



Culver CITY

CATHEDRAL ROOM
THIRD FLOOR
9770 CULVER BOULEVARD,
CULVER CITY, CALIFORNIA 90232-0507
CITY HALL Tel. (310) 253-6000
FAX (310) 253-6010

Judy Scott, Chairperson
Kyle Jones,
Vice-Chairperson
Mike Berlin, Board Member
Shireen Daytona, Board Member
Justin Lescoulie, Board Member
Taria Lewis, Board Member
Kenneth Rothschild, Board Member
Olga Vaysberg, Board Member

LANDLORD TENANT MEDIATION BOARD

REGULAR MEETING Wednesday, April 29, 2015

PUBLIC COMMENT: At the times provided on the Agenda, the Landlord Tenant Mediation Board will receive comments from the public on any item of interest to the public (not listed on the agenda) that is within the subject matter jurisdiction of the Landlord Tenant Mediation Board. The Landlord Tenant Mediation Board cannot legally take action on any item not appearing on the agenda. Such items may be referred for administrative action or scheduled on a future agenda. If you wish to address the Landlord Tenant Mediation Board, Housing staff requests you complete a Speaker's Card and present it to Housing staff before the agenda item is called. You will be called to the podium when it is your turn to address the Landlord Tenant Mediation Board. Providing your name and other information requested on the Speaker's Card is voluntary and is requested only to provide a reasonable means to notify persons when their opportunity to address the Landlord Tenant Mediation Board has arrived. All persons may attend the meeting regardless of whether a person signs, registers, or completes a speaker's card. For specific items listed on the agenda, requests to address the Landlord Tenant Mediation Board must be made prior to the calling for a vote on that particular item by the presiding officer. Each speaker may address the Landlord Tenant Mediation Board for up to three minutes (up to four minutes if time is ceded). Persons who are present in the Patacchia Room may cede one minute of time to one other person who is present and wishes to address the Landlord Tenant Mediation Board by presenting a Speaker's Card to Housing staff. Public comments on items on the agenda are taken at the time that particular agenda item is considered by the Landlord Tenant Mediation Board.

AUTHORITY OF PRESIDING OFFICER: Section 611 of the City Charter provides that during any public meeting, all persons shall have the right to address the Landlord Tenant Mediation Board, and any City commission, board or committee, subject to reasonable rules of decorum and time limits established by ordinance or the presiding officer. Therefore the presiding officer may, from time to time, establish different time limits than those listed in this Agenda in order to effectively conduct City business.

AVAILABILITY OF AGENDA PACKETS AND CONSERVATION OF RESOURCES: Copies of the Agenda are available on the table near the entrance of the Patacchia Conference Room. Members of the public may inspect (at no cost) and/or obtain copies (upon payment of the City's current copying fee) of any regular session item by visiting the City Clerk's Office at City Hall. The City also posts this information on its website (www.culvercity.org) as a courtesy. In order to conserve resources, paper copies of joint items (including JOINT CONSENT CALENDAR, JOINT PUBLIC HEARINGS, and JOINT ACTION ITEMS) are provided only with the Landlord Tenant Mediation Board agenda packet.

CELL PHONES AND OTHER DISTRACTIONS: Use of cell phones, pagers and other communication devices is prohibited while the meeting is in session. Please turn all devices off or place on silent alert and leave the Landlord Tenant Mediation Board Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers or the conduct of City business.

MEETING INFORMATION AND ACCOMODATION: Landlord Tenant Mediation Board meetings are regularly scheduled for last Wednesday every other quarter. Landlord Tenant Mediation Board Agenda information is available at least 72 hours before each Landlord Tenant Mediation Board meeting. Any person needing reasonable accommodation related to disabilities including assisted listening devices is welcome to contact the City Clerk's Office at 310-253-5851 or see the City Clerk at the meeting.

NOTE: AT OR ABOUT 9:00 P.M., BOARD MEMBERS MAY DETERMINE WHETHER TO CONTINUE WITH DISCUSSION OF REMAINING ITEMS ON THE AGENDA OR TO CARRY SOME/ALL OF THE ITEMS OVER TO A FUTURE MEETING DATE.



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AGENDA
LANDLORD TENANT MEDIATION BOARD
REGULAR MEETING

Wednesday, April 29th, 2015
7:00 PM (Regular Session)
Cathedral Room

CALL TO ORDER & ROLL CALL: **Judy Scott**, Chairperson
Kyle Jones, Vice Chair
Mike Berlin, Board Member
Shireen Daytona, Board Member
Justin Lescoulie, Board Member
Kyle Jones, Board Member
Taria Lewis, Board Member
Kenneth Rothschild, Board Member
Olga Vaysberg, Board Member

REGULAR SESSION - 7:00 PM

PLEDGE OF ALLEGIANCE

**COMMUNITY ANNOUNCEMENTS BY LANDLORD TENANT MEDIATION
BOARDMEMBERS/INFORMATION ITEMS FROM STAFF**

RECEIPT AND FILING OF CORRESPONDENCE

Note: The Landlord Tenant Mediation Board shall consider a motion to receive and file all written correspondence related to agenda items appearing on this evening's agenda and for all other written documents (including e-mails) on subjects not appearing on the agenda that were received by the Housing Division Office no later than 4:00 PM on the day of the meeting. Comments received in writing will be distributed to the Landlord Tenant Mediation Board Members before consideration of an item on the agenda and become part of the official record of the meeting.

CONSENT CALENDAR

Note: Consent Calendar items are considered to be routine in nature and may be approved by one motion. All requests to address the Landlord Tenant Mediation Board under these items must be filed with Housing staff before the Consent Calendar is called by the presiding officer.

- C-1.** Approval of Minutes for the Regular Meetings of October 29th, 2014.
Approve Minutes.

ORDER OF THE AGENDA

Note: The Landlord Tenant Mediation Board may consider reordering the sequence in which items appearing on this evening's agenda will be considered by the Landlord Tenant Mediation Board.

ACTION ITEMS

- A-1.** Quarterly Report of Mediated Cases and Request for Mediation during the last two quarters (November, 2014 – April, 2015).
Subject to the confidentiality requirements of Culver City Municipal Code, Chapter 15.09 and the Board Guidelines, discuss the outcomes of all mediated cases that occurred during the last quarter (November, 2014 – April, 2015). In addition, discuss all mediation requests during the last quarters and all recent mediation requests.

- A-2. 1) Discussion of the Proposed Bylaws of the Landlord Tenant Mediation Board (formerly the Organization and Implementation Guidelines); and 2) Recommendation to City Council to Approve the Proposed Bylaws.
Discuss the revisions and updates to the Landlord Tenant Mediation Board Organization and Implementation Guidelines (proposed to be referred to as Bylaws) and make a motion to recommend to the City Council approval of the proposed revisions and updates.
- A-3. Discussion of the objectives of the Landlord Tenant Mediation Board, roles and responsibilities of the Landlord Mediation Board and the importance of confidentiality and neutrality.
Discuss the objective of the Landlord Tenant Mediation Board, the role of the Landlord Mediation Board members, including the importance of maintaining confidentiality and neutrality.
- A-4. Invitation to Commissions, Committees and Boards to provide comments during the City's Fiscal Year 2015/2016 Budget Process.
Input from the Landlord Tenant Mediation Board to the City's Fiscal Year 2015/2016 Budget Process.

