

# Many Ways to Get There

## *Securing Public Investments in Richmond, VA*

### *Educator Guide*

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### Overview

This Educator Guide is designed to assist instructors in teaching this case to students and practitioners. It is based on [case pedagogy](#), which invites participants to put themselves in the shoes of the protagonist(s) of the case and imagine how they would respond to the circumstances. Participants should read the teaching case in advance and identify key issues as a preliminary step toward meeting the learning objectives. Instructors may then use the time in the classroom to guide participants in exploring the issues and examining the challenges in the case; to introduce key concepts, tools, and frameworks; and to assist participants in applying their learning to their own environments and challenges.

This guide includes learning objectives, a synopsis, key questions, a roadmap for discussion, and appendices with additional pedagogical information and theoretical applications. The roadmap and appendices are offered to initiate meaningful conversation but are by no means the only way to teach the case. Each educator or facilitator should feel free to design their own teaching plans; both the structure and the time allotted for each component are suggestions. Appendices may be used for board work or shared directly with participants depending on the pace of classroom discussions.

To explore the different dimensions of the “Many Ways to Get There: Securing Public Investments in Richmond” case, this guide uses the theories and tools produced by Roger Fisher, William Ury, and Bruce Patton in “Getting to Yes.” The instructor may use some or all these questions for classroom discussion, depending on the time available and the goals for the session.

### Learning Objectives

After a productive discussion of the case, “Many Ways to Get There: Securing Public Investments in Richmond, VA,” participants and students will be able to:

- Recognize the difference between positions and interests and how to probe the interests of relevant parties.

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- Identify the risks of positional bargaining, and analyze how negotiators become stuck in positional bargaining.
- Analyze additional options available to the protagonist using an interest-based bargaining framework.

## Case Synopsis

The City of Richmond elected Levar Stoney as its youngest mayor in 2016. Mayor Stoney campaigned for better-funded public schools, government accountability, and crime prevention.<sup>1</sup> One of the mayor's main responsibilities was to propose biannual budgets to a nine-member city council, which could approve the budget as proposed or pass it with amendments. This case illustrates Stoney's efforts to increase Richmond's real estate tax from \$1.20 to \$1.29 per \$100 of assessed value. This tax increase was quickly rejected by a majority of city council members. Disagreements climaxed when the mayor's administration walked out of a city council budget hearing, prompting council members to respond by voting to pursue legal action against Stoney.

This case focuses on how positional bargaining prevents creative deal-making when negotiators fail to understand the interests of other parties. By exploring Stoney's relationship with city council, the case emphasizes the downsides of positional bargaining and the opportunities for better outcomes with an interest-based approach to negotiation. This case also introduces the four negotiation concepts of interests, options, criteria, and alternatives, and examines their relevance to city-level negotiations.<sup>2</sup>

## Key Questions

1. What were the positions and interests of key stakeholders in this negotiation?
2. What were the alternatives to an agreement with city council?
3. What options should Mayor Stoney and city council have considered?

## Roadmap for Discussion

**Introduction** (5 minutes): Briefly state the goal of the session in reference to the case, cite specific major conflicts facing the protagonist, and foreshadow broader learning objectives.

**Exploration** (30 minutes): Use class discussion, "buzz groups," and board work to examine the issues and options confronting the protagonist.

**Diagnosis** (30 minutes): Introduce key concepts, frameworks, and tools to help participants pinpoint possible solutions to major conflicts in the case.

**Application** (15 minutes, optional): Ask participants to relate the concepts and frameworks to their own organizations' challenges.

**Wrap-Up and Takeaways** (10 minutes): Review the learning objectives and discuss insights most relevant to your organizations' challenges.

**Introduction** (5 minutes):

In your introductory remarks, briefly describe the case and frame the primary subject of the session: to apply and analyze interest-based negotiation concepts related to the city government context. The case explores a tense negotiation between Richmond, Virginia's Mayor Levar Stoney and the city council during a budget approval process. The discussion will center on an analytical approach to negotiation that involves strategically thinking through one's own perspective and that of one's counterparts.

**Exploration** (30 minutes):

Divide the class into three- to four-person groups to discuss the questions below:

Case Overview (15 minutes)

- *What is the story in this case?*
  - Ask three to four participants to summarize the case details, stakeholders, and key considerations.
  
