



CONFLICT RESOLUTION PROCEDURE

This policy is intended to provide member agencies with a working knowledge of dispute resolution options, to provide information on the methods and techniques of resolving disputes that require neutral intervention, and to reduce the frequency of unresolved disputes between public agencies.

Procedures

1. Agreement to Participate

- 1.1 Government agencies involved in an interjurisdictional conflict which cannot be resolved among the agencies may, through formal action of their policy bodies, agree to participate in resolving the dispute in accordance with this procedure. Evidence of the agreement to participate shall be forwarded by the agencies to SANDAG, and shall describe the issue(s) for which review is requested. SANDAG's role shall be limited to providing assistance to the agencies in accordance with this procedure.
- 1.2 Participation in the conflict resolution process shall be voluntary, but is strongly encouraged prior to initiation of litigation by an agency. All parties involved in the dispute shall be requested to participate.

2. Implementation

The Conflict Resolution Procedure may be initiated by:

- one or more involved public agencies
- the SANDAG Board of Directors
- the SANDAG Executive Committee (where timing requires).

The parties to an action in Superior Court may initiate dispute resolution by SANDAG in accordance with Government Code Section 66030 et. seq.

3. Confidentiality

The process set forth in Section 4, below, shall be subject to the provisions of California law relating to confidentiality, and specifically, the provisions of Section 703.5, Chapter 1 of Division 6 of the Evidence Code, which concerns compelled testimony by arbitrators and mediators.

4. Process

- 4.1 SANDAG, with the assistance of a neutral third party, obtains affected agency agreements to participate.
- 4.2 If appropriate, SANDAG staff may meet with the affected agencies for purposes of interviewing them regarding the nature and scope of the conflict and to request any necessary information. Such interviews shall be undertaken as soon as possible, but in no case later than 30 days from the date of agreement by the agencies to participate.
- 4.3 SANDAG staff facilitates the selection by the agencies of a neutral third party to recommend an appropriate facilitation and negotiation model to be used in resolving the dispute which may include, but not be limited to mediation and/or arbitration
- 4.4 SANDAG staff serving, where appropriate, as a resource to the agencies and a neutral third party convene the conflict resolution conference using the model agreed to by the agencies.
 - 4.4.1 The conference should generally consist of the following elements:

Stage I.	Introduction
Stage II.	Opening statement by the agencies
Stage III.	Exchange (for purposes of developing an understanding of each agency's issues and positions)
Stage IV.	Development of options
Stage V.	Draft and execute agreement
- 4.5 The agreement is implemented by the agencies.
- 4.6 The Executive Director shall report to the Board at regular intervals on the use of the procedure by public agencies.

Adopted June 2003