PUBLIC COMMENT - Items NOT On The Agenda (continued)

ITEMS FROM COMMITTEE MEMBERS

Note: At this time, Landlord Tenant Mediation Board Members may: (1) make individual comments on matters not on the agenda, (2) request Housing Staff to report back to the Landlord Tenant Mediation Board concerning a particular matter, or (3) provide direction to Housing staff to place items on a future agenda for consideration by the Landlord Tenant Mediation Board.

ADJOURN

Note: At this time, the Landlord Tenant Mediation Board shall consider adjourning the meeting. In the case a date and time is not included as part of the motion of adjournment, then the next meeting of the Landlord Tenant Mediation Board shall be held at the date and time and in the place specified in the agenda posted for that meeting.

**Next Landlord Tenant Mediation Board Regular Meeting
July 29th, 2015
7:00 PM**

Culver CITY

MEMORANDUM

DATE: 04/24/2015

TO: Chairperson Judy Scott and Members of the Landlord-Tenant Mediation Board

FROM: Heather Baker, Assistant City Attorney
Tevis Barnes, Housing Administrator

SUBJECT: **Agenda Item A-2 for the April 29, 2015 Board Meeting:**
1) Discussion of the Proposed Bylaws of the Landlord-Tenant Mediation Board (formerly the Organization and Implementation Guidelines); and 2) Recommendation to City Council to Approve the Proposed Bylaws.

CC: Martin Cole, Assistant City Manager/City Clerk
Sol Blumenfeld, Community Development Director

BACKGROUND:

Pursuant to City Council direction, the Landlord Tenant Mediation Board (the "Board") began its review of its existing *Organization and Implementation Guidelines* (the "Guidelines") (Attachment 1) in March of 2014, to update the nearly 30-year old document. The attached proposed *Bylaws of the Culver City Landlord Tenant Mediation Board* (the "Bylaws") (Attachment 2) are the product of a comprehensive review of the Guidelines. The review was conducted by the Board, the designated Guidelines Update Subcommittee, consisting of Vice-Chair Kyle Jones, Member Olga Vaysberg and Member Kenneth Rothschild (the "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 (collectively referred to as "City Staff").

At its October 2014 meeting, the Board moved to approve, for recommendation to the City Council, several substantive revisions to the existing Guidelines, which are listed herein below. It was discussed at that time that City Staff would conduct a further review of the document to identify: 1) outdated, inapplicable and unnecessary provisions or language; 2) areas of ambiguity or vagueness that could benefit from clarity; and 3) provisions that may be inconsistent with the Culver City Municipal Code (CCMC), other applicable law, and/or the stated purpose and role of the Board.

DISCUSSION:

The proposed Bylaws have been substantially reorganized, with many provisions being moved around in the document, which makes it difficult to read the document in the “track changes” version (Attachment 3). Therefore, the final proposed Bylaws (the “clean” version), as well as the existing Guidelines (Attachments 1 and 2, respectively, as identified above) are included for ease of review and reference.

The following are a list of key changes recommended by the Board and Subcommittee, which have been included in the Proposed Bylaws:

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. (Staff recommends that it is more appropriate to include these as-needed positions as discretionary duties, rather than include them as Officers of the Board.)
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. Retention of a three-member mediation panel and ability to go forward with fewer than three with consent of the parties.
9. Include, when possible, one Board Member on a mediation panel that has conducted prior mediations.
10. Clarify primary role of Board Members is to carry out objectives of the Board.
11. Emphasize neutral role as an essential principle to mediation and its importance in the mediation process.
12. Emphasize confidentiality of mediation sessions and recourse if a Board Member violates said confidentiality.
13. Mediation agreements reached by the parties to be attested to by the mediation panel.
14. Addition of requirement that Board Members sign a declaration acknowledging commitment to maintain neutrality and confidentiality.
15. Eliminate arbitration services.
16. Allow for voluntary mediation of rent increases for condominiums, townhomes and mobile homes.

The following are a list of some of the key substantive changes recommended by City Staff, which have been included in the Proposed Bylaws (not including detailed typographical, grammatical and/or formatting changes):

1. Change name of document to Bylaws.

2. Significant reorganization of sections, headings and groupings of provisions.
3. Language changes or additions for consistency with the Bylaws of other Commissions and Committees, particularly in the Board Organization and Meetings sections.
4. Deletion of the reference to “conciliation.”
5. 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.)
6. Clarification that Board reports are subject to the confidentiality requirements of the CCMC and the Bylaws.
7. 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.
8. Memorialize grounds for disclosure and disqualification relating to mediation panels.
9. Memorialize training requirement.
10. Modify policy regarding the number of absences triggering a referral of a Board Member to City Council to two unexcused absences.

Next Steps:

If the Board approves the proposed Bylaws for recommendation to the City Council, the matter will be considered by the City Council at its **May 11th** meeting. This will ensure the Bylaws are in place before the City Council considers filling vacancies at the May 26th Council Meeting.

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

ATTACHMENTS:

1. Proposed Bylaws (clean version)
2. Guidelines
3. Proposed Bylaws (track changes version)

MOTIONS:

That the Landlord Tenant Mediation Board:

1. Discuss the proposed Bylaws of the Landlord Tenant Mediation Board;
2. Recommend to the City Council approval of the proposed Bylaws; and/or
3. Provide other input as deemed appropriate.

ATTACHMENT 1

BYLAWS OF THE CULVER CITY LANDLORD-TENANT MEDIATION BOARD

I. PURPOSE AND OBJECTIVES

As set forth in Culver City Municipal Code (CCMC) Section 15.09.005, the purpose and objectives of the Landlord-Tenant Mediation Board (the "Board"), are as follows:

- A.** To reduce tensions in the rental housing market by requiring the parties involved in a rent increase dispute to participate in a good faith mediation session with objective and neutral mediators. The sessions will serve to facilitate a means of resolution of disputes between tenants and landlords of residential rental properties related to rent increases, through the process of mediation.
- B.** To build and strengthen communications between landlords and tenants and educate the parties about the landlord and tenant relationship and the rights and responsibilities of both parties.

II. BOARD ORGANIZATION

A. Composition

The Board shall consist of 12 members appointed by the City Council as follows:

- Four Tenant Members
- Four Landlord Members
- Four Members-at-Large

B. Qualification and Selection of Board Members

1. Tenant Members shall be tenants of residential rental property located within the City of Culver City, and neither the applicant nor the applicant's spouse or dependents shall have any financial interest in residential income-producing property either in Culver City or elsewhere.
2. Landlord Members shall own, manage or have a residential income property interest(s) within the City of Culver City, and shall preferably be residents of the City of Culver City.
3. Members-at-Large shall be residents of the City of Culver City.

