

**City of Culver City, California
Agenda Item Report**

Meeting Date: 05/11/2015	Item Number: C-20
CITY COUNCIL AGENDA ITEM: (1) Consideration of a Recommendation from the Landlord Tenant Mediation Board to Approve their Proposed Bylaws; and (2) Adoption of a Related Resolution.	
Contact Person/Dept.: Martin Cole/City Clerk; Heather Baker/City Attorney;	Phone Number: 310-253-6000 310-253-5660
Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Public Hearing: <input type="checkbox"/>	Action Item: <input type="checkbox"/> Attachments: <input checked="" type="checkbox"/>
Commission Action Required: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Date: LTMB (04/29/15)
Public Notification: (E-Mail) Meetings and Agendas – City Council, and Landlord Tenant Mediation Board (05/06/14)	
Department Approval: Martin Cole (05/06/15) Carol Schwab (by H. Baker) (05/06/15)	City Attorney Approval: Carol Schwab (by H. Baker) (05/06/15)
Chief Financial Officer Approval: Jeff Muir (05/06/15)	City Manager Approval: John M. Nachbar (05/06/15)
<p><u>RECOMMENDATION:</u></p> <p>Staff recommends the City Council (1) consider a recommendation from the Landlord Tenant Mediation Board (LTMB) to adopt their proposed bylaws; and (2) adopt a related Resolution (Attachment 1).</p> <p><u>BACKGROUND:</u></p> <p>Pursuant to City Council direction, the LTMB began its review of its existing Organization and Implementation Guidelines (the “Guidelines”) (Attachment 2) in March of 2014, to update the nearly 30-year old document. The attached proposed bylaws of the LTMB (the “Proposed Bylaws”) (Exhibit A to Attachment 1) are the product of a comprehensive review of the Guidelines. The review was conducted by the LTMB, the designated Guidelines Update Subcommittee, consisting of Vice-Chair Kyle Jones, Member Olga Vaysberg and Member Kenneth Rothschild (the “Guidelines Subcommittee”), the City Attorney’s Office (by Assistant City Attorney Heather Baker), the City Manager’s Office (by Assistant City Manager/City Clerk Martin Cole) and Housing Administrator Tevis Barnes. At its meeting of April 29, 2015, the LTMB unanimously recommended the City Council approve the proposed LTMB Bylaws.</p> <p><u>DISCUSSION:</u></p>	

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A summary of the key changes to the existing Guidelines are set forth below (if approved, the Proposed Bylaws would replace and supercede the existing Guidelines):

1. Change title of each Board Member from "Representative" to "Member."
2. Non-disclosure of "landlord" or "tenant" designation at mediations.
3. Convert "Alternate" Member Positions to full Board Member Positions.
4. Board will consist of 12 Members, with four from each category.
5. Authority for Board to designate a Community Outreach Coordinator and Council Liaison on an as-needed basis.
6. Four-year terms, with no term limits.
7. Eliminate distinction of landlord and tenant representatives based on the number of units in a building/complex.
8. Eliminate restriction on tenant representatives from having a financial interest in residential income-producing property outside of Culver City.
9. Eliminate preference that members-at-large do not have any direct business or financial relationship with real estate professionals, and with landlords or property managers outside of Culver City.
10. Include, when possible, one Board Member on a mediation panel that has conducted prior mediations.
11. Clarify primary role of Board Members is to carry out objectives of the Board.
12. Emphasize neutral role as an essential principle to mediation and its importance in the mediation process.
13. Emphasize confidentiality of mediation sessions and recourse if a Board Member violates said confidentiality.
14. Mediation agreements reached by the parties to be attested to by the mediation panel.
15. Addition of requirement that Board Members sign a declaration acknowledging commitment to maintain neutrality and confidentiality.
16. Eliminate arbitration services.
17. Allow for voluntary mediation of rent increases for condominiums, townhomes, mobile homes and single-family homes.
18. Elimination of the mandatory requirement for the Board to submit an annual report to the City Council. This does not preclude the Board from submitting a report to the Council at any time. (The requirement for the Board reporting at its regular meetings remains.)
19. Clarification that Board reports are subject to the confidentiality requirements of the CCMC and the Bylaws.
20. Interpretations of whether a matter constitutes a "rent increase," to be determined by the Staff Liaison in consultation with the City Attorney's Office and, when needed, the City Manager's Office. This change was made to maintain compliance with the Brown Act.
21. Memorialize grounds for disclosure and disqualification relating to mediation panels.
22. Memorialize training requirement.

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23. Modify policy regarding the number of absences triggering a referral of a Board Member to City Council to two unexcused absences.

In addition, there has been significant reorganization of sections, headings and groupings of provisions; and language changes or additions for consistency with the bylaws of other Commissions and Committees, particularly in the Board Organization and Meetings sections.

Staff would like to acknowledge and thank the Board Members for their hard work and thoughtful contributions on this significant project!

FISCAL ANALYSIS:

There is no fiscal impact associated with the adoption of the proposed LTMB Bylaws.

ATTACHMENTS:

1. Proposed Resolution (including Exhibit A – LTMB Bylaws); and
2. Existing Organization and Implementation Guidelines of the Landlord Tenant Mediation Board.

MOTION:

That the City Council:

1. Consider the recommendation of the Landlord Tenant Mediation Board; and
2. Adopt a Resolution approving the Landlord Tenant Mediation Board Bylaws.