@traversecitymi.gov

Web: www.traversecitymi.gov

400 Boardman Avenue

Traverse City, MI 49684

The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.

Welcome to the Traverse City Study Session!

Any interested person or group may address the City Commission on any agenda item when recognized by the presiding officer or upon request of any commissioner. Also, any interested person or group may address the City Commission on any matter of City concern not on the Agenda during the agenda item designated Public comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Commission.

Agenda

Pledge of Allegiance

Roll Call

1. Discussion with Conflict Resolution Services regarding 517 Wellington and emergency shelter use. (Commissioner Jeanine Easterday, Jered Ottenwess)
2. Announcements from the City Clerk. (Benjamin Marentette)
3. Public comment.
4. Adjournment.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF OCTOBER 27, 2014

DATE: OCTOBER 24, 2014

FROM: ⁵⁰JERED OTTENWESS, CITY MANAGER

SUBJECT: OCTOBER 27 STUDY SESSION

1. *Discussion with Conflict Resolution Services regarding 517 Wellington*

Commissioner Easterday and I have been in contact with Rebecca Garland, Director, Conflict Resolution Services. CRS provides professional dispute resolution services and I have scheduled time for Mrs. Garland to address several questions that I believe City Commissioners will find worthwhile and have the opportunity to discuss:

- What is the goal?
- What is the process?
- Who is involved?
- What is the format?

CRS provides services on an hourly basis at \$150 per hour. Actual cost would depend on the extent of their work and is estimated at 15-20 hours or \$2,250-\$3,000.

I have asked Mrs. Garland to help provide background information to include with the packet:

- Definition of mediation and facilitation;
- Explanation of difference between mediation and facilitation; and
- Article describing the facilitation process.

Mrs. Garland recommends utilizing the facilitation process and will be able to address in more detail at the meeting.

e-copy: Rebecca Garland, Director, Conflict Resolution Services

Mediation

Mediation is a confidential and consensual dispute resolution process in which an independent and impartial mediator facilitates negotiation between the parties to assist them to resolve their dispute. Neither the parties nor the mediator are limited by rules of evidence.

The mediator is not a decision-maker, and the process is based on achieving co-operation between the parties. The mediator assists the parties to make their own decisions and agreements. The mediator's role is to guide the process so that the issues can be defined, the relevant information produced and options explored without undue delay or legalistic procedures.

When a dispute is resolved in mediation, a written agreement which sets out the outcomes of the issues that have been resolved at the mediation is signed by the parties.

Facilitation

Facilitation is a process which is similar to mediation but is more flexible. A facilitator can assist parties to resolve a dispute by negotiation, consultation, information-gathering and problem-solving. A facilitator works with parties to assist in managing communication and potential conflict thereby preventing the escalation of conflict. A facilitator will not provide answers; rather a facilitator will ask questions, assist people to reach increased understanding and assist people to find answers for themselves and make decisions for themselves.

Mediation/Facilitation - What's the Difference?

The field of alternative dispute resolution (which is where mediation and facilitation reside) is as riddled with jargon as any other field. We talk much too loosely about "consensus" and "stakeholders," without defining what we mean. We even create confusion over perfectly clear words like "agreement" or "interests."

To clarify what I think I am doing for a living, I would like to at least distinguish between mediation and facilitation. For me, mediation involves a conflict that needs resolution, while facilitation requires management of a process where participants have a common interest.

- A *mediator* helps those in conflict find a solution that is satisfactory to all involved. A typical mediation goes through stages: assessment of the situation, determination of the feasibility of a mediated agreement; selecting the parties; developing the process; information gathering; generating options; analysis; creating potential solutions; seeking consensus; future steps.
- A *facilitator* helps a group engage around a common goal. The focus is a task – develop a land use plan, learn about hazardous waste disposal options, improve service delivery for an agency -- not resolution of a conflict. A typical facilitation involves a group of people and requires guidance of that group through education, discussion, and perhaps decision-making.

A mediator has specific conflict resolution skills, which may be very useful in any situation, including facilitation. The facilitator's skills may also cross-over and contribute to a mediation process. Common elements:

- Both the mediator and facilitator are unbiased with respect to the conflict, and serve all participants equally.
- They have no authority or stake in the substance of the outcome or decision.
- They are committed to managing a process that is inclusive, fair and respectful to all involved.
- Mediation or facilitation may involve 2 or 200 people, or more.
- The mediator and the facilitator are responsible for the process, including agendas and summaries.

By Lucy Moore Associates, Inc.

