

## SECTION 6: CONFLICT RESOLUTION PROCEDURES

### 6.1 BACKGROUND

With multiple local governments involved in the development of the Palm Beach County LMS, differences of opinions may arise over the course of the program with regard to goals, objectives, policies and projects. Governments often have differing interests, priorities and needs, as well as distinct constituents. In cases where an impasse occurs, a procedure is needed that can be activated to resolve such conflicts. This section describes the procedure that will be used to resolve conflicts arising among the participating governmental entities in the development and implementation of the Palm Beach County LMS. The Conflict Resolution Process is depicted in the LMS Conflict Resolution Flowchart, **Figure 6.1**. The specific steps are described in detail in **Section 6.2**. The methodology is designed to be simple, user-friendly, and time efficient.

Prior to developing the process, other dispute resolution processes were investigated. They included the Treasure Coast Regional Planning Council Dispute Resolution Process, the Indian River County Multi-Jurisdictional Issues Coordination Forum, the South Florida Growth Management Conflict Resolution Consortium, the Volusia County Coastal Management Element Conflict Resolution Program, and the Monroe County procedures adopted for resolving disputes during the planning, design, construction, and operation of wastewater collection/treatment and effluent disposal facilities.

This initial project, the development of a unified LMS, will be completed in October 1999. One of the long-term LMS goals is to address conflict resolution within the LMS process. This procedure accomplishes that purpose: all LMS conflicts will follow this resolution procedure.

The two types of conflicts that may arise are issues and disputes. Issues are technical problems that are susceptible to informal solution by DEM staff. Disputes are problems that require formal resolution by neutral third parties. In either case, resolution and settlement are best settled through mutually agreed-upon understanding between the disputing parties. When that is not possible, some form of binding resolution is needed.

Developing an LMS is a cooperative, collaborative process, and local governments will likely be able to reach consensus on most issues and problems that arise during both the development and implementation periods. When occasions arise where local governments cannot reach agreement on a particular issue or project, one or more of the disputing parties may petition a hearing of the issues before the Conflict Resolution Subcommittee.

The Subcommittee will be comprised of three people: one member of the Subcommittee will be appointed by the Steering Committee Chair, a second person by an individual representing the Treasure Coast Regional Planning Council, and a third member will be someone drawn from the Steering Committee who has been selected by mutual agreement of the Steering Committee Chair and the Treasure Coast Regional Planning Council representative. Once the Subcommittee has been selected, DEM, as lead agency will prepare a memorandum delineating the dispute, include supporting documentation when available, and schedule the Subcommittee meeting.

If no resolution could be reached, the issue would then be heard by the entire Steering Committee. The vote of the Steering Committee would be binding. The Palm Beach County DEM staff would provide staff support.

## **6.2 CONFLICT RESOLUTION PROCEDURE**

The following provides a detailed, step-by-step procedure that would be followed should a dispute arise under the LMS.

**Objective:** To institute a fair, effective, and efficient process to resolve conflicts among local governments during the development and implementation of the LMS.

During the development or implementation of the LMS, a local government(s) may reach an impasse on a particular issue or position. The local government has an opportunity to exercise the following LMS Conflict Resolution Procedure which has been adopted by the Palm Beach County LMS Steering Committee.

**STEP 1** The local government would submit a letter of dispute (LOD) to the Palm Beach County DEM Director explaining in as much detail as possible, describing their concern and position along with documentation to support their position. Also, they would outline potential alternative solutions.

**STEP 2** The DEM would review the LOD making sure that it clearly outlines the position of the local government(s) and provides sufficient information supporting their position so the dispute in question can be readily understood by the members of the Conflict Resolution Subcommittee. If the DEM determines that additional facts are needed to describe the dispute outlined in the LOD, the DEM will provide, in writing a letter identifying the information that will clarify the position of the disputing party.

**STEP 3** Once the LOD is determined to be complete, within (7) calendar days the County DEM staff will notify and arrange a telephone conference call or a meeting of the Steering Committee Chair and TCRPC representative to select individuals to serve on the Conflict Resolution Subcommittee. Before the selection process is completed, a verification of a willingness to serve will have been completed. (Only voting members or alternates of the Steering Committee are eligible to serve on the Subcommittee).

**STEP 4** Within a day of the Subcommittee selection, (see STEP 3), the DEM staff will send a follow-up letter to each Subcommittee confirming their appointment.

**STEP 5** Included with the follow-up letter will be the LOD and any supportive materials provided by the disputing party.

**STEP 6** In an effort to expedite the process, the DEM staff will make every attempt to schedule the meeting within two (2) calendar weeks from the date the LOD has been determined complete.

- STEP 7 The conflict resolution meeting is held. The DEM will provide staff to document the proceedings of the meeting. Every effort on the part of the two parties will attempt to resolve the impasse at the meeting.
- STEP 8 If resolution is achieved, the DEM staff will prepare a memorandum documenting the issue and the mutually agreed upon resolution. The memorandum will contain three signature blocks, one for the Chair of the Subcommittee and two for the representatives of the disputing parties. By their signature, all parties will formally agree to the mediated result. A copy will be provided to each party and another copy filed at the DEM.
- STEP 9 If no resolution is achieved at the meeting, within seven (7) days following the conclusion of the conflict resolution meeting, the Subcommittee will develop an alternative proposal which will be proffered to the disputing party. If accepted, the DEM staff will implement STEP 8; however, if resolution is still not achieved, the process will move to STEP 9.
- STEP 10 If the impasse is not resolved at the Subcommittee level, the DEM will schedule a meeting of the full LMS Steering Committee. In an effort to continue to try to resolve the impasse expeditiously, the DEM staff will make every attempt to schedule the meeting within two (2) calendar weeks from the date that a solution cannot be achieved at the Subcommittee level. Each member will be sent a copy of the LOD and any supportive materials provided by the disputing party. The disputing party will be notified of the meeting date and time.
- STEP 11 A meeting of the Steering Committee is held. The representative of each disputing party will present their positions and the Chair of the Subcommittee will present the views of Conflict Resolution Subcommittee. Based on the ensuing discussion, hopefully resolution will be achieved. At the end of the meeting, if no mutually acceptable compromise is achieved, the Steering Committee will vote to accept one solution from among the offered solutions or those that may developed at this special Steering Committee meeting. This resolution vote of the Steering Committee will be final.

The outcome of the meeting will be detailed in a memorandum of understanding that will be prepared by the DEM. This memorandum will be signed by the Steering Committee.

Thereafter, a disputing party can exercise the legal remedy of going to court.