

## Gaining an Initial Agreement

*It must be considered that there is nothing more difficult to carry out nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit by the old order and only lukewarm defenders in all those who would benefit by the new order, this lukewarmness arising partly from fear of their adversaries, who have the laws in their favor, and partly from the incredulity of mankind, who do not truly believe in anything new until they have had actual experience of it.*

Niccolo Machiavelli, Sixteenth Century Italian Political Philosopher

*The MS4 Permit is a hammer that opens the door to stormwater management reform.*  
Borough and Township Staff, Lancaster County, Pennsylvania, 2013

Working initially with your staff colleagues, bringing in stakeholders to form an informal group, then involving private consultants, state and federal agencies, representatives from non-profit groups, and university consultants, your task is to gain an initial agreement that your jurisdiction's stormwater program should be changed. Perhaps you have recently received a MS4 permit requirement; perhaps you are sensing pressure from environmental interest groups to promote green infrastructure; or perhaps, like staff officials in Lynchburg, Virginia, you have simply concluded that stormwater management has become an "administrative and financial challenge" of sufficient concern that you should initiate reforms.<sup>4</sup> Gaining an initial agreement can be time consuming: as Bryson and Crosby (1992, p. 137) wrote, "The more numerous the decision makers, the more divergent their interests, the less they know about possible changes and the reasons for undertaking them, the more time-consuming and indirect the route to an agreement will be."

### Collaborating with Others

Once you have introduced the idea of reform to other staff members in your jurisdiction, you will want to gather and share information with stakeholders; the combination of staff colleagues and stakeholders will be your initiating group. Your group's first objective will be to develop a preliminary, common understanding of scope of your stormwater problem and of what reforming your services might mean in practice. Following that common understanding, you will want the group to develop a commitment to the change effort, i.e., an agreement to begin reform. To be successful, the process of gaining an initial agreement requires a committed initiator, a courageous champion, and an official sponsor (One person or a single group may be all three). The following guidelines provide more details:

**Initiate and champion the process of policy change.** Some person or persons must "start the ball rolling" by initiating the idea of stormwater management reform and then "keep it rolling" by championing the cause of reform. If your jurisdiction must comply with a MS4 Permit or with a Chesapeake Bay WIP, negative reactions may exist in the community. If that is the case, the initiator(s) will be responsible for starting a process

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<sup>4</sup> See Appendix B.

that reflects legal reality and is a constructive response. If you are considering taking on a leadership role, it will be useful to take stock of your personal leadership qualities: Why do you feel compelled to work on the stormwater issue? What qualifications and skills do you have to contribute? What personal difficulties might hamper your work? What is your assessment of the other people involved? What are your strategies for preventing personal burnout? And, what beliefs and values will sustain you through difficult times? When large, adaptive changes are needed in stormwater finance, such as a shift in the funding mechanism from ad valorem property taxes to a stormwater utility, a champion can anticipate resistance to the change. If you expect or experience stiff resistance, strategies for managing your risks are explained in Appendix A.

**Focus on building an effective initiating group.** To initiate stormwater management reforms, you will want to discuss among staff within your jurisdiction: (a) who has knowledge, outside of the staff, that you need; and, (b) equally important, who has a stake in the issue. Stormwater stakeholders include persons or organizations are affected by stormwater services your jurisdiction provides, or could provide. Routinely, stormwater stakeholders would include:

- a. Citizens who serve on your jurisdiction’s advisory groups – for example, planning and zoning, parks and recreation, beautification, trees, etc.;
- b. Sympathetic elected officials and the staff who assist them;
- c. Members of interested groups such as the business community and environmental organizations;
- d. Large landowners such as churches, hospitals, and schools; and,
- e. The various departments that have significant stormwater responsibilities in your jurisdiction.

A useful technique is to brainstorm a list of the stormwater stakeholders and then to note their goals and expectations, how well the status quo meets those goals and expectations, how important the success of your reform effort would be to them, how they can influence the policy change effort, and what they can contribute to the effort. Fellow staff members, knowledgeable people outside of your government, and key stakeholders are the people you will work with to form an informal initiating group.

