

Designing an Effective Process

Table of Materials

1. **Introduction**
 - a. Ground Rules
 - b. Work Plan

2. **Guidelines for Developing Ground Rules**
 - a. Who Should Participate? The Issue of Representation
 - i. Identifying Stakeholders
 - ii. Selecting Participants
 - b. What are Their Roles and Responsibilities?
 - i. Suggested Ground Rules Governing Behavior
 - c. How Will Decisions be Made?
 - d. What Type of Communication Channels are Needed?
 - e. What is the Role of a Facilitator or Mediator?
 - f. Other Considerations

3. **Guidelines for Developing a Work Plan**
 - a. Clarify Goals and Objectives
 - b. Provide Training and Orientation
 - c. Clarify Timelines and Deadlines
 - d. Emphasize Mutual Learning and Joint Fact-finding

4. **Designing an Effective Process: A Checklist**

5. **An Example of Ground Rules and a Work Plan**

Introduction

One of the primary reasons that collaborative, consensus-seeking processes fail to resolve issues is that the parties do not have a clear understanding of the process itself. According to one expert, “negotiating the issues without a common understanding of the rules of the game is like attempting to play football without first establishing one set of rules -- a Canadian team would play by Canadian format, an American team by their country’s rules, and so on.”

Ground rules and a work plan ensure that the participants of a collaborative, consensus-building forum have a clear and common expectation about the purpose of the forum and the roles and responsibilities of the participants. They provide “rules of the road.”

At this point in the process, it is important to “go slow to go fast.” Most people will want to start discussing the substantive issues almost immediately. However, if they don’t agree on the structure of their conversation, they are likely to get muddled in procedural disputes in the midst of substantive negotiations.

An initial set of ground rules and a work plan can be developed by the participants during the process of assessing the situation, and then revised and adopted at the first couple of meetings. The process of developing ground rules not only provides a common foundation for all the participants, but also allows them to develop some understanding of each other’s needs and interests.

Designing a consensus-building process involves the development of a set of ground rules and a work plan. In most situations, these two procedural tasks are considered more or less simultaneously.

The basic issues and questions that should be addressed in designing a collaborative, consensus-building seeking forum are:

Identifying Stakeholders

- Who is affected by and/or interested in the issue?
- Who may be needed to implement any outcome or agreement?
- Who might undermine the process if not included?

Selecting Participants

- Principles
 - Inclusive
 - Balanced
 - Practical Size – how big a group is effective?
- Procedures to Select Participants
 - Self-selection
 - Group Evaluation
 - Nomination – Agency Selects
 - Agency Selects
- What to Look for in a Representative
 - Credibility at the table and at home
 - Legitimacy
 - Capable communicator
 - Effective advocate
 - Experienced negotiator – willing to exercise rights and responsibilities
 - Authority to decide
- Types of Participants
 - Representatives
 - Alternates
 - Technical advisors
 - Observers
 - Decision makers
 - Facilitators and Mediators

Suggested Ground Rules Governing Behavior

1. **Only one person will speak at a time** and no one will interrupt when another person is speaking.
2. Each person will **express his or her own views** rather than speaking for others at the table and not attribute motives to others.
3. Each person will **avoid grandstanding** (extended comments and questions) in order to allow everyone a fair chance to speak and to contribute.
4. **No one will make personal attacks.** If a personal attack is made, the facilitator will ask the participants to refrain from personal attacks. If personal attacks continue, the facilitator may ask the group to take a break to “cool off.”
5. Each person will make every effort to **stay on track with the agenda** and to move the deliberations forward.
6. Each person will seek to **focus on the merits of issues** and arguments, seeking to understand one another’s positions, underlying interests, and technical, legal and other arguments. Clarifying questions and those seeking understanding are encouraged and rhetorical and argumentative questions discouraged.
7. Each person will seek to employ a **“no surprises”** rule keeping each other informed early and often about issues, concerns, and changes in views and positions.
8. Each person will seek to **identify areas of common ground** where possible, without glossing over or minimizing legitimate disagreements.
9. Each person **reserves the right to disagree** with any proposal, and **assumes a responsibility to offer an alternative proposal** that seeks to accommodate his/her interest and the interests of others.
10. Each person will seek to **abide by these ground rules when speaking with the media.**

How Will Decisions be Made?