- *What exactly was Stoney trying to achieve? What were his goals?*
  - Write answers on the board. (See Appendix 2a for a sample board plan.)
  - This question should provide a robust early discussion and participants may become fixated on the issue of the property tax, which should be encouraged. This will "prime" participants to be positional. Participants may be split on what the mayor's main goal was in this budget negotiation. Some may choose to focus on the property tax (position), while others may focus on funding schools and roads (interests).
  
- *Who were other important parties in this case? What were their goals?*
  - Write answers on the board. (See Appendix 2b for a sample board plan.)

Negotiation Concepts (15 minutes)

- Define positions and interests. (See slide 9 in the accompanying deck.)
  
- Mini Case: Positions and Interests
  - Divide participants into pairs to discuss a mini case involving different positions between a parent and their child's school. (See slides 10-11 in the accompanying deck.)
  
- Working groups: Divide participants into groups of three to four.
  - *Based on the list we generated at the beginning of the session, which of these goals are interests? Which are positions? For each position, identify a possible underlying interest.*
  - Distribute the worksheet and have groups analyze information from the case overview discussion in light of the new negotiation concepts.
  - Depending on time or desired complexity of the session, you may want to limit groups to discussing Mayor Stoney and city council, though there were likely more parties discussed in the case overview.

- Prompt groups to share what they discussed and note their responses on the board. (See Appendix 3 for a sample board plan for Stoney and city council.)

**Diagnosis** (30 minutes)

In this segment, have participants remain in their working groups as they go deeper into the key concepts and frameworks illustrated by the case. Suggested questions:

- *What is positional vs. interest-based bargaining? What are the four elements of negotiation considered by effective interest-based negotiators?*
  - See Appendix 4 for definitions of interests, alternatives, options, and criteria.
  - Optional: see Appendix 7 for a table of benefits and limitations of interest-based bargaining adapted from Bruce Patton's work.
- *We have outlined Stoney's positions and interests. Now, what were the alternatives to an agreement with city council? What options should he have considered? What were his criteria to determine if the options were fair or just?*
  - Participants may use the alternatives, options, and criteria side of the worksheet to map their answers.
  - Prompt groups to share what they discussed and note their responses on the board. (See Appendix 5a for a sample board plan.)
- *We have outlined city council's positions and interests. Now, what were the alternatives to an agreement with the mayor? What options should they have considered? What were their criteria to determine if the options were fair or just? (See Appendix 5b for a sample board plan.)*
  - Participants may again use the alternatives, options, and criteria side of the worksheet to map their answers.
  - Prompt groups to share what they discussed and note their responses on the board.
- *Imagine you are a member of Stoney's team at the end of the case and reflecting on how things have gone so far. What did the mayor do well in this negotiation?*
- *What could Stoney and his team have done differently to prevent the situation they were facing at the end of this case?*
  - See Appendix 6.
  - This may be an opportunity to discuss how communication, relationships, and process impact negotiation.

**Application** (optional—15 minutes)

Participants may work together in groups or in plenary to apply the concepts and frameworks to their own organizations' challenges.

**Wrap-up and Takeaways** (10 minutes)

Have students consider the case Epilogue and what happened after the walkout. (Refer to slide 24 in the accompanying deck.)

- Mayor Stoney wrote a letter to city council after the walkout saying that the administration needed time to review the city assessor's new property value assessments before the administration would certify them.
- Within a few days, the City certified the new revenue and city council balanced the budget, which fully funded the mayor's priorities, without an increase to the real estate tax.
- A few months later, the mayor announced a \$15 million budget surplus. The surplus funded capital improvement projects and an increase in the cost of living adjustment for city retirees, with the remainder added to the City's rainy-day fund. Councilwoman Gray liked the increase for retirees but believed the mayor should have brought the surplus to city council for input on how the funds should be used.

