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Finding Winning Solutions – The Art and Science of Good Governance

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Governor Matheson would sometimes step back in the middle of a complex policy discussion and ask, “What is in the best interest for the people of Utah, today and tomorrow?” The question always seemed to center us when we strayed too far into the politics or minutiae of an issue. He would also carefully follow a simple model for State of Utah decisions, fashioned after legal and planning principles: What are the issues? What are the alternatives and their consequences? What is the preferred approach? Why? What is the rationale? Coupled with a commitment of an engaging public process, we felt State decisions were headed in the right direction.

In the 1980s, under Governor Matheson, I had the responsibility of helping develop a proposal to take our thousands of scattered state school lands,¹ and through a congressionally endorsed, multi-million acre exchange with the federal government, bring Utah some contiguous, manageable parcels. I traveled across Utah, meeting with every county commission, dozens of ranchers, miners, recreationists, holding dozens of public meetings in following the Matheson model for decision making. After three years, we presented a proposal to Congress that met with neutrality or support from almost all quarters. The formula of coalition-building was to take a good idea for the State of Utah, listen to every concern, find ways to legislatively address those concerns and move forward with the concept of land consolidation through an exchange with the federal government.

Governor Matheson left office with his proposal well-received in Congress,² but needing a push to carry it through to completion. The legislation was never pursued by his suc-

cessor, Governor Bangerter. Ten years later however, in the aftermath of the creation of Grand Staircase-Escalante National Monument, Governor Leavitt picked up the land exchange proposal. He pursued successful legislation that consolidated hundreds of thousands of acres of State lands, effectively removing those scattered parcels from within national parks, monuments, forests, Indian reservations, and other federal lands.

For me, professionally, this style of decision making carried forward in my work with Bear West, an environmental planning firm I co-founded after the end of the Matheson Administration. Two of our first projects were the Salt Lake City Watershed Plan and the Salt Lake County Wasatch Canyons Master Plan. These two efforts engaged all interests in the Wasatch Mountains and through intensive efforts resulted in planning and policy direction for those lands and resources while allowing for the primary objective of preservation. In both cases, contentious issues were addressed and when the final plans were adopted, support came from all sides.³

After becoming a state legislator, I had an opportunity fall into my lap that was an epiphany in understanding how good decisions are made. I was invited to join the Policy Consensus Initiative (PCI).⁴ In PCI, a group of officials selected from states across the nation gathers twice a year to discuss the art and science of collaborative governance: what it is, when to use it, how to further its use effectively. The organization is unusual in that it is made up of a board led by two governors (one from each party), four legislators (geographically and politically balanced), leaders of state regional organizations, and professionals in the field of alternative dispute resolution and consensus-building practices. A small, expert staff guides our learning and discussions. After joining PCI, I first began to understand there is a method that can be replicated to arrive at good public decisions.

The goal of collaborative governance isn't much different than that of Governor Matheson and others who are committed to public solutions: “Leaders engage] with all sec-

¹See Ralph Becker and Scott Matheson, Sr., “Improving Public Land Management Through Land Exchange: Opportunities and Pitfalls of the Utah Experience,” 33 Rocky Mountain Mineral Law Institute 4-1 (1987); Project BOLD: Proposal for Utah Land Consolidation and Exchange, Utah Department of Natural Resources and Energy (1985); Project BOLD: Alternatives for Utah Land Consolidation and Exchange, Utah Department of Natural Resources and Energy (1982).

²Public Lands and Reserved Rights Subcommittee, Energy and Natural Resources Committee, Hearing on S. 2949, Utah State and Federal Land Management Improvement Act of 1984, October 2, 1984.

³Wasatch Canyons Master Plan, AICP Planners' Casebook (Fall 1993).

⁴See <http://www.policyconsensus.org>.

tors—public, private, non-profit, citizens, and others—to develop effective, lasting solutions to public problems that go beyond what any sector could achieve on its own.”⁵ At our PCI Board Meetings, we listen to leaders in every sector discuss the methods of their effectiveness. We also discuss the stories of success and the elements that are necessary for good governance. We chart the elements and steps. The results are available, but here are some of the conclusions from our work:⁶

WHAT RESULTS DOES IT PRODUCE?

The best public solutions come from people working together on issues. Collaborative governance takes as its starting point the idea that working together creates more lasting, effective solutions.

- **Lasting** – Solutions developed through collaborative governance won’t simply be undone in the next year or legislative session.
- **Effective** – The collaborative governance approach ensures that the realities of the situation are considered and discussed; decisions are not made in a vacuum.
- **More buy-in** – From the outset, all stakeholders are involved in authentic ways; all have a role in the final agreement.