**Mediate.com***Supporting Effective Agreement*

Preventing Conflict through Facilitation

by Janice M. Fleischer & Zena D. Zumeta

Friends and family members often ask us, "So, tell us what you do again? It has to do with big meetings, right?"

The question is also a good one for dispute resolution professionals today, as more and more mediators are being asked to do facilitations, and there are important differences between mediation and facilitation (*see Comparing Facilitation and Mediation*, below).

So, what is facilitation? According to Webster's *New Collegiate Dictionary*, "facilitate" means "to make easier."

That is what facilitators do: We make it easier for people to accomplish whatever goal their meeting may have been called for. More specifically, we help people think in terms of interests, not positions. According to common definitions, by statute or otherwise, "facilitation" is: The use of a third party neutral to help multi-party work groups accomplish the content of their work by providing *process* leadership and *process* expertise.

A Pre-Conflict Process

This emphasis on "process" is probably the most defining difference in mediation and facilitation. In many ways, facilitation and mediation are similar, but in the most elementary way, they are drastically different: Facilitation is primarily used *pre-conflict* or at least *pre-crystallized* conflict.

Think of facilitators as holistic physicians. We encourage people to call us in *before* any conflict has crystallized, to help avoid the conflict and have people work collaboratively toward their common goal. That doesn't mean there isn't the *potential* for conflict, or that pockets of conflict haven't already erupted. Although facilitation can be used in conflict situations, and therefore belongs on the conflict continuum, an important characteristic of facilitation is its use as a preventative measure.

Facilitators oversee the organization and progress of meetings to alleviate as much tension as possible so that people can get past their individual agendas and get on with the group work that needs to be done. Facilitation is a transformative experience, both for the facilitator and the facilitated. We have watched stakeholders entrenched in their positions change from obstinate advocates to cooperative collaborators in a matter of months. It is as gratifying and

exciting as mediation, and has an extra benefit, the fact that you, as the facilitator, have the ability to assist folks in avoiding any conflict and just getting their work done.

One essential element of facilitation is its involvement with groups, small or large, and their processes, whether they are public in nature, such as a government agency, or strictly private concerns, such as a corporate board of directors. In this regard, facilitations can range from a one-time board retreat to a public policy gathering of governmental, civic, advocacy, business and geographic or ethnic parties that meet over several months or years to accomplish its task.

Similarly, the size of groups can range from as small as five people up to several hundred. That a facilitator is working with groups, and not individuals, creates distinctive dynamics, in that each type of group must be handled differently, and the convener(s) of each group may have different expectations of the facilitator. This in turn calls for unique skills and tools in consensus building (See *Structured Techniques for Working With Groups*)

In describing the facilitation as a process, we think of a story: It has a beginning, a middle and an end. Facilitation is a story in collaboration and consensus. To facilitate, you must pay attention to the beginning (pre-meeting agenda, surveys, protocols); the middle (meeting guidelines for participants, using your skills to keep the meeting moving and on track, keeping the group memory) and the end (preparing a meeting report and follow up duties).

In the beginning, the facilitator needs to meet with the convener(s) of the meeting to establish exactly what is being asked of the facilitator. Is she more of a moderator, or a leader of the group? Is he expected to run the meeting, or simply to keep a record and be a watchdog to make sure the group does not go too far afield. The possibilities are varied and should be defined immediately. This will help you as a facilitator decide if this is the type of situation you are comfortable being involved in, and how to shape the next steps, designing the agenda for the meeting and other "housekeeping" duties.

It is during this part of the beginning chapter that the facilitator will discuss where the group will meet, how often, who will handle administrative functions (meeting notices, survey preparation, mail-outs, typing of group memory flip chart notes, etc.), how participation is to be determined, who will represent different stakeholder groups, decision-making protocols, whether the media should be involved, deadlines and resources for work to be done (i.e., money and time).

The beginning chapter ends with the setting of the agenda, which is developed with input from the conveners as well as possible input from participants. Participant input can be obtained through mail-out surveys, telephone or personal interviews or meetings. The facilitator must know the group and the work to be accomplished before attempting to design a preliminary overall agenda for the total of the meetings as well as specific agendas for each meeting.

The middle of the facilitation consists of the facilitated meetings themselves. The facilitator must structure the participation of the group by helping everyone feel included and encouraging participation. This may involve helping the group identify common denominators goals, calling on those who have not spoken, reducing the speaking time of those who would dominate, and helping to identify who may be missing from the table as the meeting progresses.