Options

- ✓ Consensus
- ✓ Simple majority
- ✓ Super majority

How will Consensus be Defined and Achieved?

- For example, “consensus is reached when the participants agree on a package of provisions that address the range of issues being discussed. The participants may not agree with all aspects of an agreement; but they do not disagree enough to warrant their opposition to the overall package. Each participant and/or caucus:
 - (1) Has the ability to disagree with any proposal, but assumes a responsibility to offer a constructive alternative that seeks to accommodate the interests of all the other participants;
 - (2) Is committed to implementing agreements that are reached; and
 - (3) Will maintain their values and interests.

One way to test whether a group is achieving consensus is to ask the participants how they feel about a particular proposal or option according to one of the following statements:

1. Wholeheartedly Agree
2. Good Idea
3. Supportive
4. Reservations -- Would Like to Talk
5. Serious Concerns -- Must Talk
6. Cannot Participate in the Decision -- Must Block It

If all the participants fall between 1-3, consensus is reached. When someone falls between 4-6, that person must assume the burden of clearly articulating their concern to the larger group and the group must then assume the responsibility of addressing that concern. The group may continue with this procedure until consensus is achieved or the group decides to disagree.

- Once consensus has been achieved, how do you ensure commitment to decisions reached, including implementation and monitoring?

What Happens if Consensus is not Achieved?

- What if the participants fail to reach agreement? In designing the consensus-building forum, the participants should consider “fallback” mechanics. Fallback mechanisms should be designed in such a way as to provide an incentive for the participants to build agreement as opposed to allow the fallback to become the “de facto” decision rule.
- Several fallback techniques are available:
 - Identify areas requiring further research and identify who should do it.
 - Rely on a super-majority vote (e.g., 75 percent).
 - Seek a recommendation from a government official or independent expert on how they would resolve the issue. This procedure may provide an incentive for the parties to come back to the table and resolve the issue.
 - Include statements defining areas of disagreement as well as agreement.
 - Provide for a minority report.
 - Let the authorized decision maker impose a decision.

What Type of Communication Channels are Needed?

- Are there other people or organizations that should be kept informed?
 - Constituents
 - Decision makers
 - Citizens

- If so, who is to do the informing and how will that be done? (See below)

- When?
 - During meetings
 - Between meetings

- If the media is involved or will become involved, how will communication among individuals and the group as a whole be handled? Will it be arranged through:
 - A press release drafted by the facilitator and authorized by all the parties?
 - Any participant may freely talk to the media?
 - Any participant may talk to the media about their interests and perspectives on the process, but may not characterize the interests or commitment of other participants.
 - Designate one spokesperson whose communication will be guided and monitored by the rest of the group.
 - Hold frequent public sessions.
 - Prepare and circulate information kits to the press at specified milestones within the process.

- How will the public be involved throughout the process?
 - What are the objectives of public involvement and consultation?
 - Is there a clear public involvement strategy as part of the consensus building effort?
 - Consider the value of a “parallel public participation” process.

- Don’t ignore the “silent majority.”

Module on Designing an Effective Process

- Use multiple forums to inform and educate, seek input and advice.
- Techniques
 - Encourage public comment during every meeting.
 - Create trap-lines by asking each participant to create an email network to consult between meetings, and then report on findings at meetings.
 - Rely on existing organizational newsletters, meetings, and such.
 - Encourage stakeholder or constituent group meetings.
 - Use surveys, open houses, and other familiar approaches if appropriate and effective.
 - Experiment with innovative approaches:
 - Poster board sessions
 - Coffee klatches
 - Samoan circles

What is the Role of a Facilitator or Mediator?

- *Assessing*, with the participants, the situation and determining an appropriate conflict management strategy.
 - *Designing*, with the participants, ground rules, work plans, and other mechanisms to guide the process.
 - *Managing* relationships and communication among the participants.
 - *Training* in negotiation and consensus-building skills.
 - *Facilitating* meetings, assisting in preparation for meetings, and preparing summaries of meetings.
 - *Mediating* specific issues, including shuttling back-and-forth among the participants clarifying interests and positions. Maintaining confidentiality.
 - *Fact finding* in relation to a specific issue in circumstances where the participants are comfortable with that arrangement and the mediator has the expertise to conduct the research.
 - *Monitoring* implementation and revision of an agreement.
- Participants should clarify the roles and responsibilities of the facilitator or mediator in the ground rules. There are several key issues that should be discussed and agreed upon:
 1. What role should the facilitator play in strategically managing the entire process? Is the facilitator to be present throughout the process or brought in only when impasses develop?
 2. How should the facilitator “take orders?” Participants should avoid situations where one of the parties demands that the facilitator do something without the agreement of all the other participants in the process.