Next, discuss the high-level takeaways of the case, which may include:

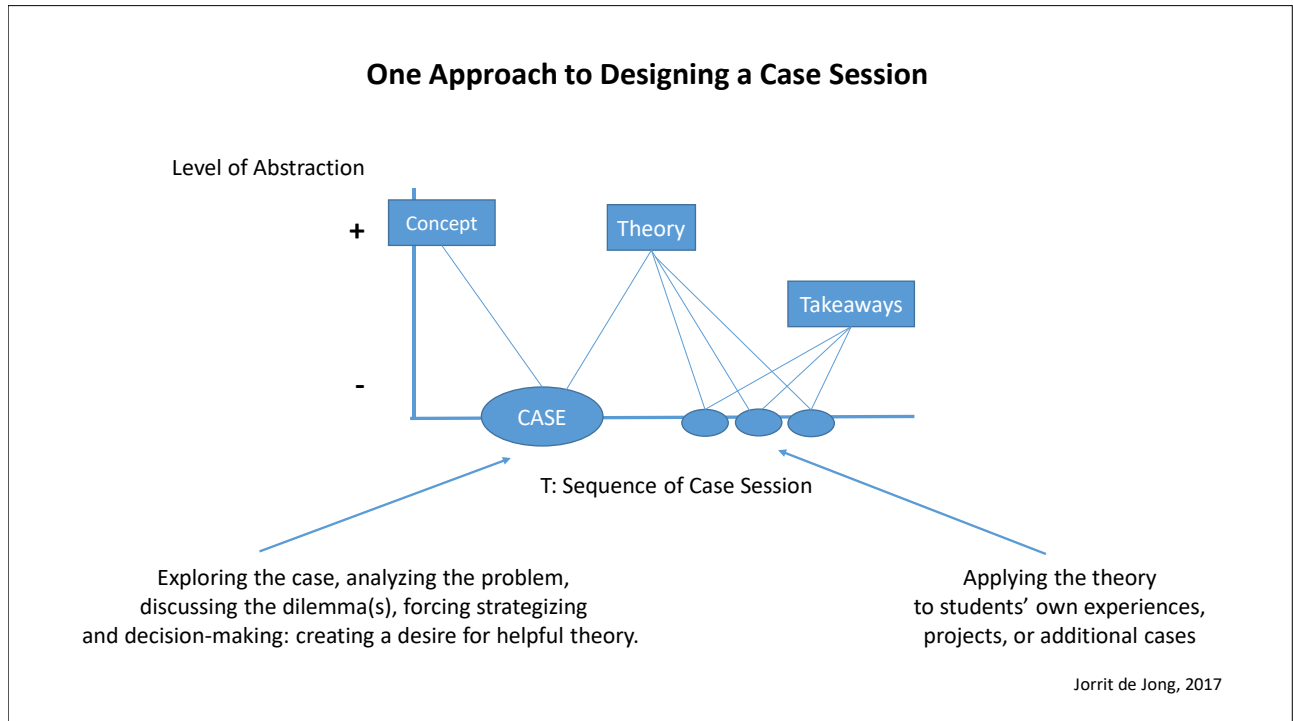
- Positional bargaining often leads to haggling, suboptimal outcomes, and damaged relationships.
- Considering interests, alternatives, options, and criteria for all parties, including yourself, allows for more creative deal-making.
- Communication and relationships between parties are crucial for effective interest-based bargaining.

**Suggested Reading**

- Robert Fisher, William L. Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin, 2011).
- Bordon, R., and Todd, G., 2005, "Have You Negotiated How You'll Negotiate?" *Negotiation Newsletter*.

## Appendices

### Appendix 1 Designing a Case Study



Source: Jorrit de Jong, "One Approach to Designing a Case Session," *Bloomberg Harvard City Leadership Initiative*, 2017.

**Appendix 2** Board Plan: Case Overview

Appendix 2a: Mayor Stoney’s goals for the FY20 Budget Negotiation

<b>Mayor Stoney</b>	
<ul style="list-style-type: none"> <li>• Increasing real estate tax rate</li> <li>• Countering disinvestment of the past decade</li> <li>• Getting additional funds for schools</li> <li>• Trying to prevent any other cuts in city government and staff</li> <li>• Trying to address inequality in Richmond</li> <li>• Correcting recession-era relief cuts</li> <li>• Getting the budget approved the way he wanted it</li> <li>• Improving the quality of the school system, infrastructure, highways, and potholes</li> </ul>	