Members-at-Large shall neither be tenants within the City of Culver City, nor shall they own or have an ownership interest in any residential income-producing property in the City of Culver City. Furthermore, preferably, neither Members-at-Large nor their spouse or dependents shall have any direct business or financial relationship with either landlords, property managers or real estate professionals within the City of Culver City or elsewhere.

4. All Board Members shall be selected by the City Council without regard to race, creed, color, religion, ancestry, national origin, sex, sexual orientation, gender, gender identity, gender expression, income, age, disability, medical condition, genetic information, and marital status.
5. Upon appointment to the Board, each Member shall be required to sign a declaration acknowledging his or her commitment to maintain neutrality and impartiality in his or her role on the Board, to conduct mediations in a neutral and an impartial manner, and to maintain the confidentiality of all mediations.

C. Terms of Office

1. Board Members shall serve a term of four years with no terms limits.
2. All Board Members shall serve at the pleasure of the City Council and may be removed at any time, and without cause, by a majority vote of the City Council.

D. Absence of Board Members

The name of any Board Member who within any twelve month period has more than two unexcused absences from regular meetings of the Board, shall be referred to the City Council for consideration of removal.

E. Appointments to Fill Vacancies

If a vacancy occurs, the City Council may, but shall not be required to, appoint a qualified replacement. Such qualified replacement shall serve for the unexpired term for that seat. Upon expiration of such unexpired term, the incumbent may apply for re-appointment by the City Council.

F. Compensation

Board Members shall receive compensation, if any, at the rate established by City Council resolution.

G. Mediation Training

Board Members must complete mandatory mediation training within 60 days of appointment, or as soon thereafter as a training session becomes available. Board Members shall coordinate such training through the Staff Liaison.

III. OFFICERS

A. Designation of Officers

At each meeting in July, the Board shall elect its officers consisting of a Chair and Vice-Chair, both of whom shall serve at the pleasure of the Board.

B. Duties of the Officers

1. The Chair shall preside at all Board meetings.
2. The Vice-Chair shall perform the duties of the Chair in his or her absence.

IV. MEETINGS

A. Regular Meetings

The Board shall meet on a quarterly basis on the last Wednesday of the months of January, April, July and October at a time and place to be decided by the Board. Regular meetings may be rescheduled by the Staff Liaison when necessary. Regular meetings may be cancelled by the Chair, in consultation with the Staff Liaison.

B. Special Meetings

Special meetings may be called at any time by the Chair or a quorum of the Board.

C. Brown Act

All meetings shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with

California Government Code Section 54950).

D. Quorum and Voting

A majority of the seated Board Members shall constitute a quorum. Each Board Member shall be entitled to one vote. Approval of any matter requires an affirmative vote from the majority of the Board Members present and voting. Abstention is not considered voting.

E. Conduct of Meetings

The latest edition of *Robert's Rules of Order* shall constitute the parliamentary guidelines for transaction of the Board's business. Where there is a conflict between Robert's Rules of Order and these Bylaws, the Bylaws shall have precedence. Failure to strictly follow Robert's Rules of Order shall not invalidate any action of the Board.

F. Placing Items on an Agenda

Consensus among a majority of the Board Members present and voting must exist in order to place an item on a future agenda for discussion or to request research by staff.

G. Board Report

At the Regular Meetings, the Board shall report on all mediation sessions conducted and business transacted at special meetings, if any such Special Meetings were held, since the last Regular Meeting. Subject to the confidentiality requirements of CCMC Chapter 15.09 and these Bylaws, in reporting on mediation sessions, the Board Members who participated in mediation panels may provide general comments regarding the mediations held (i.e. statistical information, successful and unsuccessful techniques used, etc.), but shall not disclose any of the substantive details of the confidential mediation sessions.

V. DUTIES

A. Role

A Board Member's primary role is to carry out the purpose and objectives of the Board.

B. Mediation Services

1. Members of the Board shall serve on panels to conduct mediation sessions to discuss and attempt to resolve disputes relating to rent increases and educate the parties about the landlord-tenant relationship, in accordance with the policies and procedures set forth in Section VI of these Bylaws.
2. Mediation sessions shall provide a confidential and neutral forum for landlords and tenants to discuss and resolve disputes relating to rent increases, as set forth in Section VI.E of these Bylaws.

C. Community Outreach Coordinator

The Board may designate, on an as-needed basis, one of its Members to coordinate community outreach efforts and communicate information regarding the available services of the Board, and other duties as may be assigned by the Board.

D. Council Liaison

The Board may designate, on an as-needed basis, one of its Members to act as liaison to the City Council to report on the Board's activities.

VI. MEDIATION PROCESS GUIDELINES, POLICIES AND PROCEDURES

A. Scope of Mediation

1. For purposes of these Bylaws, mediation is the process whereby a panel of Board Members, who are not a party to the dispute, attempt to assist the parties to the dispute, to come to a voluntary agreement. The mediation panel does not render a decision.
2. Landlords and/or tenants may contact City staff for basic information and referral regarding landlord/tenant rights and responsibilities. The Board, however, shall provide mediation services only regarding rent increases.
3. If a Request for Mediation is filed which presents a question as to whether a rent increase issue is presented, the matter shall be determined by Housing Division Staff in consultation with the City

Attorney's Office. Upon the request of the Housing Division Staff or the City Attorney's Office, such determinations may also involve staff from the City Manager's Office, whose decision shall be final.

B. Mandatory Mediation

Following receipt of a Request for Mediation regarding a rent increase-related dispute, City staff shall determine if it was timely filed within 15 days of receipt of a notice of rent increase, as required by CCMC Section 15.09.020. If the Request for Mediation is timely filed, City staff shall schedule a mandatory mediation session at a time prior to the effective date of the rent increase.

C. Voluntary Mediation

1. In the case a Request for Mediation is not timely filed, City staff shall contact the landlord party, either by telephone or in writing, and convey the nature of the complaint and provide the landlord and tenant parties an opportunity to voluntarily settle the dispute with the assistance of a Mediation Panel. Both parties to the dispute, and/or their authorized representatives who have the power to act on behalf of a party(ies) to the dispute, must voluntarily agree to be present and participate in the mediation process. If the parties voluntarily determine to participate, City staff shall schedule a mediation session before a panel.
2. A rent increase for a condominium, townhome or mobile home unit is eligible for voluntary mediation in accordance with the process set forth in Section VI.C.1, above.

D. Conduct of Mediation Sessions

1. Mediation sessions shall be closed to the public and shall take place at a location, date, and time convenient to all parties to the dispute.
2. Mediation shall be conducted in a session attended by all parties to the dispute; provided that if any party declines to meet, the mediation may be conducted in separate sessions.
3. A Mediation panel in each case shall consist of one Landlord Member, one Tenant Member, and one Member-at-Large. In the event the assembly of a three-member panel is not feasible, a panel of fewer than three Board Members may conduct a mediation session if the parties in the dispute consent in writing to the waiver of a three-member panel and agree to mediation by a panel of fewer than three members. If a panel of two members cannot be convened,

subject to the parties' in the dispute consent in writing, a single mediator may be utilized, provided however, that such a mediator shall be selected from the Board Members-at-Large. When possible, a mediation panel should include one Board Member who has had prior experience participating on a mediation panel.