In this regard, the facilitator also ensures that group procedures are adopted and adhered to. Decision-making guidelines and protocols are developed with the group, group etiquette is discussed and accepted, discussion guidelines are agreed upon, the method of presenting theories, ideas, positions, etc., must be outlined by the group and the facilitator must obtain a "buy in" by the group. If the group has a specific "charge" - such as drafting a written recommendation to some governmental entity on a specific subject - the group will have to decide how consensus will be defined and what the priorities will be.

Group 'Memory'

One extremely important aspect of this chapter of the facilitation is the keeping of the group "memory." This generally consists of keeping notes of the group's activity on a flip chart, which is important both during and after the meeting. During the meeting, it provides a visual confirmation that the views of each speaker are being heard and considered by the group. After the meeting, it provides the basis for the meeting report.

The flip chart can be maintained by the facilitator or a second person, which can be especially useful if the group is large. If the recording is done by a second person, though, it is important that the facilitator and recorder think similarly enough that the record-keeping is in sync with the focus of the group process.

Using a flip chart is an art in itself that must be learned and practiced. At minimum, though, it must be:

- visible to all members of the group;
- maintained simultaneously with the group's thought process;
- accurately reflect the language of the group members, and
- typed and copied for the members by the next meeting as the flip charts appeared.

Group Maintenance

The facilitator must facilitate group maintenance. Several techniques and skills come into play here.

One is "gatekeeping," that is inviting people to speak, keeping others at bay, etc. Another is "harmonizing," or calming the group, reducing tension and emotions, and pointing out the

feelings of the group or of a participant.

Facilitators bring attention to how a group is working, a task that must be done delicately, usually with suggestions for a different process, or for opening the discussion to suggestions for a different process. This could also just be a "heads up" that the group has moved away from its stated discussion item and a discussion of whether it wants to continue forward or go back.

These techniques require several additional skills. For one, a facilitator must pay attention to the body language of the members of the group: Are they paying attention? Do they need a break? Are there separate (and distracting) conversations going on? Is there outside noise that is interfering with the members' ability to hear what is being said?

The facilitator must help and encourage the group through frustrating times. This can be done by complimenting the group, putting frustration into perspective, recalling other times the group was stalled and succeeded in moving forward, and talking about the benefits of staying with the process.

Finally, the facilitator should "debrief" the group before it adjourns. This is done for 5-to-10 minutes, but allows each group member to reflect upon and state how they are feeling about the group, the group process or the result of the meeting. Like flipchart management and other aspects of facilitation, debriefing is a skill that must be learned and practiced.

Tips For Debriefing a Facilitation

- Start anywhere in the group and go around to each person from there
- Each person can say whatever they want without censorship of any kind
- No one should reply to anything that is said
- A time limit should be set for each person (we suggest 1-to-1.5 minutes) which should be announced and enforced by the facilitator
- Anyone can "pass," or decline to say anything
- At the end of the debriefing, those who passed should again be asked if they want to say something
- People can have more than one turn to speak, but only with the permission of the group
- At the end of the debriefing, the group can decide on when to address the issues raised
- Points raised in the debriefing should not be put on the flip charts unless the group so instructs the facilitator

The Report

The last chapter of the facilitation story is the report recording the items covered at the meeting. It typically includes a table of contents, introduction, background, explanation of procedure, process and guidelines, as well as the transcription of all the flip-chart notes put

into the context of the meeting. This is an important aspect of the process because it provides either a basis for what work will be included at the next meeting or a guide for what work must now be done by group members and by when.

Some facilitated meetings do not require reports. For example, the purpose of the meetings may have been to accomplish the writing of a document as a group, and the document itself serves as the report.

Like mediation, facilitation can be an important part of a dispute resolution professional's repertoire of skills and services. But it is worth taking the time to learn the differences between the two, and to master facilitation as a unique process that can be used to help clients.

A Comparison of Facilitation and Mediation Shows Some Similarities, But Also Some Important Differences

Facilitation and mediation may be compared along several dimensions, beginning with the two main differences: goals and process.

Goals: In mediation, the goal is to get an agreement. In facilitation, it is to assist a group in accomplishing the "content of their work," whatever that may be. Familiar examples include a vision statement and plan for implementation of a depressed area of a city, a strategic plan with action items for an organization, the preparation of recommendations to a decision making body, an effective retreat, solving a particular problem and writing regulatory rules.

Process: Mediation typically follows a fairly set process that is determined primarily by the mediator, but which is dependent on the type of mediation (e.g. family, civil, community) and style of the mediator (e.g. facilitative, evaluative, transformative). The outcome is determined by the clients. In facilitation, however, the group (or representatives of the group) determines the process as well as the outcome.

