

NEW MEXICO EXECUTIVE ORDER 00-08

Implementing a Government DR Act, and designating DR Coordinators

WHEREAS, this Administration is committed to ensuring that state agencies utilize more efficient, less expensive and more satisfying methods of resolving disputes; and

WHEREAS, traditional adjudicatory processes have become increasingly costly, time consuming and contentious; and

WHEREAS, Alternative Dispute Resolution (ADR) and collaborative processes in general, offer a means of resolving disputes more quickly, less expensively and with more satisfying results; and

WHEREAS, an increased use of ADR by Executive Agencies will enhance the operation of State Government and better serve the public; and

WHEREAS, the Legislature recently passed and I recently signed the Governmental Dispute Resolution Act (ACT) authorizing public agencies in New Mexico to utilize ADR and establish ADR programs;

NOW, THEREFORE, I, Gary E. Johnson, Governor of the State of New Mexico, do hereby order the following:

SECTION 1. LEAD AGENCY.

The Risk Management Division of the General Services Department (GSD) is hereby designated as the lead agency for implementing the Act and this Executive Order. Risk Management shall work with other agencies pursuant to the provisions of this Executive Order. Risk Management shall work with other agencies with other agencies pursuant to the provisions of this Executive Order to achieve full implementation of the Act across all Executive Agencies in State Government.

SECTION 2. AGENCY RESPONSIBILITY.

Each Executive Agency shall assume responsibility for implementing each provision of the Dispute Resolution Act within that agency. The head of each Executive Agency shall designate an Alternative Dispute Resolution Coordinator who shall encourage and facilitate the use of ADR in his or her agency and who shall report directly to the head of the agency. The head of each Executive Agency and his or her designated ADR Coordinator shall be responsible for:

- A. Becoming familiar with ADR, where and how it might be used in their agency, and regularly exploring, encouraging and facilitating the use of ADR in their agency.
- B. Developing a plan, to be updated annually, for implementing ADR in their agency including its use for developing, implementing and enforcing rules, imposing penalties, addressing multi-agency issues, resolving other regulatory, permitting and employment actions, and addressing other State government issues.
- C. Developing a plan for training managers and staff in the various forms and use of ADR.

- D. Transmitting both plans described in Sections 2.B. and C. above to the Risk Management Division of the GSD no later than December 31, 2000, and annually thereafter.

SECTION 3. ADR ADVISORY COUNCIL.

The head of each Executive Agency shall serve or may appoint an individual to serve on an ADR Advisory Council (Council). The Council shall:

- A. Establish a chair for the Council.
- B. Develop a charter for the Council.
- C. Establish the duties of the Council consistent with the Act and this Executive Order.
- D. Establish adequate staff to carry out Council responsibilities, who shall be employees of Risk Management.
- E. Report to the Governor and GSD at least annually.
- F. Develop a template to be used by agencies for the ADR plans to be developed under Sections 2.B. and C. above.
- G. Identify, collect and disseminate where appropriate data on ADR use, including results of ADR, and the development of estimates comparing the costs associated with traditional adversarial dispute resolution approaches with those associated with ADR approaches.
- H. Ensure agencies evaluate regulations, policies and standards for appropriate inclusion of ADR practices.
- I. Ensure that State government benefits from an economy of scale in the implementation of training and ADR services.
- J. Identify continued uses and applications for ADR throughout State Government.

SECTION 4. INITIAL TRAINING.

The head of each Executive Agency, the designated ADR Coordinator and their appointee to the ADR Advisory Council if different from the head of the agency shall attend an ADR orientation and training, coordinated by the Risk Management Division and conducted through the Governor's Office, by June 30, 2000.

This Executive Order supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect on April 14th, 2000, and shall remain in effect until such time as it is rescinded by the Governor.

DONE AT THE EXECUTIVE OFFICE THIS 14th DAY OF APRIL, 2000.

GARY E. JOHNSON
GOVERNOR

REBECCA VIGIL-GIRON
SECRETARY OF STATE