4. If mediation leads to an agreement between the parties, such agreement shall be prepared in writing and signed by the parties and attested to by the Board Member(s) who comprised the mediation panel. If mediation reaches an impasse, the panel may provide the parties information regarding other options that may be available to assist the parties in resolving their dispute.

E. Confidentiality and Neutrality

1. In submitting a dispute to mediation, all parties shall acknowledge that the proceedings of the mediation are privileged and confidential, and any admission or concession made by any party shall not prejudice the positions of any party or be introduced as evidence in any litigation or proceedings in accordance with California Evidence Code Section 1152.5.
2. All matters connected with mediation efforts under CCMC Chapter 15.09 and these Bylaws are privileged and confidential and shall not be examined or inspected, except by a party to the mediation, and shall not be offered or accepted into evidence in any later arbitration, litigation, or other judicial proceeding.
3. In order to preserve the confidentiality of the mediation process, the identity of the parties to a dispute shall be confidential, except insofar as disclosure of the parties' identity(ies) may be necessary in furtherance of the provisions of CCMC Chapter 15.09, other provisions of law, or pursuant to a court order.
4. No person shall make an electronic, photographic or stenographic recording of the whole or any part of any mediation session unless permission is given by all participating parties.
5. Board Members shall conduct themselves with neutrality and impartiality, which are critical components in providing a fair and equitable mediation process.
6. In order to foster an environment of neutrality, Board Members shall not disclose their Member designation (i.e. Landlord, Tenant or Member-at-Large) during the course of a mediation session.

7. A violation of the provisions of this Section VI.E may be cause for a Member's removal from the Board.

F. Disclosure and Disqualification

1. The following are grounds for a Board Member to be disqualified from sitting on a mediation panel:
 - a. If a Board Member is one of the parties.
 - b. If a Board Member is a friend or family member of one of the parties.
 - c. If a Board Member has a financial conflict of interest pursuant to applicable laws.
2. In the event of disqualification of a Board Member, the party or parties shall be advised of the Board Member's conflict and shall be further advised that the Board Member will not participate in any way in their capacity as a Board Member in any matter relating to the case.

G. Other Procedures.

The Board shall have the power to establish additional procedures for implementing its responsibilities under these Bylaws including, without limitation:

1. Procedures for assignment of Board Members to mediation panels; and,
2. Procedures for assignment of cases to mediation panels; and,
3. Procedures for replacement of Board Members who are for any reason disqualified to serve on a panel.

VII. STAFF SUPPORT

The City's Housing Administrator, or designee working under the general supervision of the Housing Administrator, shall act as liaison to the Board and shall:

- A.** Respond to initial calls from landlords or tenants requesting information and referral or for a mediation hearing appointment and facilitate and encourage communication between a landlord and tenant, but shall not

mediate; and,

- B.** Complete intake data regarding a landlord/tenant rent increase dispute and verify such information with the assistance of other City staff members; and,
- C.** Coordinate mediation session appointments with the Board Chair; and,
- D.** Take minutes, and coordinate with the Chair the preparation and dissemination of required reports; and,
- E.** Perform follow-up activity deemed necessary by the Board, and maintain a reference file on agencies, services and other groups for use in the mediation process and for referral for landlords and/or tenants not wishing or eligible to participate in mediation; and,
- F.** Subject to the confidentiality requirements of CCMC Chapter 15.09 and these Bylaws, report to the Board at its Regular Meetings all calls involving requests for information and referral as well as cases in progress and follow-up activities performed by the Staff Liaison.

VIII. AMENDMENT TO BYLAWS

These Bylaws may only be amended by resolution of the City Council.

Attachment 2

ORGANIZATION AND IMPLEMENTATION GUIDELINES **CULVER CITY LANDLORD-TENANT MEDIATION BOARD**

A. BOARD ORGANIZATION

(1) Name of the Board

The name of the Board shall be "The Culver City Landlord-Tenant Mediation Board."

(2) Objectives of the Board

The objectives of the Board shall be as follows:

- (a)** To reduce tensions in the rental housing market by requiring the parties involved in a rent increase dispute to participate in a good faith mediation session with objective conciliators/arbitrators. The sessions will facilitate a means of resolution of disputes between tenants and landlords of residential rental properties related to rent raises, through the process of mediation. In addition, the opportunity for voluntary arbitration will be provided.
- (b)** To educate the parties about the landlord and tenant relationship and the rights and responsibilities of both parties.
- (c)** To submit an annual report on/by May 31 of each year to the Council recounting the Board's ability and success in meeting with its objectives.

(3) Sponsorship and Authority

To establish the credibility of the Board within Culver City, and to differentiate this Board from other rental housing activities taking place elsewhere in the Los Angeles area, the Culver City Mediation Board shall be authorized to represent itself as an entity sponsored by the City of Culver City.

(4) Confidentiality

- (a)** In submitting a dispute to mediation all parties shall acknowledge that the proceedings of the mediation shall be privileged and confidential and any admission or concession made by any party shall not prejudice the positions of any party or be introduced as evidence in any litigation or proceedings in accordance with California Evidence Code Section 1152.5.
- (b)** In submitting a dispute to arbitration, all parties shall acknowledge that the proceedings shall be privileged and confidential. The arbitration shall be conducted in accordance with the provisions of the California Arbitration Law, Section 1280-1294 Code of Civil Procedure. The award of the arbitrator(s) shall be final and binding on the parties as to the issue or issues presented for arbitration.

- (c) Except as is necessary to enforce, affirm, modify or vacate an award in arbitration, all matters connected with conciliation efforts under this resolution are privileged and confidential and shall not be examined or inspected, except by a party to the arbitration or conciliation, and shall not be offered or accepted into evidence in any later arbitration, litigation or judicial proceeding.
- (d) In order to preserve the confidentiality of the mediation process and/or arbitration process, the identity of the parties to a dispute shall be confidential, except insofar as disclosure of the parties' identity may be necessary in furtherance of the provisions of Chapter 32 of the Culver City Municipal Code.
- (e) No person shall make an electronic, photographic or stenographic recording of the whole or any part of any mediation or arbitration session unless permission is given by all participating parties.

(5) Report of the Board

The Board shall make an annual report to be submitted to the City Council, concerning its activities to further establish Board objectives.

(6) Composition of the Board

The Board shall consist of 9 members as follows:

- 3 - tenant representatives
- 3 - landlord representatives
- 3 - member-at-large representatives

(7) Alternates

Alternate members of the Board shall sit only on a mediation panel and then only when it is otherwise impossible to convene a mediation panel because of unavailability of a regular member, or if the Chairman determines that all available panels are engaged and that the case load justifies use of an extra panel.

