

CONCHO VALLEY COUNCIL OF GOVERNMENTS DISPUTE RESOLUTION PROCEDURES

1. PURPOSE

The purpose of this document is to provide a clear and structured process for resolving disputes between Concho Valley Council of Governments (“CVCOG”) and external parties. This procedure aims to ensure that all disputes are handled in a fair, transparent, and efficient manner while encouraging open communication between all involved parties.

2. OVERVIEW

CVCOG encourages the prompt resolution of disputes through frank, open, and honest discussions between the parties involved. If a resolution cannot be reached through discussions, CVCOG will default to procedures outlined in the Texas Government Code, initially under Chapter 2009. If the dispute remains unresolved after exhausting the options available under Chapter 2009, CVCOG may utilize additional dispute resolution processes under Texas Government Code Chapter 2260 or other applicable procedures.

3. INITIAL ATTEMPT TO RESOLVE DISPUTES THROUGH DISCUSSION

3.1. Good Faith Communication:

- All parties should first attempt to resolve the dispute by engaging in frank and honest discussions. This informal discussion phase should focus on addressing the issue, understanding each party’s position, and exploring possible solutions.
- Both parties are expected to act in good faith during this process and should attempt to negotiate in a constructive manner.

3.2. Timeliness of Communication:

The parties should initiate discussions as soon as a dispute is identified and should work to resolve the issue promptly. A reasonable time frame for these discussions is typically thirty (30) calendar days from the date the dispute is first raised.

4. TEXAS GOVERNMENT CODE CHAPTER 2009

If the dispute is not resolved through direct communication, CVCOG will follow the procedures set forth in Texas Government Code Chapter 2009. The steps are as follows:

4.1. Request for Alternative Dispute Resolution:

If discussions fail to resolve the dispute, either party may request the use of alternative dispute resolution (“ADR”) as outlined in Chapter 2009. ADR options may include mediation, settlement conferences, or other appropriate methods of conflict resolution.

4.2. Designated ADR Representative:

CVCOG will designate an ADR representative to facilitate the process, ensuring that both parties are informed about the procedures, timelines, and expectations.

4.3. Selection of ADR Process:

The parties, in consultation with the ADR representative, will agree on the appropriate ADR method (e.g., mediation or negotiation). If no agreement can be reached, the representative will make a final determination regarding the ADR process.

4.4. Completion of ADR:

The ADR process should be completed within a reasonable period, typically sixty (60) calendar days from the request for ADR. During this time, both parties will work to reach a mutually agreeable resolution.

5. TEXAS GOVERNMENT CODE CHAPTER 2260

If the dispute remains unresolved after attempting ADR under Chapter 2009, CVCOG may escalate the dispute resolution process to Texas Government Code Chapter 2260. The steps are as follows:

5.1. Request for Formal Resolution:

If the ADR process under Chapter 2009 fails to produce a resolution, CVCOG may initiate the formal dispute resolution process under Chapter 2260. The formal resolution may involve an administrative hearing before the State Office of Administrative Hearings (SOAH) or other processes as prescribed under Chapter 2260.

5.2. Timeline for Request:

A request for resolution under Chapter 2260 must be made within thirty (30) calendar days after the conclusion of the ADR process under Chapter 2009.

5.3. Formal Hearing Process:

If the dispute progresses to a formal hearing, all procedures will be governed by Chapter 2260, including timelines for filing claims, responding to claims, and conducting hearings.

6. FINAL RESOLUTION

If the dispute is still not resolved after the formal hearing process under Chapter 2260, CVCOG will review the outcome of the hearing and take appropriate action in accordance with the findings of the formal resolution process.

7. GENERAL GUIDELINES

- **Cooperation:** All parties are expected to cooperate fully throughout the dispute resolution process. A failure to cooperate may result in delays or complications in resolving the dispute.
- **Confidentiality:** All discussions, negotiations, and proceedings under ADR, Chapter 2009, and Chapter 2260 will be treated as confidential to the extent required by law.
- **Costs:** Each party will bear its own costs related to the dispute resolution process unless otherwise agreed upon or determined by the dispute resolution process itself.