Module on Designing an Effective Process

3. Who pays for the services of the facilitator? The participants should talk about the appearance as well as the reality of the facilitator's impartiality and the importance of disclosing how the mediator is to be paid (particularly if the parties are not going to share the costs equally).
4. Should there be restrictions on the facilitator's ability to meet separately or jointly in caucuses with the participants?
5. What ethical codes of neutral conduct does the facilitator agree to abide by?
6. What, if any, responsibility does the facilitator have after final agreement and ratification? How, if at all, will the facilitator help the participants implement, monitor, and evaluate the agreement?

For more information on the value and role of facilitators and mediators, see the module on Facilitation and Mediation.

Other Considerations

Representation and Participation Issues

- ❑ Can the interests be organized into different caucuses -- groups with like-minded interests?
- ❑ How many representatives does each caucus need to best represent their interests?
- ❑ The number of representatives for each caucus should be agreed to by all the other caucuses.
- ❑ Will it be difficult or impossible for some people to participate in the process due to financial constraints? If so, is it possible to reimburse such people? If so, what are the criteria for being reimbursed?
- ❑ What are the roles and responsibilities of the participants:
 - To each other?
 - To their constituencies?
- ❑ What are the expectations for:
 - Attendance
 - Preparation
 - Participation
 - Communication
 - Subcommittee and Work Groups
 - Alternates, Ex-Officio Members

Ensuring Commitment to the Process

- ❑ How will participants be asked to adopt and abide by the ground rules?
 - By verbal agreement of the group recorded in a meeting summary?
 - By written signature by the members of the group?
 - By written signature of the members of the group and their supervisor/managers/boards to whom they are accountable?
- ❑ How shall compliance with the ground rules be maintained?

- ❑ Should there be an explicit statement by the participants to make a good faith effort to seek agreement and take the necessary steps to implement any agreement? Should this be stated verbally, in writing?
- ❑ Will the designated representatives be required to sign the ground rules?

Clarify the Process of Creating Agendas, Recording Meetings, and Distributing Documents

- ❑ How are agendas developed and agreed to?
- ❑ How are meetings recorded and written summaries approved?
- ❑ Should agendas be prepared in advance of each meeting? If so, by whom and when?
- ❑ Is a formal record of the meetings necessary?
 - If so, who should prepare such a record and at what level of detail?
 - Who is responsible for distributing the documents?
 - How will the notes be used both during and after the process?

Implementation and Follow-through

- ❑ How will decisions be ratified? Be clear up-front about the needs and protocols of different groups.
- ❑ Clarify the participant's commitment to implement the agreement.
- ❑ Identify roles and responsibilities during the implementation process.
- ❑ Design a strategy to monitor and evaluate implementation.
- ❑ Agree on when and how the decision and implementation strategy should be modified and adapted to new information and interests.

Work Plan

Clarify Goals and Objectives

- What is the general nature of the problem or issue that has brought the participants together?

The objective at this point in the process is to agree on the general nature of the problem so that a consensus-building forum can be designed. The idea is not to explore all the concerns and interests of the participants; that will come later, after the participants have designed the process.

- Is there agreement on the scope of issues that need to be addressed?
- Do these issues reflect all the interests of the participants related to this topic?
- What is the goal of the consensus-building forum? To seek agreement on:
 - The problem?
 - The consequences of not reaching agreement?
 - A range of potential solutions?
 - Proposed legislation, administrative rules, a management plan, or other vehicle to implement an agreement?
 - Funding to implement an agreement?
 - A strategy to implement and monitor an agreement?
- How will the participants respond to related issues or topics that emerge during their conversation? That is, how will the scope of the issues being addressed be modified, if necessary?

Provide Training and Orientation

- Would an orientation/training session on the consensus-building process be helpful to the participants? If so, when?