Appendix 2b: All parties’ goals for the FY20 Budget Negotiation

<b>Mayor Stoney</b> <ul style="list-style-type: none"> <li>• Increasing real estate tax rate</li> <li>• Countering disinvestment of the past decade</li> <li>• Getting additional funds for schools</li> <li>• Trying to prevent any other cuts in city government and staff</li> <li>• Trying to address inequality in Richmond</li> <li>• Correcting recession-era relief cuts</li> <li>• Getting the budget approved the way he wanted it</li> <li>• Improving the quality of the school system, infrastructure, highways, and potholes</li> </ul>	<b>City Council</b> <ul style="list-style-type: none"> <li>• Avoiding a real estate tax increase</li> <li>• Staking out more power within municipal government</li> <li>• Securing more accountability</li> <li>• Feeling like a trusted and important part of the process</li> </ul> <p><i>NOTE: Groups may also divide city council into distinct coalitions focused on accountability, no taxes, etc.</i></p>
	<b>Phillip Morris</b> <ul style="list-style-type: none"> <li>• Avoiding higher taxes, especially cigarette tax</li> </ul>
	<b>Richmond Public Schools</b> <ul style="list-style-type: none"> <li>• Getting more money for schools</li> <li>• Increasing equity in RPS</li> <li>• Improving quality of education</li> </ul>
	<b>Parents</b> <ul style="list-style-type: none"> <li>• Getting more money for schools</li> <li>• Improving quality of education</li> <li>• Improving condition of school facilities</li> </ul>
	<b>Commonwealth of Virginia</b> <ul style="list-style-type: none"> <li>• Getting Richmond to modernize schools without raising taxes</li> </ul>

**Appendix 3** Board Plan: Positions and Interests

<b>Mayor Stoney</b>	
Position	Interests
1. Fund the investments in his budget	<ul style="list-style-type: none"> <li>• Higher quality schools</li> <li>• Equity</li> <li>• Fulfilled campaign promises</li> </ul>
2. Raise revenue for investments with property tax increase (i.e. unmodified budget)	<ul style="list-style-type: none"> <li>• Formal power as mayor</li> <li>• Public reputation as a negotiator</li> <li>• Meeting constituent needs</li> </ul>

<b>City Council</b>	
Position	Interests
1. Avoid a real estate tax increase	<ul style="list-style-type: none"> <li>• Fiscal conservatism</li> <li>• Accountability for how the City spends money</li> <li>• Constituent needs for specific districts</li> <li>• Other options may be available</li> </ul>
2. Need more involvement in the budget process	<ul style="list-style-type: none"> <li>• Power as co-equal branch of government</li> <li>• Respect for role</li> <li>• Accountability for government</li> <li>• Need for better communication</li> </ul>



**Appendix 4** Core Negotiation Concepts: Interests, Alternatives, Options, Criteria

The four negotiation concepts of interests, options, criteria, and alternatives are drawn from the book, “Getting to yes: Negotiating agreement without giving in,” by Roger Fisher, William Ury, and Bruce Patton. Their book explores how negotiators can move from positional bargaining to interest-based negotiations.

*Positional bargaining* is a form of negotiation based on a “win-lose,” zero-sum game where parties haggle for their desired outcome. In this case, Mayor Stoney and city council were fixed on their position of raising or not raising the real estate tax rate. Meanwhile, *interest-based negotiations* rely on concepts like interests, options, criteria, and alternatives to creatively problem-solve, produce mutual value, and create lasting relationships. What is unique about this case is that despite both parties having similar interests, they had different positions, ultimately leading to an impasse.

<b>Interests</b>	<b>Alternatives</b>	<b>Options</b>	<b>Criteria</b>
<p>Positions are the demands parties make. Positions answer the question, “what do you want?” Interests are the reasons why parties are making these demands. Interests answer the question, “why do you want it?” Negotiators must probe to find hidden or unknown interests.</p>	<p>Alternatives are what parties can do, away from the table, if there is no deal today. A negotiator must seek to understand their own and their counterpart’s best alternative to a negotiated agreement (BATNA).</p>	<p>Options are what parties can agree to, together, to meet parties’ interests, not positions. A deal should be the best of multiple available options. Options can be populated from differences and not just similarities.</p>	<p>Criteria and standards of legitimacy are measures to determine how fair, just, or reasonable the options are. Deals should be based on objective criteria both parties can agree are fair.</p>

**Appendix 5** Board Plan: Alternatives, Options, Criteria

Appendix 5a: Case Analysis (only Mayor Stoney)