(8) Selection of Board Members

Due to the dispersion of rental properties in Culver City, it shall not be necessary to have representation based on geographical or neighborhood areas. "Landlord" and "tenant" representatives, however, shall preferably include one owner and one tenant representative from buildings or complexes of less than 10 units, one owner and one tenant representative from buildings or complexes comprised of from 10 to 30 units, one owner and one tenant from buildings or complexes of 31 or more units within the City of Culver City.

In selecting Board members from the owner/manager/real estate professional category, preference for membership shall be given to owners of residential rental properties located within the City of Culver City.

All Board members shall be selected by the City Council without regard to race, creed, color, religion, national origin, sex, income, age, handicap, or marital status.

Individuals wishing to volunteer to serve as mediation board members shall complete and submit an application.

All eligible applicants names shall be submitted to the City Council for consideration. Prior to appointment by the City Council, all applicants shall be given an opportunity to address the City Council at a regular City Council meeting(s).

(9) Qualification of Board Members

All tenant members shall be tenants of residential rental property within the City of Culver City, and neither the applicant nor the applicant's spouse or dependents shall have any financial interest in residential income-producing property either in Culver City or elsewhere.

All landlord representatives shall either own, manage or have a residential income property interest within the City of Culver City, and shall preferably be residents of the City of Culver City.

"Members-at-large" members shall neither be tenants nor shall they own or have an ownership interest in any residential income-producing property in Culver City. Furthermore, preferably, neither "member-at-large" applicants or their spouse or dependents shall have any direct business or financial relationship with either landlords, property managers or real estate professionals within the City of Culver City or elsewhere. "Member-at-large" applicants shall be residents of the City of Culver City.

(10) Disclosure and Disqualification

If a Board member is a party in a case before the Board, the other party at the outset shall be so advised and further advised that the Board member will not participate in any way as a Board member in any matter relating to the case.

(11) Terms of Board Members

Board members shall serve terms of three years.

All members and alternates shall serve at the pleasure of the City Council.

(12) Absences of Board Members

The name of any member who within any one-year period has more than one absence of a regularly scheduled meeting, excused or unexcused, shall be referred to the City Council for consideration of removal.

(13) Appointments to Fill Vacancies

If a Board vacancy occurs, the alternate member who has the qualifications for the vacated category shall be appointed. If a vacancy occurs in the Alternate Membership, the Council shall appoint a qualified replacement.

(14) Designation of Officers

The Board shall elect its own officers consisting of a Chairman and Vice Chairman, and Council Liaison. The Chairman shall appoint a publicity Chair.

The Chairman and Vice Chairman of the Board shall be elected annually by a majority vote and shall serve at the pleasure of the Board.

(15) Duties of the Officers

The duties of the Board Chairman shall consist of presiding over all general Board meetings, review an approved annual report of the Board activities as prepared by staff and submitted to the City Council, and, in general, to supervise the affairs and activities of the Board.

The Vice Chairman shall perform the duties of the Chairman when that person is absent and/or if the Chairman is unable to complete his or her term as Chairman for any reason.

(16) Compensation of Board Members

The Board members shall be compensated at the rate established by City Council resolution.

(17) Meetings

- (a) General Meetings. The Board shall meet at least four times per year during the months of January, April, July and October, within the City of Culver City, at a time and place to be decided by the Board. The Board shall also be subject to the call of the Chairman as necessary to accomplish the objectives of the Board.

All regular Board meetings shall be open to the public and duly noticed at least five working days prior to the meeting.

A majority of the Board members, to include at least one representative from each membership category, shall constitute a quorum for the transaction of general business.

At these meetings, the Board shall report on all mediation sessions conducted and business transacted at special meetings, if appropriate, since the last regular Board meeting. In addition to general business transactions of the Board, minutes issued following regular Board meetings shall note, regarding all mediated disputes, the case number of the dispute, the nature of the dispute, resolution and Board recommendation, if any.

- (b) Special Board Meetings. Special Board Meetings may be called as necessary with at least five working days' notice given in advance of a special meeting.

At Special Board Meetings, a majority of the Board members, to include at least one representative from each category, shall constitute a quorum for the transaction of general business.

B. STAFF SUPPORT

The City shall provide a staff member to act as liaison who shall:

- (1) work under the general supervision of the City Housing Administrator and shall be located in the Housing office;
- (2) respond to initial calls from landlords or tenants requesting information and referral or for a mediation hearing appointment and conciliate and encourage communication between a landlord and tenant, but shall not mediate;
- (3) complete intake data re: a landlord/tenant rent raise dispute and to verify such information with the assistance of other City staff members;
- (4) coordinate mediation hearing appointments with the Board Chairman;
- (5) take minutes, and coordinate with the Chairman the preparation and dissemination of required reports;
- (6) perform follow-up activity deemed necessary by the Board, and maintain a reference file on agencies, services and other groups for use in the mediation process and for referral for residents not wishing to initiate mediation;
- (7) report to the Board at their regular meetings all calls involving requests for information and referral as well as cases in progress and follow-up activities performed by the staff liaison; and
- (8) verify information submitted by candidates for positions on the Board.

C. CONCILIATION PROCESS POLICIES AND PROCEDURES

- (1) Landlords and/or tenants may contact the staff for basic information and referral regarding landlord/tenant rights and responsibilities. The Board, however, shall provide conciliation and arbitration services only regarding rent raises and matters relating to same.
- (2) Following receipt of a Complaint Form regarding a rent raise related dispute, the Mediation Board staff shall determine if it was filed within fifteen (15) days of receipt of a notice of rent increase and, if so, shall schedule a mandatory mediation session at a time prior to the effective date of the rent increase.
- (3) Following receipt of a Complaint Form regarding a rent raise related dispute which was filed after the 15th day of receipt of a notice of rent increase, staff shall contact the charged party, either by telephone or in writing, of the nature of the complaint and to provide the other party an opportunity to voluntarily settle the dispute with the assistance of the mediation process. If the party wishes to participate, the staff liaison shall schedule a mediation session before a panel at the earliest convenience of all parties. Both parties to the dispute, and/or their authorized representatives who have the power to act on behalf of a party to the dispute, must voluntarily agree to be present and participate in the mediation process.

D. MEDIATION/CONCILIATION

- (1) As used herein the terms "mediation" and "conciliation" shall mean that process whereby a person or persons not a party to the dispute attempt to assist the parties to the dispute through proposals or arguments to come to a voluntary agreement. A mediator or conciliator does not render a decision.
- (2) Mediation/Conciliation sessions shall be closed to the public and shall take place at a location, date, and time convenient to all parties to the dispute.
- (3) Mediation/Conciliation shall be conducted in a session attended by all parties to the dispute; provided that if any party declines to so meet, the mediation/conciliation may be conducted in separate sessions.
- (4) A Mediation/Conciliation panel in each case shall consist of one "landlord," one "tenant" and one "member-at-large" representative, provided however, that when unusual circumstances exist which prevent the assembly of a three-member panel, a panel of two or a single member may mediate; provided further, that in such unusual circumstances, a panel of less than three may mediate if:

- (a) The parties in the dispute consent in writing to the waiver of a three-member board and agree to mediation by a board of less than three members; and
 - (b) If a panel of two members cannot be convened, a single mediator may be utilized, provided however, that such a mediator shall be selected from the member-at-large representatives.
- (5) If mediation/conciliation leads to an agreement between the parties, such agreement shall be reduced to writing and signed by the parties and the member(s) of the panel. If mediation/conciliation reaches an impasse, the panel shall advise the parties of the availability of arbitration or give the parties other information that the majority of the panel considers appropriate.