Module on Designing an Effective Process

- ❑ Are cultural, ethnic, or religious differences likely to influence and shape this process? If so, what additional ground rules and initial activities will help the group to understand, respect, and work with these differences?

Clarify Timelines and Deadlines

- ❑ Are there external constraints that may affect the process?
 - ❑ Are there regulatory, legislative, or other deadlines?
 - ❑ Do other groups need to have an agreement by a particular time?
 - ❑ Are there ongoing legal proceedings that affect the process?
 - ❑ Are the appropriate people available to participate?
- ❑ Use interim deadlines to assess progress.
- ❑ Create schedules with milestones.
- ❑ Identify tasks, then ascribe times.
- ❑ Provide sufficient time for storming, forming, norming, and performing.
- ❑ Start slow to go fast.
- ❑ Test options during assessment.
- ❑ Consider annual reviews and sunset clauses.

Emphasize Mutual Learning and Joint Fact-finding

- ❑ Agree on what you know, don't know, want or need to know, and how to learn together.
 - Consider the need for scientific, technical, financial, legal, and other types of information.
 - Will some information need to be held confidential? If so, how will confidentiality be protected?
 - How should such information be gathered, analyzed, and interpreted?

Module on Designing an Effective Process

- Options may include:
 - Expert review of current knowledge.
 - Joint scoping of studies and review of draft reports.
 - Technical advisors to stakeholder groups.
 - Task-oriented working groups.
 - Multi-disciplinary technical review teams.

- How often should meetings with all the participants be held?

- If meetings or conversations among participants are needed between scheduled meetings, who may initiate such communication?

Designing an Effective Process: A Checklist

Principles of Good Process Design	Assessment and Comments
Authority and Commitment	
Do the parties' representatives have symmetrical authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Do the representatives have the authority to represent their constituents?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Has leadership shown meaningful commitment to the process?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Relationships and Understanding	
Does the process include efforts to build, nurture, and maintain relationships?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Does the process include efforts to build and maintain understanding of people, needs, cultural, and context?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Goals, Objectives and Scope	
Are there established expectations about the timeline for the effort?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Has the scope of the issues been determined and agreed to?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Have the parties identified broad principles and/or a framework for negotiation?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Have the parties identified the form of the agreement they are seeking (legal, informal, etc.)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Process Infrastructure	
Have the parties developed legitimate, effective, and agreed upon groundrules?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Does the process encourage a sharing of interests?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Does the process encourage generating options and identifying potential value to be gained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Is there a means to acknowledge and recognize progress and success?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Is the work structured at appropriate levels (decisionmaking,	<input type="checkbox"/> Yes <input type="checkbox"/> No

Module on Designing an Effective Process

subcommittees, work groups, etc.)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Has the relationship between various committees, subcommittees, and work groups been defined and explained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Is the process itself designed to encourage capacity building and development?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Are the steps of the process sequenced appropriately to build real agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Process Support	
Have the parties enlisted the necessary process assistance (coordinator, facilitator, mediator)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Do all the parties have sufficient legal support?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Are there sufficient human and financial resources to support the process?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Information	
Does the process allow for the gathering of credible and different forms of information?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Does the process encourage joint fact finding by mutually selected experts?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Does the process recognize the value of traditional as well as scientific information and knowledge?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Does the process acknowledge legal, technical, financial and other uncertainties?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Ratification and Implementation	
Has the ratification process for each party been identified, described, and understood?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Does the process include developing a plan for implementing any agreements that are reached?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Have appropriate check-ins and approvals been scheduled during the process with membership, leadership, etc.?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
Final Analysis	
Is the process credible legitimate, fair, practical, and implementable?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

An Example of Ground Rules and a Work Plan

Clark Fork River Basin Task Force On Water Management

Adopted on August 26, 2002

Table of Contents

1.0 Introduction

Ground Rules

2.0 Participants

3.0 Roles and Responsibilities

- Participant Responsibilities
- Montana Consensus Council
- Water Resources Division, DNRC
- Technical Advisory Committee