	<b>Mayor Stoney</b>	
<b>Alternatives</b>	<ul style="list-style-type: none"> <li>• Exert veto power</li> <li>• Continue public campaign for investments (electoral strategy)</li> <li>• Support school system applying for other sources of funding</li> </ul>	
<b>Options (that should have been considered)</b>	<ul style="list-style-type: none"> <li>• Any revenue strategy that funds the priorities</li> <li>• 5 cent real estate tax increase and lower funding for priorities</li> </ul>	
<b>Criteria</b>	<ul style="list-style-type: none"> <li>• Historic real estate tax levels (pre-recession)</li> <li>• Equity as benchmark for budget goals</li> </ul>	

Appendix 5b: Case Analysis (adding city council)

	<b>Mayor Stoney</b>	<b>City Council</b>
<b>Alternatives</b>	<ul style="list-style-type: none"> <li>• Exert veto power</li> <li>• Continue public campaign for investments (electoral strategy)</li> <li>• Support school system applying for other sources of funding</li> </ul>	<ul style="list-style-type: none"> <li>• Fail to pass a budget (reverting to mayor’s proposal)</li> <li>• Secure a veto-proof majority</li> <li>• Counter with their own social media/public campaign</li> </ul>
<b>Options (that should have been considered)</b>	<ul style="list-style-type: none"> <li>• Any revenue strategy that funds the priorities</li> <li>• 5 cent real estate tax increase and lower funding for priorities</li> <li>• Strategic cuts to other areas of city budget that preserve core priorities</li> </ul>	<ul style="list-style-type: none"> <li>• Less of an increase to the real estate tax</li> <li>• Other revenue sources</li> <li>• Strategic cuts to city budget that preserve mayor’s priorities</li> </ul>
<b>Criteria</b>	<ul style="list-style-type: none"> <li>• Historic real estate tax levels (pre-recession)</li> <li>• Equity as benchmark for budget goals</li> </ul>	<ul style="list-style-type: none"> <li>• Reciprocal compromises</li> <li>• Fairness in process</li> </ul>

**Appendix 6** Potential Alternative Strategies for Mayor Stoney

This is a non-exhaustive list of potential interest-based strategies Stoney could have pursued during the budget hearings.

**Appealing to the other party's interest**

- Framing collective interests, concerns, and needs
- Exploring underlying interests
- Acknowledging mutual goals
- *Ex: Stoney could have emphasized that he shared the same concerns of housing affordability with city council, rather than positing their position as distinct.*

**Modifying criteria**

- Examining whether the criteria used is productive
- Finding shared criteria that other parties find fair or reasonable
- *Ex: Stoney could have asked whether he should continue his campaign focused on using his "apples and oranges" comparison or "pre-recession rate" when it was not convincing councilmembers.*

**Changing communication strategies**

- Active listening
- *Ex: Stoney could have engaged with city council opposition during the budget deliberations to acknowledge concerns.*

**Brainstorming other options**

- Populating options that meet mutual gains
- Designing options with city council
- *Ex: Stoney could have met with city council prior to his budget unveil and workshopped different ideas and combinations to fund both his priorities and theirs.*

**Appendix 7** Benefits and Limitations of Interest-Based Negotiations

The following may be used to discuss the benefits and limitations of interest-based negotiations.

Pros	Cons
Explores interests and promotes efficiency and joint gains	Requires new ways of thinking
Benefits from best practices and results can be justified to constituents	Requires more preparation
Avoids having to choose between a good relationship and a good deal	May require more skills
Avoids arbitrary outcomes	May require more emotional security and mental flexibility
Builds relationships	Can take more time to set up (but smoother implementation)

Adapted from Bruce Patton lecture slides on the “Circle of Value,” with content originally in “Getting to Yes.”<sup>3</sup>

## Endnotes

<sup>1</sup> Levar M. Stoney, “Levar Stoney Column: New Year, New Mayor, Fresh New Vision,” *Richmond Times-Dispatch*, December 31, 2016, [https://www.richmond.com/opinion/their-opinion/guest-columnists/levar-stoney-column-new-year-new-mayor-fresh-new-vision/article\\_0466d0ae-6fd2-50d5-bb58-9e4295eb9b8f.html](https://www.richmond.com/opinion/their-opinion/guest-columnists/levar-stoney-column-new-year-new-mayor-fresh-new-vision/article_0466d0ae-6fd2-50d5-bb58-9e4295eb9b8f.html).

<sup>2</sup> Roger Fisher, William L. Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin, 2011).

<sup>3</sup> Fisher, Ury, and Patton, *Getting to Yes: Negotiating Agreement Without Giving In*.