WHY IS IT NEEDED?

- Accelerating change
- Overlapping institutions and jurisdictions
- Increasing complexity
- Meeting a need to integrate policies and resources

HOW IS THIS DIFFERENT FROM “GOVERNMENT?”

“Governance” is the process by which public ends and means are identified, agreed upon, and pursued. This is different than “government,” which relates to the specific jurisdiction in which authority is exercised. “Governance” is a broader term and encompasses both formal and informal systems of relationships and networks for decision making and problem solving.

WHAT DOES IT TAKE?

- Collaborative governance requires three elements:
- A sponsor – an agency, foundation, civic organization, or public-private coalition to initiate and provide support;
- A convener/leader – a governor, legislator, local official, respected civic leader, or other individual with power to bring diverse people together to work on common problems; and
- A neutral forum – an impartial organization or venue to provide and ensure skilled process management.

HOW DOES IT WORK?

This system integrates the principles and network to assure an effective collaborative governance process:

- Sponsors identify and raise an issue;
- Assessment is made on the feasibility for collaboration and who needs to be involved;
- Leader(s) convene all needed participants;
- Participants adopt this framework for addressing the issue;
- Conveners and participants frame (or reframe) the issue for deliberation;
- At a neutral forum, the facilitator designs and conducts a process to negotiate interests and integrate resources;
- A written agreement establishes accountability; and

Sponsors identify and raise an issue or opportunity that calls for a collaborative response.

This collaborative governance system can work anywhere as long as several key principles are adhered to consistently: transparency; equity and inclusiveness; responsiveness; accountability; forum neutrality; and consensus-based decision making. Much more information is available from PCI and other sources, but you can see this work builds on the basic guide to dispute resolution, “Getting to Yes.”⁷

I’ve had the opportunity to apply these principles as a legislator as well, whether working with constituents on a local transportation issue,⁸ developing legislation on regional facility siting and approval,⁹ establishing open space protection and quality growth principles,¹⁰ or other legislative initiatives. In every instance where the circumstances were ripe, this process achieved a good result for the community.

Now, as a mayor, I have new opportunities to further good governance. I’ve initiated Salt Lake Solutions, which is an effort to apply these approaches to projects and policies in Salt Lake City. We have started with the Fisher Mansion, a historic treasure on the Jordan River. The Mansion needs to be adapted to a new life and its historic integrity needs to be

⁷See R. Fisher and W Ury, “Getting to Yes”, (Penguin Books, 2d Ed, 1991).

⁸See B. Feustel, “Building a True Partnership with Your Constituents”, National Conference of State Legislatures, June, 2005) or developing legislation (See Facilities of Regional Impact. H.B. 116, 2004.

⁹Facilities of Regional Significance – in 2004, Ralph Becker co-sponsored legislation to address the thorny topic of siting regional facilities in communities. A bipartisan, consensus approach resulted in an overhaul of the notification requirements between cities, counties, special districts, school districts and utility companies when planning and acquiring property.

¹⁰Quality Growth Act, 1999 – As co-sponsor and co-author of Utah’s Quality Growth Act, Ralph Becker played a lead role in shaping and passing Utah’s first growth management effort. There were two primary components: a system and support for planning for Utah’s communities; and an open space protection program that included the State of Utah’s first funding. The bill was passed amid enormous tension over any State involvement in planning or open space protection.

⁵PCI, http://www.policyconsensus.org/publicsolutions/ps_2.html.

⁶See PCI Materials, available at <http://www.policyconsensus.org>.

protected. City Council Member Van Turner and I have convened a group that will follow the collaborative governance process and direct the City on the protection, use, and resources for the Fisher Mansion. The community is engaged and excited (at a two-hour open house, approximately 2,400 people showed up to look at this Mansion and give us initial ideas). We're looking forward to the results of the group's work and a new era for the Mansion.

Arriving at successful decisions for the public takes a combination of listening, common sense, intuition, and some tools. Some of us have learned mostly by trial and error. With resources like PCI and hundreds of efforts around the country however, the art and science of good governance is at our fingertips. Think what our government would look like if we adopted principles of transparency, inclusiveness, and participant-based decision making as the norm. Imagine how much better and involved our communities would be if residents felt like their voices mattered. Consider how much more willing our voters would be to participate in basic democratic functions if they felt like decisions were based on the principles Governor Matheson enunciated decades ago, building on the founders of this nation who deliberated with passion — but also with respect. We can build the community we want in Salt Lake City by finding winning solutions through good governance.