4.0 Decision-making Process

5.0 Media Relations and General Communication

Work Plan

6.0 Purpose and Scope of the Process

7.0 Work Sheet – Dates, Activities, and Outcomes

8.0 Preliminary Budget

Module on Designing an Effective Process

- 1.0 Introduction
- 1.1 The 2001 Montana Legislature passed House Bill 397, “An Act Establishing the Clark Fork River Basin Task Force....” The bill, signed into law by Governor Martz, requires the Governor to “[D]esignate an appropriate entity to convene and coordinate a Clark Fork River basin task force to prepare a water management plan for the Clark Fork River basin pursuant to 85-1-203” of the Montana Code Annotated (MCA).
- 1.2 HB 397 also mandated that the entity designated by the Governor shall:
 - A. Identify the individuals and organizations, public, tribal, and private, that are interested in or affected by water management in the Clark Fork River basin;
 - B. Provide advice and assistance in selecting representatives to serve on the task force;
 - C. Develop, in consultation with the task force, appropriate opportunities for public participation in the development of a water management plan; and
 - D. Ensure that all watersheds and viewpoints within the basin are adequately represented on the task force, including a representation from the following:
 - (i) the reach of the Clark Fork River in Montana below its confluence with the Flathead River;
 - (ii) the Flathead River basin, including Flathead Lake, from Flathead Lake to the confluence of the Flathead River and the Clark Fork River. At least one representative from this basin must be a representative of the Confederated Salish and Kootenai tribal government.
 - (iii) the Flathead River basin upstream from Flathead Lake;
 - (iv) the reach of the Clark Fork River basin between the Blackfoot River and the Flathead River;
 - (v) the Bitterroot River basin as defined in 85-2-344, MCA; and
 - (vi) the Upper Clark Fork River basin as defined in 85-2-335, MCA.
- 1.3 In response to this legislation, on July 2, 2001, Governor Martz asked the Montana Consensus Council to “take the lead in organizing, convening, and facilitating a task force to develop a water management plan for the Clark Fork River basin in Montana.”
- 1.4 In passing HB 397, the Legislature provided funding to support its implementation beginning in Fiscal Year 2003, which begins on July 1, 2002. By that date, the Legislature estimated that the statutory upper limit on the Resource Indemnity Trust would be reached, and a portion of the funds flowing into the trust could be diverted to support the preparation of a water management plan.
- 1.5 Beginning in FY 2003, \$120,000 is available to be used for facilitation and process coordination, technical services, and travel expenses for the task force.

Module on Designing an Effective Process

Ground Rules

- 2.0 Participants
 - 2.1 As defined by HB 397, participation includes people interested in or affected by water management in the Clark Fork River basin.
 - 2.2 Based on a process of self-selection, the following viewpoints, interests and/or stakeholder groups are currently represented on the Task Force:
 - A. Agriculture
 - B. Hydropower
 - C. Conservation/environment
 - D. Tribal government
 - E. Local government
 - F. Flathead River watershed above Flathead Lake
 - G. Flathead Lake
 - H. Flathead River watershed below Flathead Lake to the confluence with the Clark Fork River
 - I. Upper Clark Fork River watershed
 - J. Clark Fork River watershed below the confluence with the Flathead River
 - K. Blackfoot River watershed
 - L. Bitterroot River watershed
 - M. Legislature (*ex-officio*)
- 3.0 Roles and Responsibilities
 - 3.1 Participant Responsibilities
 - A. Responsibilities to each other.
 - a. Each participant agrees to candidly identify the interests he/she represents.
 - b. Each participant agrees to listen carefully and respectfully to the other participants and avoid interrupting other participants.
 - c. Each participant agrees to offer suggestions with respect and care.
 - d. Each participant agrees to share relevant public information regarding the issues under consideration.
 - e. Each participant agrees to communicate with each other directly, rather than through the news media.
 - f. Each participant agrees to challenge ideas, not people.
 - g. Each participant agrees to respect the decision of any participant or stakeholder group to withdraw at any time and for any reason.