E. ARBITRATION

- (1) As used herein, the term "arbitration" shall mean that process whereby the parties to a dispute agree to submit issues to a panel which will hear and adjudicate the matter and which shall render a written decision which shall be binding upon all parties to the dispute.
- (2) At the time the parties are asked to agree to voluntary mediation, they shall be afforded the opportunity of agreeing to voluntary binding arbitration as an alternative.
- (3) If a mediation session reaches an impasse, the parties will be given the opportunity of agreeing to voluntary binding arbitration before a new panel.
- (4) Both parties to the dispute and/or their authorized representatives who have the power to act on behalf of a party to the dispute, must voluntarily agree to be present and participate in the arbitration process. Should either party decline to participate or to send an authorized representative to participate on his or her behalf, other options shall be made available to the original complainant to include, but not be limited to referral to other agencies or services. Such information and/or referral shall not include the rendering of legal advice and shall not be considered as such.
- (5) An arbitration panel in each case shall consist of one "landlord," one "tenant" and one "member-at-large" representative. When unusual circumstances exist preventing the assembly of a three-member panel, a single "member-at-large" representative may arbitrate with the written consent of all parties.

F. OTHER POWERS OF THE BOARD

(1) Procedures

The Board shall have the power to establish procedures for implementing its responsibilities under these guidelines including without limitation:

- a. Procedures for assignment of members to mediation and arbitration panels and assignment of cases to the several panels;
- b. Procedures for rotation of assignment of cases to panels;
- c. Procedures for replacement of members who are for any reason disqualified to serve on a panel;
- d. Procedures for conduct of the Board meetings, e.g., adoption of Robert's Rules of Order Newly Revised.

- (2) If a complaint is filed which presents a question as to whether a rent raise issue is presented, the matter shall be presented to the Board for its determination.

Attachment 3

BYLAWS OF THE ORGANIZATION AND IMPLEMENTATION GUIDELINES CULVER CITY LANDLORD-TENANT MEDIATION BOARD

I. PURPOSE AND OBJECTIVES

As set forth in Culver City Municipal Code (CCMC) Section 15.09.005, the purpose and objectives of the Landlord-Tenant Mediation Board (the "Board"), are as follows:

- A. To reduce tensions in the rental housing market by requiring the parties involved in a rent increase dispute to participate in a good faith mediation session with objective and neutral mediators. The sessions will serve to facilitate a means of resolution of disputes between tenants and landlords of residential rental properties related to rent increases, through the process of mediation.
- B. To build and strengthen communications between landlords and tenants and educate the parties about the landlord and tenant relationship and the rights and responsibilities of both parties.

II. BOARD ORGANIZATION

A. Composition

The Board shall consist of 12 members appointed by the City Council as follows:

- Four Tenant Members
- Four Landlord Members
- Four Members-at-Large

A. Name of the Board

B. _____

C. _____ The name of the Board shall be "The Culver City Landlord-Tenant Mediation Board."

D. _____

E. Objectives of the Board

F. _____

G. _____ The objectives of the Board shall be as follows:

H. _____

I. _____ To reduce tensions in the rental housing market by requiring the parties involved in a rent increase dispute to participate in a good faith mediation session with objective conciliators~~(s)~~/arbitrators. The sessions will facilitate a means of resolution of disputes between tenants and landlords of residential rental properties related to rent raises, through the

~~process of mediation. In addition, the opportunity for voluntary arbitration will be provided.~~

~~J. _____~~

~~K. To educate the parties about the landlord and tenant relationship and the rights and responsibilities of both parties.~~

~~L. _____~~

~~M. To submit an annual report on/by May 31 of each year to the Council recounting the Board's ability and success in meeting with its objectives.~~

~~N. _____~~

B. Qualification and Selection of Board Members

1. Tenant Members shall be tenants of residential rental property located within the City of Culver City, and neither the applicant nor the applicant's spouse or dependents shall have any financial interest in residential income-producing property either in Culver City or elsewhere.

2. Landlord Members shall own, manage or have a residential income property interest(s) within the City of Culver City, and shall preferably be residents of the City of Culver City.

3. Members-at-Large shall be residents of the City of Culver City. Members-at-Large shall neither be tenants within the City of Culver City, nor shall they own or have an ownership interest in any residential income-producing property in the City of Culver City. Furthermore, preferably, neither Members-at-Large nor their spouse or dependents shall have any direct business or financial relationship with either landlords, property managers or real estate professionals within the City of Culver City or elsewhere.

(CM2)

4. All Board Members shall be selected by the City Council without regard to race, creed, color, religion, ancestry, national origin, sex, sexual orientation, gender, gender identity, gender expression, income, age, disability, medical condition, genetic information, and marital status.

4.5 Upon appointment to the Board, each Member shall be required to sign a declaration acknowledging his or her commitment to maintain neutrality and impartiality in his or her role on the Board, to conduct mediations in a neutral and an impartial manner, and to maintain the confidentiality of all mediations.

C. Terms of Office

1. Board Members shall serve a term of four years with no terms limits.

2. All Board Members shall serve at the pleasure of the City Council and may be removed at any time, and without cause, by a majority vote of the City Council.

D. Absence of Board Members

¶The name of any Board Member who within any twelve month period has more than two unexcused absences from regular meetings of the Board, shall be referred to the City Council for consideration of removal.

E. Appointments to Fill Vacancies

If a vacancy occurs, the City Council may, but shall not be required to, appoint a qualified replacement. Such qualified replacement shall serve for the unexpired term for that seat. Upon expiration of such unexpired term, the incumbent may apply for re-appointment by the City Council.

F. Compensation

Board Members shall receive no compensation, if any, at the rate established by City Council resolution.

G. Mediation Training

Board Members must complete mandatory mediation training within XXXX^(BH3) of appointment. Board Members shall coordinate such training through the Staff Liaison.

