

# Multi-jurisdictional Dispute Resolution Process in Washington County



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Sheboygan, WI

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# Background Information

- Developed during development of the Multi-Jurisdictional Comprehensive Plan for Washington County: 2035
- Requirement of State Comprehensive Planning Law, *State Statute 66.1001*
  - Intergovernmental Cooperation Element must identify existing or potential conflicts between the local governmental unit and other governmental units and describe processes to resolve such conflicts

# Background Information

## Dispute Resolution Subcommittee

- Matt Heiser – (Chairman) Village of Kewaskum
- Brian Bausch – County Board Supervisor
- Jim Bennett – Town of Hartford
- Ron Hefter – Town of Addison
- Leander Herriges – Town of Wayne
- Daniel Knodl – County Board Supervisor
- Chris Kuehn – Town of Wayne
- David Nixon – UW-Washington County
- Barb Renkas – Town of West Bend
- Justin Drew – City of Hartford
- Mary Schanning – City of West Bend
- Mark Piotrowicz – City of West Bend (alternate)

## Staff

- Debora Sielski – Deputy Administrator, Planning & Parks Dept.
- Kim Nass – Washington County Attorney
- Joshua Glass – Planner, Planning & Parks Dept.
- Kelly Hahm – Administrative Secretary, Planning & Parks Dept.

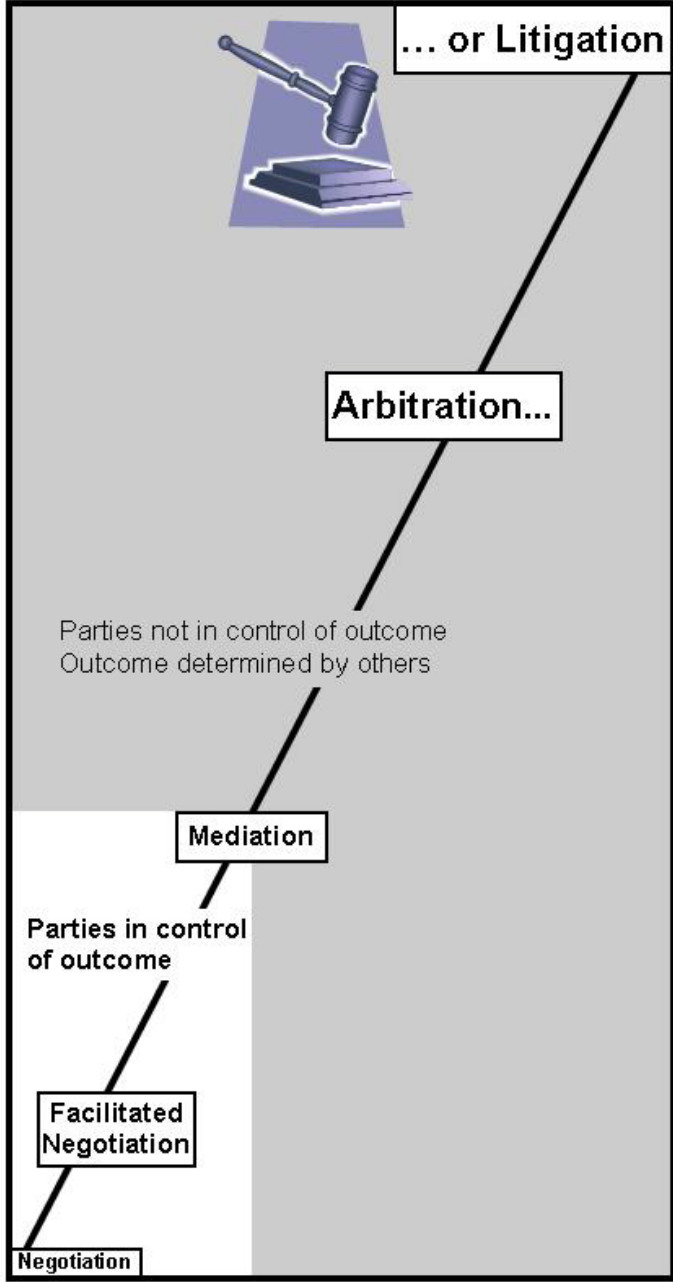
# Background Information

- Dispute resolution techniques can be broken into the following two categories:
  - Alternative (such as negotiation and mediation)
  - Judicial and quasi-judicial (such as arbitration and litigation)
- **Alternative** dispute resolution process will be encouraged in an effort to avoid costly and lengthy litigation.

