

WHEREAS, government obtains its operating revenues from the citizens it governs; and

WHEREAS, governments' ability to manage and use its precious resources are left to those persons elected by the voters as the best possible person to perform this important job; and

WHEREAS, elected officials have an obligation to follow, create and enforce all of the various ordinances, laws and agreements to maintain an orderly society; and

WHEREAS, governmental entities must use their resources wisely and efficiently to benefit all of their citizens as well as to maintain order and decorum; and

WHEREAS, sometimes governmental entities are required to interact with each other or other branches of government; and

WHEREAS, agreements, resolutions, policies or issues are discussed and debated among these governmental leaders; and

WHEREAS, there are times that disagreements occur as to wording, interpretations or intent between the parties to an agreement or memorandum of understanding regardless of whether they are in the public or private sector; and

WHEREAS, good faith disputes can create problems and misunderstanding as to the parties intentions or obligations; and

WHEREAS, when these disputes arise sometimes discussion or negotiation can resolve them without much effort, but not every dispute can be settled so amicably; and

WHEREAS, the legal community created a program for resolving disputes between litigants called “alternative dispute resolution” or “mediation”; and

WHEREAS, over the years mediation has proven successful in concluding many different types of simple and complex legal disputes; and

WHEREAS, mediation requires all parties to participate in good faith and have a desire to reach a resolution; and

WHEREAS, there are a significant number of trained and qualified mediators that assist litigants in working out differences in legal matters; and

WHEREAS, results from mediation have shown that legal matters are resolved at a higher rate than traditional methods of dispute resolution; and

WHEREAS, disputes between governmental entities can be quite complex and involve issues of policy or political concerns that will have serious ramifications for many, many years; and

WHEREAS, disputes between governmental entities that will not be discussed and settled amicably will always result in a diversion of precious taxpayer money away from delivery of services; and

WHEREAS, citizens demand that its elected officials use the tax revenues as efficiently as possible; and

WHEREAS, disputes that arise between governmental entities or branches must be resolved as quickly as possible to maximize their own ability to provide services and work together for the greater improvement of society; and

WHEREAS, mediation provides an opportunity for governmental entities to resolve disputes and reduce the expenditure of taxes and wasting of time and effort.


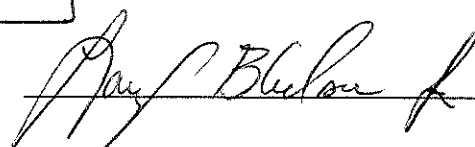

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY that:

1. All negotiations and participation in mediation shall be conducted in good faith with the sole purpose to resolve matters between parties as quickly and completely as possible.
2. Before commencing mediation, Delaware County shall discuss the disputes between all of the parties and negotiate toward a resolution to solve the problem.
3. It shall be the policy of Delaware County that in the event of any dispute between any other governmental entity or branch of government that can not be resolved by direct good faith negotiation or discussion, mediation shall be requested with a neutral mediator selected to assist both sides in the matter.
4. Mediation shall be sought prior to filing any lawsuit, except where certain legal requirements shall require suit to be filed.

5. Legal action shall be considered only in the event that discussion, negotiation and mediation have been conducted and those methods have failed to resolve the issues between the parties or in the event that certain rights or causes of actions shall be lost if suit is not filed.
6. In the event that certain legal requirements shall require suit to be filed, Delaware County shall instruct its legal representatives to schedule a mediation session as soon as practical and grant the opposing party an extension of time to file an answer until such time as mediation has been concluded.
7. All mediations shall be conducted between those elected officials necessary to dispose of the issues between the parties and their legal counsel.
8. Legal counsel shall be present to serve in an advisory capacity for legal issues and questions, but shall not be involved in any policy determination.
9. All mediations conducted shall conform to the rules for Alternative Dispute Resolution rules adopted by the Indiana Supreme Court.
10. Costs for all mediations shall be shared equally between all parties and there shall be no obligation for any entity to pay the mediation costs of the other party, unless otherwise agreed as part of a negotiated settlement.

11. In the event that Delaware County shall have a dispute with another governmental entity that has not adopted a similar resolution, Delaware County shall still be obligated to seek prompt mediation and shall ask for court assistance, if necessary.
12. In the event that early mediation is not successful, nothing shall prevent Delaware County from seeking additional mediation sessions later in the litigation to reduce the overall costs of the action.
13. Discussion, negotiation and mediation shall be required to be attempted even in disputes brought in the name of the governmental entity by a third party such as an insurance company, bonding company or employee against another governmental entity.

Dated this 3 day of January, 2007.

  
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ATTEST:

  
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Delaware County Auditor