



# Collaboration expert Dave Bartholomay

Legislative Civility Caucus aims to foster effective policymaking through trust, understanding

A Minnesota Legislative Process Interview

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Dave Bartholomay of the Minnesota Office of Collaboration and Dispute Resolution (OCDR) speaks about the legislative Civility Caucus, which was formed in January 2017. The Civility Caucus is aimed at promoting trust and understanding among legislators and between political parties. It held a number of events aimed at bringing legislators together during the 2018 legislative session and, at the end of the session, legislators voted on things they'd like the Civility Caucus to work on for the 2019 session. Bartholomay says the time might be right for a reform movement at the Legislature.

## Present

John Adams, Dave Bartholomay, Janis Clay (executive director), Pat Davies, Paul Gilje, Randy Johnson, Dan Loritz, Paul Ostrow (chair), Bill Rudelius, Dana Schroeder (associate director), Clarence Shallbetter, Dave Therkelsen, T. Williams.

## Summary

The legislative Civility Caucus, a legislator-driven organization, is aimed at fostering effective policymaking by promoting trust and understanding between political parties, according to Dave Bartholomay of the Minnesota Office of Collaboration and Dispute Resolution (OCDR). He says the Civility Caucus grew out of the January 2017 National Institute for Civil Discourse workshop, "Building Trust through Civic Discourse," at the One Minnesota Conference, put on for the Legislature by the University of Minnesota's Humphrey School of Public Affairs and others. The OCDR provides support and staffing for the Civility Caucus.

The Civility Caucus held a number of events during the 2018 legislative session, including a luncheon for all legislators on the second day of the session, which was attended by 140 out of 201 legislators. Bartholomay says the luncheon provided mixer activities and blended legislators by party and by metro area and Greater Minnesota. The Caucus then held biweekly luncheons at the Capitol with presenters on different topics, in which about 40 legislators—both Republicans and Democrats—participated.

At a meeting at the end of the session, legislators voted on things they wanted the Civility Caucus to work on during the 2019 session. They included stronger relationships, professional development and continuing education, legislative process improvement, revising the gift laws, trying legislator exchanges and perhaps holding joint town hall meetings.

Bartholomay says the Civility Caucus leaders are asking legislative leadership for some financial resources—which they have not provided yet, for more calendar clearing for various events and for some type of stamp of approval that the Caucus is a good activity.

He says the time might be right for a reform movement at the Legislature. Legislators, he says, have expressed a desire for stronger bipartisan relationships; more training on skills used at the Legislature, such as collaboration and negotiation; and for a process that is more inclusive of, and utilizes the experience and expertise of, all legislators.

## Biography

Dave Bartholomay is program coordinator for the Office of Collaboration and Dispute Resolution (OCDR), located within the Minnesota Bureau of Mediation Services. He is a qualified neutral under Rule 114 of the Minnesota General Rules of Practice for the District Courts and previously led a successful community dispute resolution program serving suburban and Greater Minnesota.

He has extensive public-sector leadership experience at the state, federal and local government levels. He has worked for the Minnesota House of Representatives; was assistant commissioner of the State Planning Agency under Governor Rudy Perpich; worked in Washington, D.C., for Congressman/Senator Byron Dorgan (D-No. Dak.); and in Minnesota for Congressman Gerry Sikorski (D-Minn.) and has been the mayor of Circle Pines, Minnesota, since 2005.

Bartholomay is a North Dakota native who has a bachelor's degree and master's degree in political science from Arizona State University.

## Background

Continuing its focus on Minnesota's competitiveness, the Civic Caucus has been undertaking a review of the quality and effectiveness of Minnesota's legislative process. The Civic Caucus interviewed Dave Bartholomay of the state Office of Collaboration and Dispute Resolution about his office's work with the legislative Civility Caucus.