Neutrality: Neutrality is a central tenet of mediation. While the facilitator certainly cannot be biased, strict neutrality is often an irrelevant issue, since many groups do not have "sides" and are not resolving long-standing conflicts.

Open Sessions: In both mediation and facilitation, the neutral will use one open or plenary session (often called a joint session in mediation) to gain and share information, encourage communication, promote problem-solving between the parties and prioritize issues. In facilitation, the open session may also be used for the actual drafting of documents.

Caucus vs. Small Group Work: In mediation, a private session with one party or parties may be used to develop support and trust, explore settlement options or communicate privately about the strengths and weaknesses of a party's case. In facilitation, small groups

are often used to accomplish a specific task, often for the larger group, but just as often may not be necessary.

Generation of Options/Ideas: In mediation, the parties propose solutions and options with the mediators guidance and additions. In facilitation, the parties may be led through a series of structured techniques - brainstorming, nominal group technique, etc. - to solicit ideas and generate and prioritize options. The facilitator does not become involved in the creation of options or ideas, but rather is limited to the role "record keeper."

Agenda Design and Ground Rules: As the owner of the process, the mediator will set the agenda and ground rules after the parties have identified the issues. In facilitation, the facilitator assists in designing an agenda with input from the convener(s) and/or the group, which owns the process.

Invoking Ground Rules: In both facilitation and mediation there are difficult parties. In mediation, the mediator might call a caucus or invoke a ground rule to change the behavior of that party. In facilitation, the group invokes the ground rule, or the facilitator might pull the person aside at a break to talk with him/her.

Identifying the Parties: One important difference in the two processes is the identification of the parties. In most mediations, who the parties are is generally fairly obvious. In facilitation, just as in public policy mediations, identification of all stakeholders is an important part of the pre-facilitation process, especially if consensus-based decision making is the method to be used.

Methods of Decision Making: In mediation, the process of decision making is interest-based negotiation and compromise. In facilitation, the group decides the process of decision making and the facilitator helps to lead it.

Role of the Neutral: In mediation, the role of the mediator remains constant, as a catalyst for change in the parties' communication. In facilitation, roles of the facilitator may vary greatly depending on the needs and desires of the group or its conveners.

Prior Contact with Parties: In mediation, contact prior to the actual beginning of mediation with the parties and their attorneys is a matter of the mediator's style. In facilitation, prior contact with the convener(s), stakeholders and others is a necessity to properly plan the meeting and understand the goals of the meeting.

Biography

Zena D. Zumeta

Zena D. Zumeta, J.D., is president of Mediation Training & Consultation Institute and The Collaborative Workplace in Ann Arbor, Michigan. She has been a mediator and facilitator

since 1981. She is a past president of the Academy of Family Mediators and the Michigan Council for Family and Divorce Mediation and a past national board member of SPIDR. She is a nationally known trainer of mediators, and provides training, facilitation and consulting in organizations and workplaces. She has presented on mediation and facilitation at AFM, SPIDR and NCPCR conferences, and on mediation and collaborative processes at the International Association of Facilitators.

Email: mtci@igc.org

Janice Fleischer

Janice Fleischer, J.D., is currently the Coordinator for the South Florida Office of the Florida Conflict Resolution Consortium, a university based program established by the Florida legislature whose mission is to provide facilitation and mediation services in the public policy arena.

Ms. Fleischer practiced law until 1990 when she became a Florida Supreme Court certified mediator and joined the Mediation/Arbitration Division of the 11th Judicial circuit. After leaving the Mediation/Arbitration division, she mediated independently for the court system.

She teaches mediation at the University of Miami School of Law and is Chair of the Southern Division of the Florida Mediator Qualifications Board, a board that hears grievances filed against mediators.

She is immediate Past-President of the Florida Association of Professional Family Mediators and is Region III Vice President of The Society of Professionals in Dispute Resolution, (SPIDR) an international dispute resolution organization. Additionally, she has served as faculty for the National Judicial College. Ms. Fleischer is a frequent presenter and speaker at state and national conferences, including AFM, the Academy of Family Mediators, SPIDR, and the Florida Dispute Resolution Center Annual Conference.

Ms. Fleischer is a primary trainer in public policy, facilitation, mediation and interpersonal conflict resolution. She is a member of the ABA and is a Vice-Chair of the Legislative Committee of the ABA Section of Dispute Resolution.

Email: jfleischer@mediate.com

December 1999

View this article at:

www.mediate.com/articles/zenandflei.cfm

This article is provided by Mediate.com:

- Over 5,000 Articles and Resources
- Basic & Premium Membership
- Web Site Development
- Targeted Geographic Placement
- Everything mediation See

www.mediate.com