III. OFFICERS

A. Designation of Officers

At each meeting in July, (3) ~~Sponsorship and Authority~~

~~To establish the credibility of the Board within Culver City, and to differentiate this Board from other rental housing activities taking place elsewhere in the Los Angeles area, the Culver City Mediation Board shall be authorized to represent itself as an entity sponsored by the City of Culver City.^(BH4)~~

~~(4) Confidentiality~~

~~(a) In submitting a dispute to mediation all parties shall acknowledge that the proceedings of the mediation shall be privileged and confidential and any admission or concession made by any party shall not prejudice the positions of any party or be introduced as evidence in any litigation or proceedings in accordance with California Evidence Code Section 1152.5.~~

~~(b) — In submitting a dispute to arbitration, all parties shall acknowledge that the proceedings shall be privileged and confidential. The arbitration shall be conducted in accordance with the provisions of the California Arbitration Law, Section 1280-1294 Code of Civil Procedure. The award of the arbitrator(s) shall be final and binding on the parties as to the issue or issues presented for arbitration.~~

~~(c) — Except as is necessary to enforce, affirm, modify or vacate an award in arbitration, all matters connected with conciliation efforts under this resolution are privileged and confidential and shall not be examined or inspected, except by a party to the arbitration or conciliation, and shall not be offered or accepted into evidence in any later arbitration, litigation or judicial proceeding.~~

~~(d) — In order to preserve the confidentiality of the mediation process and/or arbitration process, the identity of the parties to a dispute shall be confidential, except insofar as disclosure of the parties' identity may be necessary in furtherance of the provisions of Chapter 32 of the Culver City Municipal Code.~~

~~(e) No person shall make an electronic, photographic or stenographic recording of the whole or any part of any mediation or arbitration session unless permission is given by all participating parties.~~

~~(5) — Report of the Board~~

~~The Board shall make an annual report to be submitted to the City Council, concerning its activities to further establish Board objectives.~~

~~(6) — Composition of the Board~~

~~The Board shall consist of 9 members as follows:~~

~~3 — tenant representatives~~

~~3 — landlord representatives~~

~~3 — member-at-large representatives~~

~~(7) — Alternates~~

~~Alternate members of the Board shall sit only on a mediation panel and then only when it is otherwise impossible to convene a mediation panel because of unavailability of a regular member, or if the Chairman determines that all available panels are engaged and that the case load justifies use of an extra~~

panel.

~~(8) — Selection of Board Members~~

~~Due to the dispersion of rental properties in Culver City, it shall not be necessary to have representation based on geographical or neighborhood areas^(BMS). "Landlord" and "tenant" representatives, however, shall preferably include one owner and one tenant representative from buildings or complexes of less than 10 units, one owner and one tenant representative from buildings or complexes comprised of from 10 to 30 units, one owner and one tenant from buildings or complexes of 31 or more units within the City of Culver City.~~

~~In selecting Board members^(BMS) from the owner/manager/real estate professional category, preference for membership shall be given to owners of residential rental properties located within the City of Culver City.~~

~~All Board members shall be selected by the City Council without regard to race, creed, color, religion, national origin, sex, income, age, handicap, or marital status.~~

~~Individuals wishing to volunteer to serve as mediation board members shall complete and submit an application.~~

~~All eligible applicants names shall be submitted to the City Council for consideration. Prior to appointment by the City Council, all applicants shall be given an opportunity to address the City Council at a regular City Council meeting(s).~~

~~(9) — Qualification of Board Members~~

~~All tenant members shall be tenants of residential rental property within the City of Culver City, and neither the applicant nor the applicant's spouse or dependents shall have any financial interest in residential income-producing property either in Culver City or elsewhere.~~

~~All landlord representatives shall either own, manage or have a residential income property interest within the City of Culver City, and shall preferably be residents of the City of Culver City.~~

~~"Members-at-large" members shall neither be tenants nor shall they own or have an ownership interest in any residential income-producing property in Culver City. Furthermore, preferably, neither "member-at-large" applicants or their spouse or dependents shall have any direct business or financial relationship with either landlords, property managers or real estate professionals within the City of Culver City or elsewhere. "Member-at-large" applicants shall be residents of the City of Culver City.~~

~~(10) Disclosure and Disqualification~~^(BH7)

~~If a Board member is a party in a case before the Board, the other party at the outset shall be so advised and further advised that the Board member will not participate in any way as a Board member in any matter relating to the case.~~

~~(11) Terms of Board Members~~

~~Board members shall serve terms of three years.~~

~~All members and alternates shall serve at the pleasure of the City Council.~~

~~(12) Absences of Board Members~~

~~The name of any member who within any one year period has more than one absence of a regularly scheduled meeting, excused or unexcused, shall be referred to the City Council for consideration of removal.~~

~~(13) Appointments to Fill Vacancies~~

~~If a Board vacancy occurs, the alternate member who has the qualifications for the vacated category shall be appointed. If a vacancy occurs in the Alternate Member ship, the Council shall appoint a qualified replacement.~~

~~(14) Designation of Officers~~

~~The Board shall elect its own officers consisting of a Chair~~Chair~~ and man and Vice-~~Chair~~Chair, both of whom man, and Council Liaison^(CM8). The Chairman shall appoint a publicity Chair.~~

~~The Chairman and Vice Chairman of the Board shall be elected annually by a majority vote and shall serve at the pleasure of the Board.~~

~~may~~^(CM9)

A.B. Duties of the Officers

- ~~1. The duties of the Board Chair~~Chairman~~ shall consist of presideing at over all general Board meetings, review an approved annual report of the Board activities as prepared by staff and submitted to the City Council^(CM10)~~(BH11)~~^(BH12); and, in general, to supervise the affairs and activities of the Board.~~
- ~~2. The Vice-~~Chair~~Chairman shall perform the duties of the Chair~~Chairman~~ in his or her absence when that person is absent and/or if the Chairman is unable to complete his or her term as Chairman for any reason.~~

^(CM13)

(16) Compensation of Board Members

~~The Board members shall be compensated at the rate established by City Council resolution.~~

VI IV. (17) MEETINGS

A. Regular Meetings. The Board shall meet on a quarterly basis on the last Wednesday of the months of January, April, July and October at a time and place to be decided by the Board. Regular meetings may be rescheduled by the Staff Liaison when necessary. Regular meetings may be cancelled by the Chair, in consultation with the Staff Liaison, in the event of a lack of sufficient agenda items.

B. Special Meetings. Special meetings may be called at any time by the Chair or a quorum of the Board.

C. Brown Act. All meetings shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with California Government Code Section 54950).

D. Quorum and Voting. A majority of the seated Board Members shall constitute a quorum. Each Board Member shall be entitled to one vote. Approval of any matter requires an affirmative vote from the majority of the Board Members present and voting. Abstention is not considered voting.

E. Conduct of Meetings. The latest edition of *Robert's Rules of Order* shall constitute the parliamentary guidelines for transaction of the Board's business. Where there is a conflict between Robert's Rules of Order and these Bylaws, the Bylaws shall have precedence. Failure to strictly follow Robert's Rules of Order shall not invalidate any action of the Board.

F. Placing Items on an Agenda. Consensus among a majority of the Board Members present and voting must exist in order to place an item on a future agenda for discussion, or to request research by staff.