**Form an advisory committee.** If your initial agreement is tending toward making major reforms to your stormwater services and finance, to gain the ongoing advice and support of stakeholders, likely you will want to create a formal stormwater advisory committee. The committee can be used as a forum for consulting, negotiating, or buffering among individuals or groups. Criteria for selecting people to serve on such a committee are to choose individuals who are: knowledgeable; constructive thinkers; and technical experts. In recognition that some people will have more interest, time, and opportunity to contribute to the work of the committee than will others, it may be useful to form an overall committee – likely including top-level, stakeholder decision-makers whose endorsement of committee conclusions would be helpful – and an executive group that will engage more fully in the detailed work of the committee. A balance exists between making the committee large enough to represent all key

stakeholders, and small enough to operate efficiently; again, forming a two-level committee can help achieve that balance.

**Promote effective committee work.** Some ideas useful for achieving committee effectiveness are to:

- a. Secure, prior to forming the committee, resources that will be needed for the work;
- b. Involve participants in writing a mission statement – what the work of the committee will entail;
- c. Establish objectives, again with participant involvement, and including a time line;
- d. Meet frequently enough to achieve the objectives, but not so frequently that committee members become exhausted;
- e. Focus the discussion during meetings by using a written agenda;
- f. Gather information, as needed from private consultants, state and federal agency representatives, university experts, and others;
- g. Dedicate staff resources to gather the information and documents needed for committee meetings;
- h. Record and distribute, prior to meetings, minutes from the previous meeting; and
- i. Use media and community events to transmit information to stakeholders, decision makers, and the general public.

**Take time for vision work.** At some point in the work of the committee, you will want to write a vision statement for the future of stormwater services and finance in your jurisdiction. Typically, the committee vision will reflect the shared experience of framing and reframing the stormwater problem. An effective vision statement will animate the future of stormwater management in your jurisdiction.

Understand that gaining an initial agreement is the first major decision point in the policy-making process. If and when you are able to achieve agreement among key stakeholders, it makes sense at that time to move forward with formulating, in depth, your stormwater problem.

## Lessons Learned

Lessons learned about gaining an initial agreement and about the four additional phases of the model that follow, draw on various sources. References to the Town of Bel Air, Maryland, to Boroughs and Townships in Lancaster County, Pennsylvania, and to the City of Lynchburg, Virginia are based on focus group interviews conducted in those communities in 2013 (See Appendix B). References to the Towns of Berlin, Ocean City, and Oxford, Maryland, the Cities of Bowie and Salisbury, Maryland, and Lancaster County, Pennsylvania are based on reflective case studies done by staff members at the Environmental Finance Center at the University of Maryland in 2013. And references to various other local governments are based on sources in the literature, as identified in the text of this manual.

- Stakeholder recruitment should involve a consideration of who has an interest and who has influence. **Towns of Ocean City and Oxford, Maryland**
- Techniques to involve people should be creatively employed. **Towns of Berlin and Oxford, Maryland**
- Collaboration builds capacity and lends transparency. **Town of Oxford, Maryland**
- When reforming stormwater finance, key public and private champions should be engaged and committed. **Cities of Ocean City and Salisbury, and Towns of Berlin and Oxford, Maryland**
- We started working on stormwater management by briefing our elected officials about our concerns and forming a stormwater advisory committee (SWAC) made up of stakeholders. **Water Resources Department Officials, City of Lynchburg, Virginia**
- We reached out to the public to inform citizens about the work and results of the SWAC. **Water Resources Department Officials, City of Lynchburg, Virginia**
- A factor in our success in reforming stormwater finance was communicating, honestly and consistently, with elected officials and the public. **Water Resources Department Officials, City of Lynchburg, Virginia**
- MS4 Permits are hammers that open the door to stormwater management reform, but they can also create negative energy that needs to be redirected in constructive ways. **Borough and Township Officials, Lancaster County, Pennsylvania**
- A challenge in getting people to address stormwater issues is a highly individualistic attitude (“It is my property”) among landowners. **Borough and Township Officials, Lancaster County, Pennsylvania**
- Leadership tasks for gaining an initial agreement are to: establish an atmosphere of trust; reward achievement of tasks; recognize that leaders and followers influence each other; and nurture inter-organizational networks. **Bryson and Crosby (1992).**