

**Topic:** Alternative Dispute Resolution  
**Resource Type:** Regulations  
**State:** California  
**Jurisdiction Type:** Municipal  
**Municipality:** City of San Diego  
**Year** (*adopted, written, etc.*): 1993  
**Community Type – applicable to:** Urban; Suburban  
**Title:** City of San Diego Municipal Code –  
Alternative Dispute Resolution Provision  
**Document Last Updated in Database:** January 27, 2016

### ***Abstract***

In the interest of gaining compliance with municipal statutes (including zoning/land use laws), the San Diego city council enacted a statute to allow for mediation of all disputes involving San Diego statutes as well as applicable California and federal statutes. The municipal code allows for both mediation and facilitation.

### ***Resource***

Article 2: Code Enforcement  
Judicial and Administrative Remedies

Division 11: Mediation  
("Mediation" added 8-10-1993 by O-17956 N.S.)

#### **§12.1101 Declaration of Purpose**

The Council finds there is a need for mediation and other forms of dispute resolution as a means to gain compliance with provisions of the San Diego Municipal Code and applicable federal and state codes. The Council further declares that public policy facilitation can be an effective technique to avoid disputes by developing consensus amongst stakeholders on controversial issues. Both mediation and facilitation can often resolve disputes in a more efficient and effective manner without the necessity of more formal administrative action or litigation. The Council further finds that mediation and facilitation can foster better relations among and with the citizenry of San Diego and enhance the reputation of the City.  
("Declaration of Purpose" added 8-10-1993 by O-17956 N.S.)

#### **§12.1102 Definitions**

For purposes of Division 11, the following definitions shall apply:

"Enforcement Case" means any complaint or case on file with a City Department that involves alleged violations of the Municipal Code or applicable provisions of state or federal law.

“Disputing Party” means any person responsible for alleged violations, interested or involved citizens who may have complained to the City about the alleged violations, crime victims and appropriate representatives from the City Department.

“Facilitation” means a process whereby a neutral third party conducts one or a series of meetings or sessions between and amongst relevant Stakeholders to a particular dispute or controversial issue or policy with the purpose of improving communication and developing consensus about possible solutions.

“Mediation” means a meeting between or among disputing parties to clarify their differences and design their own mutually acceptable agreement, with the assistance of a Mediator.

“Mediator” means a neutral third party who has received at least 25 hours of mediation training from a reputable mediation program recognized by the City of San Diego.

“Referring Agency” means a Director of a City Department, the City Manager, the City Attorney or one of their designees.

“Stakeholder” means any person or organization or association that is directly affected by a particular issue or policy.

(“Definitions” added 8-10-1993 by O-17956 N.S.)

#### §12.1103 Procedures

The Referring Agency may refer Enforcement Cases and other types of disputes and controversies to a neutral third party to schedule and coordinate a Mediation or Facilitation as may be appropriate.

(“Procedures” added 8-10-1993 by O-17956 N.S.)

#### §12.1104 Confidentiality

All documents and results related to Mediations and Facilitations held pursuant to this Division shall be kept confidential in any subsequent administrative or judicial proceeding. The provisions of California Evidence Code Sections 1152 and 1152.5 and other laws pertaining to confidentiality and disclosure shall apply to Mediations and Facilitations held pursuant to this Division.

(“Confidentiality” added 8-10-1993 by O-17956 N.S.)

#### §12.1105 Enforcement

Failure by any of the Disputing Parties to participate in a Mediation or to comply with the terms of the Mediation agreement does not preclude any of the parties from pursuing further administrative or legal action as provided by law.

(“Enforcement” added 8-10-1993 by O-17956 N.S.)