MEDIATION
A Board and Neighborhood Saver from Contentious Meetings

By Steve Charbonneau, Executive Director
Community Mediation Concepts • Findsolutions.org

My phone rang and a somewhat distraught voice said, “I understand you run a nonprofit mediation organization. Do you help HOA boards that are in the midst of fighting each other?”

“Yes, we do. Can you tell me a bit more about what is going on?”

“Our board is diverse, like our neighborhoods, and everyone thinks they’re right and should get their way on the board. It seems we argue about everything! We can’t agree on delinquent accounts, architectural review recommendations, and any expenditures—you know, just about everything. We have one guy who monopolizes the conversations, gets upset and intimidates the rest of the board. One of the other board members nit-picks everything and too often we just can’t make decisions. And of course our board meetings last way too long.”

Shortly after this conversation I met with the board, we agreed on a tentative scope of work and got started. The board members agreed to meet with me an hour before their monthly board meeting. At our first meeting, I explained how expectations form the foundation of all our relationships and if serving on the board was to be a successful, efficient and a rewarding experience for those volunteering their time, they needed to agree upon shared expectations.

I facilitated (mediated) conversations establishing expectations for being honest and respectful with each other, for board behavior, personal responsibility, how to constructively disagree and yet keep talking in a respectful manner. Then we worked on using a few tools for managing unmet expectations and having those tough conversations. We had one board member quit because it was “just too much work to learn and implement these new skills.”

Then each month I hung around for the board meeting. I felt a bit like I was the training wheels on their bike. I was there to provide help if needed, they were tasked with practicing their new skills and making it work. I remember discussing our way through a new management agreement, a roof for the clubhouse, several delinquent accounts, paint schemes and so much more.

After several months we agreed it was time to take the training wheels off. I was happy with their progress and they felt successful. We agreed that if things got bumpy in the future they’d give me a call.

There are times when it pays to reach out to a professional, third party who can help your board get back on track and productive again.

Mediation is also an excellent option for neighbor-to-neighbor or neighbor-to-board conflicts and happens a lot the same way. A mediator can help people who live or work next door to each other talk about the expectations they don’t believe are being met by the other person. Whether it is loud music, noise, dogs, landscaping, the way you run your business, kids, parking—you know the list. In mediation, they have the opportunity to sit down in a safe and confidential environment, guided by a professional mediator and re-negotiate what it means to live as respectful neighbors.

Mediators then write up an agreement, the neighbors sign it and 95% of the time the problem is resolved in a
collaborative, cooperative and respectful manner. Through this process, they also learn skills and talk about how they will communicate with each other in the future. Mediation not only solves an immediate problem; it creates a foundation for ongoing neighborliness.

Here is an example of a typical neighbor complaint helped by mediation. The president of a townhome HOA had two tenants arguing and threatening each other over noise generated by one of their air conditioning units. They were arguing about where the air conditioner was mounted and the noise it made. The HOA board wanted to stay out of the argument and said it wouldn’t be involved. However, the HOA did have some responsibility and could not completely walk away. When the roof was resurfaced, as contracted for by the HOA, the air conditioning unit was not reinstalled with proper cushioning or noise absorbing pads. After getting all parties together, sitting down and talking through the issue, they understood why it happened in the first place and came up with some possible resolutions. The HOA and each of the owners found a good way to resolve the total problem and there was peace in the community once again.

Often it just takes a professional, trained, mediator to help people talk through the conflict and come up with cooperative resolutions.