**About the legislative Civility Caucus.** The Civility Caucus is a group of Minnesota legislators working to foster effective policymaking by promoting trust and understanding between political parties. It was formed following the January 2017 National Institute for Civil Discourse workshop, "Building Trust through Civic Discourse," held at the One Minnesota Conference put on for the Legislature by the University of Minnesota's Humphrey School of Public Affairs. It was originally called the Bipartisan Caucus, but members changed its name to the Civility Caucus. The Office of Collaboration and Dispute Resolution provides support and coordination for Civility Caucus activities.

## Discussion

**The Minnesota Office of Collaboration and Dispute Resolution (OCDR) works for the executive and legislative branches, cities, and counties on contentious public-policy issues.** Dave Bartholomay said the Office of Collaboration and Dispute Resolution began in 1989, but was mothballed during the administration of former Governor Tim Pawlenty. Funding was reinstated in 2013.

"It's the center for a lot of activity," Bartholomay said. "We get brought into very contentious, high-level situations where nothing has seemed to work."

He said OCDR has worked on the Mille Lacs County-Tribal law enforcement dispute, the child custody dispute at the state Legislature, the Governor's Wild Rice Task Force, and worker safety and patient treatment concerns at the Minnesota Security Hospital in St. Peter.

The OCDR also has a grant program for statewide community dispute-resolution programs, he said, and does training and education on effective ways to resolve conflict.

**OCDR is located in the Minnesota Bureau of Mediation Services.** Bartholomay said the Bureau of Mediation Services is the smallest cabinet-level agency in state government. He and OCDR Director Mariah Levison staff the OCDR, which has a budget of about \$235,000 per year. Being housed in state government helps raise awareness of the services available to the state, he said.

Bartholomay said the Bureau of Mediation Services is a fit for the OCDR because the Bureau has as part of its mission to promote the use of alternative dispute resolution and collaborative processes. He said in a lot of states, organizations like the OCDR are located in higher education, at places like the University of Minnesota's Humphrey School

Bartholomay, who once served as assistant commissioner of the State Planning Agency, said State Planning would have been a good home for OCDR, too, and it would be fascinating to bring back that agency.

**People come to the OCDR with conflicts.** Bartholomay said they come mostly from the executive branch. "We're swamped," he said. "We've also met with a number of legislators and legislative committees to see how we could be of service to them."

**In the spring of 2018, Bartholomay traveled around the state teaching local elected officials and staff about bridging gaps across divides.** He said it was the first time ever that the Minnesota School Boards Association, Association of Minnesota Counties, League of Minnesota Cities and Minnesota Association of Townships were in training together. "There's a need for this kind of work," he said.

"Our basic view is that people come with a position for or against the stadium or mining or whatever," Bartholomay said. "Our view is when you stand at those positions and holler as loud as you can, you're not likely to get very far. You want to dig up the underlying interests below the positions, like economic opportunity or a sense of fairness or care for the environment. A lot of times it takes neutral people to ask the questions that unearth those interests."

"I've worked with different organizations and cities and counties that are just stuck," he said. "A lot of times you find that you can help the parties identify solutions that address the most important

interests of everyone involved and that those solutions are not only acceptable to everyone, but can actually be more effective solutions."

**The OCDR acts as staff to the legislative Civility Caucus.** "The Civility Caucus is a wonderful idea and it's just at the start of its life," Bartholomay said. The Civility Caucus was formed in January 2017 out of the "One Minnesota" National Institute for Civil Discourse workshop put on for legislators by the University of Minnesota's Humphrey School of Public Affairs and others.

He said the Civility Caucus is about building relationships among legislators. It's a volunteer effort, with no staff and no budget. He said the OCDR offered to staff and help with the Civility Caucus and the legislators involved accepted the offer.

Bartholomay also mentioned the Legislature's Purple Caucus, created in 2013 as a group of state senators from both political parties who come together to share ideas on a bipartisan basis. He called it another positive development. He said the Purple Caucus is more about finding bipartisan policy goals, while the Civility Caucus is more about building relationships. He said there are legislators who participate in both the Purple Caucus and the Civility Caucus.