Module on Designing an Effective Process

- h. Each participant or stakeholder group agrees to explain to the other participants the reason for withdrawal from the process.
 - i. Each participant agrees to consider and include the interest(s) of the group as a whole.
- B. Responsibilities to constituents.
- 1. Each participant agrees to:
 - a. Inform and educate other people about the issues and options being addressed by the Task Force, as well as any recommendations that emerge from the Task Force.
 - b. Seek the input and advice of other people on the issues, options, and recommendations being considered by the Task Force.
 - c. *The Task Force may want to develop a public communication and participation plan to further clarify how these provisions will be accomplished.*
 - 2. Each participant agrees, where appropriate, to:
 - a. Identify the interests of the constituents she/he represents.
 - b. Represent and speak for her/his constituents.
 - c. Explain and interpret the process and its proposed outcomes to his/her constituents.
 - d. Keep her/his constituents informed of the ideas and activities emerging from the process.
- 3.2 Montana Consensus Council

The Montana Consensus Council will provide the following services consistent with its Code of Professional Conduct:

- A. Work with all the participants to design a collaborative problem solving process, including opportunities for public participation.
- B. Train participants in appropriate negotiation, consensus building, and other skills required for a successful process.
- C. Serve as a impartial facilitator during meetings; focus the energy of the group on a common task; protect individuals and their ideas from attack; encourage everyone to participate and share their ideas; help the group find mutual gain solutions; coordinate pre- and post-meeting logistics; and, where necessary, communicate with the participants between meetings.
- D. Enforce the ground rules agreed to by the participants and confront any participant when the Council believes the participant is not acting in good faith and is inhibiting the group from moving forward.
- E. Work in teams to ensure that we effectively coordinate the project.
- F. Respect the confidentiality of private communications with any of the participants.
- G. Prepare and maintain an objective record of the public process, including areas of agreement, disagreement, and strategies for implementation.

Module on Designing an Effective Process

- H. Prepare both draft and final documents, and when appropriate, research reports.
- I. Provide consultation to the participants during the process of implementing any agreement, and help the participants amend an agreement during the implementation process.

3.3 Water Resources Division, Department of Natural Resources and Conservation

The Water Resources Division will:

- A. Provide technical information and advice.
- B. Serve as the fiscal agent for the project, reimbursing participants for travel and expenses and otherwise managing the financial resources available to complete the project.

3.4 Advisory Committees

The Task Force may want to create one or more advisory committees to:

- A. Provide technical information and resources.
- B. Seek the input and advice of individual watersheds or sub-basins.
- C. Seek the input and advice of public agencies and other officials that may be responsible for implementing recommendations that emerge from the Task Force.

4.0 Decision-making Process

4.1 General Provisions

- A. Each participant agrees to fully and consistently participate in the process unless they withdraw.
- B. If participants withdraw from the process, they agree to explain their reasons for doing so, and give the Task Force a chance to accommodate their needs and interests.
- C. Each party agrees to fully explore and understand all issues before reaching conclusions.
- D. Each participant agrees to seek creative opportunities to address the interests and concerns of all participants.

4.2 Decision-making Rule

- A. Each participant is committed to seeking consensus.
 1. Consensus is defined as unanimous agreement among all of the participants.
 2. As a practical matter, the Task Force will seek preliminary consensus on individual issues using the methodology presented in section 4.3.

Module on Designing an Effective Process

3. In the final analysis, the Task Force will seek consensus on the overall management plan itself, which will be a compilation or package of all of the individual issues and recommendations. In this context, consensus is reached when the participants agree on the overall management plan, realizing that participants may not agree with all aspects of the management plan, but they do not disagree enough to warrant their opposition.

B. In the process of seeking consensus, each participant:

1. Has the right to disagree with any proposal. When a participant disagrees, she/he agrees to explain the nature of the disagreement, and agrees to offer an alternative that seeks to accommodate her/his interest and the interests of others, if possible;
2. Is committed to supporting implementation of agreements that are reached; and
3. Will maintain his/her values and interests.

4.3 Testing for Agreement

A. The following scale (or some adaptation of the scale) can be used to test for consensus. Using a series of straw votes, each participant can express their level of comfort and commitment according to the following scale:

1. Wholeheartedly agree
2. Good idea
3. Supportive
4. Reservations – would like to talk
5. Serious concerns – must talk
6. Cannot participate in the decision – must block it

If all the participants fall between 1-3, consensus has been reached. When someone falls between 4-6, that person must assume the burden of clearly articulating their concern to the larger group and offering a constructive alternative.

4.4 Fallback Decision-making Rule

If the Task Force cannot reach consensus, they agree to document the majority and minority viewpoints, clarify the points of disagreement, present options on how the disagreements might be resolved, and move forward.

5.0 Media Relations and General Communication

5.1 Each member of the Task Force may speak to the media about his/her own views, but no member may speak on behalf of other participants or the Task Force.