# Dispute Resolution Process

- Typically involves multiple stages if a conflict is not immediately resolved
- Process begins with alternative dispute resolution techniques including informal negotiations among and between parties
- If unsuccessful, facilitated negotiation utilizing the Washington County Multi-jurisdictional Dispute Resolution Panel may be used, followed by mediation

↑ Cost of Dispute Resolution Increasing



→ Duration of Dispute Resolution Increasing

### DISPUTE RESOLUTION LADDER

# Alternative Dispute Resolution Techniques

- Intended to provide a low-cost, flexible approach to resolving disputes between governmental entities arising from the adoption of the comprehensive plan
- Works to resolve actual and potential conflicts between governmental entities through open dialog and cooperative initiatives
- Not intended to be used by parties dissatisfied with the appropriate application of local rules and regulations within a County or local government

# Alternative Dispute Resolution Techniques

## Benefits

- Saving time and legal expenses
- Having greater control over the dispute resolution process
- Resolving conflicts in a more creative way than might be possible if it were left to a decision by a judge or jury
- Greater privacy in resolving disputes than is afforded in a courtroom
- Responding to conflict in a rational and courteous manner can increase communication, foster positive intergovernmental relationships, provide an opportunity for learning and broaden perspectives and solutions

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Purpose

- Provide a forum for disputing parties to reach consensus by engaging in facilitated negotiations
- Available to Washington County; cities, villages and towns within and adjacent to Washington County that have adopted a comprehensive plan; and counties adjacent to Washington County that have adopted a comprehensive plan
- Brings parties together to openly and candidly discuss an identified dispute and negotiate a mutually agreeable outcome

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Voluntary Participation Process

Prior to dispute:

- Units of government wishing to participate will pass a resolution and enter into an intergovernmental agreement
- Agreement will describe obligations of participating parties such as:
  - Designation of elected or appointed representatives to be members of a pool of eligible panelists
  - Designation of clerk or designee as eligible for the pool of potential recording secretaries
- UW-Extension and County staff will train representatives
  - Training sessions will likely follow election cycles

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Voluntary Participation Process

When a dispute arises:

- Joint application filed in person by a representative of each disputing party
- Fee
  - Disputing parties pay 100% cost of administrative and panel fees
    - \$1000 Application Administrative fee
    - \$800 additional meeting fee
    - Additional fees will be determined at the conclusion of the first meeting and imposed at the conclusion of the facilitated negotiations
    - All fees will be split equally among disputing parties
    - Withdrawal of an application shall not entitle the applicants to a refund of any fees and may result in the assessment of additional fees
  - Comparison to litigation costs and time

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Voluntary Participation Process

When a dispute arises:

- Each disputing party shall select three units of government (and two alternates) from the pool of governments for the other disputing party

Example: Town vs. City

- Town selects three city or village governments from pool of city-village government participants
- City selects three town governments from pool of town government participants

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Voluntary Participation Process

When a dispute arises:

Example: County vs. Town

- County selects three town governments from pool of town government participants
- Town selects three county governments from pool of county government participants
- If less than three participating county governments, town selects all participating county governments from pool and staff shall notify the participating county governments that it must designate an adequate number of panelists to fill three positions and two alternates

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Voluntary Participation Process

When a dispute arises:

- Each participating city, village or town government selected from the pool shall designate its own representative to serve on the panel
- Disputing parties also select a recording secretary and an alternate from the pool of available recording secretaries at the time of application
  - Not a member of the Panel
  - Not from a disputing body

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Limitations

- Panel's role is limited to conducting facilitated negotiation of town, village, city or county disputes related to the comprehensive plan
- Panel's role is to facilitate negotiations between the disputing parties in an effort to lead the parties to achieving a mutually agreeable resolution of the dispute or disputes brought forth

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Staff Role

(Washington County Planning and Parks Department)

- Provide administrative assistance to the Panel
- Accept and process joint applications
- Assemble the Panel
- Coordinate meetings

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Presiding Officer

- Upon convening, Panel shall elect a chairperson from among its selected members that:
  - Shall serve as such until the dispute is resolved or the process is otherwise terminated
  - Shall preside over and direct the conduct of all meetings of the Panel
  - Shall direct official business of the Panel
  - Shall supervise work of the Panel and request help when required
  - Shall decide all points of procedure or order

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Scope

The Panel shall facilitate negotiations of disputing parties who present an issue relating to the comprehensive plan and who desire to engage in **voluntary good faith** negotiations to resolve said dispute.

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Panel Meeting

- Meetings of the Panel shall be held, or may be canceled, at the call of the chairperson
- All meetings open to the public and scheduled and noticed in accordance with Wisconsin's Open Meeting Law, unless a disputing party requests a closed session and it is properly noticed as such

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Outcome

- All outcomes reduced to writing by recording secretary including identification of dispute, facts upon which outcome was based and impact of the outcome
- Written outcome shall be signed by the disputing bodies
- The Panel shall not be perceived as a decision-making body
- Informal advice – not binding
- If unsuccessful, proceed to formal mediation, arbitration, or litigation

# Washington County Multi-jurisdictional Dispute Resolution Panel

- Overwhelming Support for Idea
  - Subcommittee members have presented idea to all local governments within Washington County
  - Memos sent to all municipalities within and adjacent to Washington County
- 2007 Resolution 87 – Authorize Participation in the Washington County Comprehensive Dispute Resolution Panel
  - Adopted by County Board – April 15, 2008

# Washington County Multi-jurisdictional Dispute Resolution Panel

## Unknowns

- Yet to be tested
- Hopefully used by cities and villages

# Multi-jurisdictional Dispute Resolution Process in Washington County



## Questions?

For copies of dispute resolution documents, please contact:  
Debora Sielski, Deputy Administrator or  
Joshua Glass, Planner  
at (262) 335-4445