Bartholomay admits there are people at the Legislature and outside it who don't think the Civility Caucus or the Purple Caucus can make a difference.

**There are about 40 legislators, both Republicans and Democrats, who have been active in Civility Caucus events.** Bartholomay said there are 25 key members, led by Rep. JoAnn Ward (DFL-Woodbury) and Rep. Roz Peterson (R-Lakeville) on the House side and by Sen. Eric Pratt (R-Prior Lake) and Sen. Susan Kent (DFL-Woodbury) on the Senate side.

Bartholomay said many of the participants are suburban legislators, along with some from Greater Minnesota and some from Minneapolis and St. Paul. "They're often people from swing districts," he said, "but not always. They're trying to figure out how they can work in the legislative mix to do the best they can for their communities."

**The Civility Caucus, together with leadership of the Legislature, put on a number of events during the 2018 session.** First, Bartholomay said, was a luncheon at the Capitol on the second day of the legislative session, which was also supported financially by the Civic Caucus. He said 140 out of 201 legislators attended. The OCDR made sure the legislators were blended in various rooms by party and by Greater Minnesota and metro area. There were mixer activities for the legislators and various presentations. "It was a good start," he said.

The second event was a free training session on March 16, 2018, on Collaboration and Negotiation for State Legislators, which drew 30 legislators. The session was presented by faculty from the Mitchell Hamline Law School Dispute Resolution Institute who are national leaders in alternative dispute resolution.

Third, the Civility Caucus put on luncheons for legislators every other week during the legislative session, held in the Governor's Historic Dining Room at the Capitol. Bartholomay said there were six gatherings, which generally drew 25 to 30 bipartisan legislators each. There were mixer activities and presentations by people such as Bill Doherty from the University of Minnesota about the **Better**

Angels organization. A meeting was also held with the leader of the Ruckelshaus Center at Washington State University. Bartholomay said legislators and people from cities, counties and other local governments came to hear what the state of Washington is doing to bring people together on difficult policy issues.

**The Civility Caucus is legislator-driven.** "All the meetings are led by legislators," Bartholomay said. "We're staffing them. It's run on their ideas and we're helping them carry it out. We want people to know that when you're in a box, there's another way. We want to give them tools to support their good intentions and ideas and begin solving problems."

**At a meeting at the end of the 2018 legislative session, the Civility Caucus asked legislators to vote for things they wanted the Caucus to work on during next year's session.** These were their ideas:

1. Stronger relationships. Bartholomay said this was the number one thing legislators wanted to work on. They asked for more legislator luncheons, both the larger one for all legislators and the smaller ones. "It's a lot harder to demonize someone when you've gotten to know them," Bartholomay said. Members talked about a legislator night, where nothing else could be put on the legislative calendar and they would have time dedicated to just building relationships with each other.

2. Professional development and continuing education. Bartholomay said that was second on the legislators' list. "I worry a lot when I think about the amount of training legislators have had," he said. "They come from a variety of backgrounds and the Legislature is a very difficult place. It's very complex. The issues and the whole process are complex. There's not a lot of training on collaboration, negotiation and working together. They want more of that."

3. Legislative process improvements. Bartholomay said he hears from legislators that they were elected to make a difference, yet they sometimes find themselves sitting on the sidelines. He said it seems fewer people are involved at the end of legislative sessions and that committee chairs used to be more involved throughout the process.

"This is also a problem in a lot of other states," Bartholomay continued. He said the Civility Caucus is monitoring other states that are working on legislative process improvements, including Maine, Utah and Ohio. He said other states are looking at how things could be structured differently, how major bills could be handled differently, how negotiations could be handled differently.

He's optimistic that every election year there's a chance for a reset. "Relationships between Governor Mark Dayton and the Legislature have gone pretty bad," Bartholomay said. "This is a chance for a reset with the election of a new governor. There's a chance here to change the way we do the interactions."