Module on Designing an Effective Process

- 5.2 At the request of the Task Force, MCC may periodically prepare press releases, which will be reviewed and approved by the Task Force or its designee before they are issued.
- 5.3 From time to time, the Task Force may ask MCC to prepare fact sheets or issue briefs to help facilitate consistent communication among task force members and other people interested in water management in the Clark Fork River basin.
- 5.4 The Montana Consensus Council will serve as the official spokesperson for the Task Force.

Work Plan

- 6.0 Purpose and Scope of the Process
 - 6.1 The purpose of the Task Force, as defined by HB 397, is to prepare a water management plan for the Clark Fork River basin that:
 - A. Identifies options to protect the security of water rights.
 - B. Provides for the orderly development of water.
 - C. Provides for the conservation of water in the future.
 - 6.2 In the process of developing the water management plan, the Task Force is required to examine existing laws, rules, plans, and other provisions affecting water management in the Clark Fork River basin, including:
 - A. The temporary closure of Bitterroot River sub-basins.
 - B. The closure of the Upper Clark Fork River basin.
 - C. The restrictions on ground water development in the Upper Clark Fork River basin.
 - D. The Upper Clark Fork River basin management plan, adopted as a section of the state water plan.
 - 6.3 The Task Force is also required to provide opportunities for public participation in the development of the water management plan.
 - 6.4 In developing the work plan, the Task Force should begin with the requirements outlined in statute, along with the issues and concerns raised in the situation assessment.
- 7.0 Work Sheet – Dates, Activities, and Outcomes

Date	Activity	Anticipated Outcome
------	----------	---------------------

Module on Designing an Effective Process

July 23, 2002	Task Force Meeting to ... Review purpose, scope, ground rules, and develop preliminary work plan	Agreement on purpose, scope, ground rules, and preliminary work plan.
August 26	Task Force Meeting to ... Review what we know, don't know, and want to know in terms of physical water availability – both surface and ground water in the basin.	
September 30	Task Force Meeting to ... Review water rights in the basin. Who has rights to what? Review private water rights, tribal treaty and reserved water rights, federal reserved water rights, and other.	To understand the status of water rights in the basin.
October 28	Task Force Meeting to ... Review regulatory controls in the basin, including but not limited to environmental and endangered species requirements, flood management and control, land management practices, and so on.	To understand the implications of regulatory controls on the availability and use of water in the basin.
31	Submit annual report to the Governor and the Legislature	
November 25	Task Force Meeting to ... Review and assess information available on the amount of water “used” in the basin, and for what purpose.	
December	Task Force Meeting to ... Consider the implications of the information presented during the previous four months. Identify specific problems and/or opportunities related to the security of water rights, the orderly development of water, and the conservation of water. Articulate desired scenarios for different water users – e.g., agriculture, tribes, instream flow advocates, and so on? What are the needs and interests of different water uses? What are the potential conflicts?	

Module on Designing an Effective Process

January 2003	Task Force Meeting to ... Develop options to address problems identified in December.	
February	Task Force Meeting to ...	
Spring, 2004	Public Review and Comment on Preliminary Draft of the Water Management Plan	
June 2004	Task Force meeting to: Review and respond to public input and advice.	
July – August 2004	Prepare final water management plan. Task Force meeting to: Review final plan Sign statement of agreement Develop strategy for implementation	
September 15, 2004	Submit final water management plan to the legislature	Completed water management plan.

Module on Designing an Effective Process

8.0 Preliminary Budget

Two year Project (July 2002 through June 2004)

Draft of July 25, 2002

Projected Revenue

RIT Grant (July 2002)	120,000
In-kind contributions	
Montana Consensus Council	-----
Water Resources Division, DNRC	-----
TOTAL	\$120,000 plus in-kind

Projected Expenses

Montana Consensus Council	32,000
Prepare for Meetings (materials, people, logistics, etc.)	
Facilitate Meetings	
Document Meetings	
Prepare Reports	
<i>Estimated cost for at least 12 months, if not more.</i>	
<i>Additional funds may be needed in year two to</i>	
<i>complete the project and prepare a final report.</i>	
Travel Expenses, Task Force Members	13,500
<i>Estimated costs for two years.</i>	
Technical Assistance and Other Expenses	74,5000
TOTAL	\$120,000