Bartholomay said that could include, for example, a broader group of legislators doing negotiations with the governor's office. "There might be some other ways to do things," he said. "Legislators have good ideas and we have learned from our collaborative problem-solving work that there is real value in having a diverse group of people in the room."

He said he's been talking to Mark Gerzon, founder and president of the Mediation Foundation and author of several books, including *The Reunited States of America: How We Can Bridge the Partisan Divide*; and Richard Celeste, former governor of Ohio, who is involved in work with national legislative groups.

4. Revising the gift laws. Bartholomay said some legislators voted to add this to the list of things the Civility Caucus should work on. "There is some room in the gift-limit law for people to have events," he said. "There is a need to appropriately encourage, not limit, socializing among legislators."

5. Trying legislator exchanges. Bartholomay said the Civility Caucus sponsored-and some legislators have tried-exchange visits between urban districts and Greater Minnesota districts, but the idea has not caught on widely yet.

6. Holding joint town halls. He said some legislators suggested that perhaps they could hold joint bipartisan town hall meetings, adding that a few legislators have done so.

Bartholomay said the OCDR staff is in the process of working with the Civility Caucus on these priorities and suggestions. "It's a work in progress and needs to be nurtured," he said.

**Legislative leadership support is important.** Bartholomay said the leadership did clear all the legislative calendars on the second day of the 2018 session, so legislators could come to the first meeting of the Civility Caucus. Also, leadership from both sides of the aisle came to the meeting. "They have given some support, but the effort could always use more," he said.

He noted that Rep. JoAnn Ward (DFL-Woodbury), whom he called "the main champion" of the Civility Caucus, is retiring. "That's a concern, because you want to have continuity," he said. He said there are other leaders, like Rep. Roz Peterson (R-Lakeville), and he believes other legislators will come forward in the next session.

Bartholomay said currently, Civility Caucus leaders are asking legislative leadership to officially endorse Civility Caucus activities and put them on official calendars. "I'd say there has been fair support from leadership," Bartholomay said. "But it's not as much as I'd like to see for the 2019 session."

**How much of any dispute is due to people not understanding how something works?** An interviewer asked that question and Bartholomay responded, "I think it's a big part of it." He said the Humphrey School and other parts of the University of Minnesota have offered to help through training on various subjects.

But, he said, there are several challenges. He said legislators come in with a set of skills they hope will transfer to their work at the Legislature, but often they don't. He said after legislators are elected, they show up for a few days of training through their parties' caucuses. "Then they can attend the One Minnesota Conference, which may not be as well attended as you'd like it to be," he said. "Then, all of a sudden, they're right in the game with committee work and other things. There's no time to go to a session on a specific topic like transportation finance."

Bartholomay noted that legislators are paid \$45,000 a year. Their jobs are full-time from January to May each year. But he wonders whether there could be a way to fund *per diem* pay in the summer and fall to make it more feasible for legislators to come to events to learn about deeper policy issues. He said there's a desire for it, but it's a question of when there is time to do that. "We need to keep trying," he said. "Should there be regional meetings that would be more accessible or should we be using technology to get people involved?"

**Why would legislative leadership not embrace the idea of having appropriation riders expire at the end of each biennium, making bills more likely to get through committees?** An interviewer asked that question and Bartholomay responded, "We have heard legislators say that they want to be involved in a more robust process. The question we are interested in is how to support them in stepping up and saying they are not happy with how this process is working and encourage the consideration of a range of possible changes, like the one you mention. I believe we need more involvement by more people."

He said ideas from the past need to be revisited to determine what worked and what didn't. "At the end of the day, legislators want to do a good job. They need to be smart and up to speed quickly on lots of things."

**The time might be right for a reform movement at the Legislature.** Bartholomay made that statement because, through its work with the Civility Caucus, OCDR has heard a desire for stronger bipartisan relationships; more training on skills used at the Legislature, such as collaboration and negotiation; and for a process that is more inclusive of, and utilizes the experience and expertise of, all legislators. OCDR is working to support those goals and Bartholomay is optimistic heading into the 2019 session.