~~—Board Report.~~

2. General Meetings. ~~The Board shall meet at least four times per year during the months of January, April, July and October, within the City of Culver City, at a time and place to be decided by the Board. The Board shall also be subject~~

~~to the call of the Chairman as necessary to accomplish the objectives of the Board.~~

~~4. All regular Board meetings shall be open to the public and duly noticed at least five working days prior to the meeting.~~

~~6. A majority of the Board members, to include at least one representative from each membership category, shall constitute a quorum for the transaction of general business.~~

~~G. At the Regular these mMeetings, the Board shall report on all mediation sessions conducted and business transacted at special meetings, if any such Special Meetings were heldappropriate, since the last rRegular Board mMeeting. Subject to the confidentiality requirements of CCMC Chapter 15.09 and these Bylaws, in reporting on mediation sessions, the Board Members who participated in mediation panels may provide —general comments regarding the mediations held (i.e. statistical information, successful and unsuccessful techniques used, etc.), but shall not disclose any of the substantive details of the confidential mediation sessions. In addition to general business transactions of the Board, minutes issued following regular Board meetings shall note, regarding all mediated disputes, the case number of the dispute, the nature of the dispute, resolution and Board recommendation, if any.~~

~~8. **Special Board Meetings.** Special Board Meetings may be called as necessary with at least five working days' notice given in advance of a special meeting.~~

~~At Special Board Meetings, a majority of the Board members, to include at least one representative from each category, shall constitute a quorum for the transaction of general business.~~

V. DUTIES

A. Role.

A Board Member's primary role is to carry out the purpose and objectives of the Board.

B. STAFF SUPPORT

~~The City shall provide a staff member to act as liaison who shall:~~

~~(5) —work under the general supervision of the City Housing Administrator and shall be located in the Housing office;~~

~~(7) respond to initial calls from landlords or tenants requesting information and referral or for a mediation hearing appointment and conciliate and encourage communication between a landlord and tenant, but shall not mediate;~~

~~(9) complete intake data re: a landlord/tenant rent raise dispute and to verify such information with the assistance of other City staff members;~~

~~(11) coordinate mediation hearing appointments with the Board Chairman;~~

~~(13) take minutes, and coordinate with the Chairman the preparation and dissemination of required reports;~~

~~(15) perform follow-up activity deemed necessary by the Board, and maintain a reference file on agencies, services and other groups for use in the mediation process and for referral for residents not wishing to initiate mediation;~~

~~(17) report to the Board at their regular meetings all calls involving requests for information and referral as well as cases in progress and follow-up activities performed by the staff liaison; and~~

~~S. verify information submitted by candidates for positions on the Board.~~

~~T.~~

~~U.~~

~~V.~~

B. C. CONCILIATION Mediation Services.

1. Members of the Board shall serve on panels to conduct mediation sessions to discuss and attempt to resolve disputes relating to rent increases and educate the parties about the landlord-tenant relationship, in accordance with the policies and procedures set forth in Section VI of these Bylaws.

2. Mediation sessions shall provide a confidential and neutral forum for landlords and tenants to discuss and resolve disputes relating to rent increases, as set forth in Section VI.E of these Bylaws.

C. Community Outreach Coordinator

The Board may designate, on an as-needed basis, one of its Members to coordinate community outreach efforts and communicate information regarding the available services of the Board, and other duties as may be assigned by the Board.

D. Council Liaison

The Board may designate, on an as-needed basis, one of its Members to act as

liaison to the City Council to report on the Board's activities.

[GM14][BH15]

XI VI MEDIATION PROCESS GUIDELINES, POLICIES AND PROCEDURES

A. Scope of Mediation.

1. For purposes of these Bylaws, mediation is the process whereby a panel of Board Members, who are not a party to the dispute, attempt to assist the parties to the dispute, through proposals and arguments, to come to a voluntary agreement. The mediation panel does not render a decision.
2. Landlords and/or tenants may contact City the staff for basic information and referral regarding landlord/tenant rights and responsibilities. The Board, however, shall provide mediation conciliation and arbitration services only regarding rent raises increases and matters relating to same.
3. If a Request for Mediation is filed which presents a question as to whether a rent increase issue is presented, the matter shall be determined by Housing Division Staff in consultation with the City Attorney's Office. Upon the request of the Housing Division Staff or the City Attorney's Office, such determinations may also involve staff from the City Manager's Office, whose decision shall be final.

A.B. Mandatory Mediation. Following receipt of a Request for Mediation Complaint Form regarding a rent raiseincrease-related dispute, the City Mediation Board staff shall determine if it was timely filed within fifteen (15) days of receipt of a notice of rent increase, as required by CCMC Section 15.09.020, and, if the Request for Mediation is timely filed, so, City staff shall schedule a mandatory mediation session at a time prior to the effective date of the rent increase.

C. Voluntary Mediation.

1. In the case a Following receipt of a Request for Mediation is not timely filed, Complaint Form regarding a rent raiseincrease-related dispute which was filed after the 15th day of receipt of a notice of rent increase, City staff shall contact the landlordcharged party, either by telephone or in writing, and convey the nature of the complaint and to provide the landlord and tenant other parties an opportunity to voluntarily settle the dispute with the assistance of a Mediation Panelthe mediation process. If the party wishes to participate, the staff liaison shall schedule a mediation

~~session before a panel at the earliest convenience of all parties. Both parties to the dispute, and/or their authorized representatives who have the power to act on behalf of a party(ies) to the dispute, must voluntarily agree to be present and participate in the mediation process. If the parties voluntarily determine to participate, City staff shall schedule a mediation session before a panel.~~

- 1.2. A rent increase for a condominium, townhome or mobilehome unit is eligible for voluntary mediation in accordance with the process set forth in Section VI.C.1, above.

B. D. MEDIATION/CONCILIATION

~~C.~~

~~D. As used herein the terms "mediation" and "conciliation" shall mean that process whereby a person or persons not a party to the dispute attempt to assist the parties to the dispute through proposals or arguments to come to a voluntary agreement. A mediator or conciliator does not render a decision.~~

~~E.~~

D. Conduct of Mediation Sessions.

~~/Conciliation~~

1. ~~s~~Mediation sessions shall be closed to the public and shall take place at a location, date, and time convenient to all parties to the dispute.
2. Mediation/~~Conciliation~~ shall be conducted in a session attended by all parties to the dispute; provided that if any party declines to ~~se~~ meet, the mediation/~~conciliation~~ may be conducted in separate sessions.
3. ~~(4)~~ A Mediation/~~Conciliation~~ panel in each case shall consist of one "~~L~~Landlord," Member, one "~~T~~Tenant" Member, and one "~~m~~Member-at-Large. In the event " ~~representative~~, provided however, that when unusual circumstances exist which prevent the assembly of a three-member panel is not feasible, a panel of two or a single member may mediate; provided further, that in such unusual circumstances, a panel of fewerless than three Board Members may conduct a mediation session mediate if:
4. ~~—~~
5. ~~T~~he parties in the dispute consent in writing to the waiver of a three-member ~~panelboard~~ and agree to mediation by a ~~panelboard~~ of fewerless than three members.; and
6. ~~—~~
3. If a panel of two members cannot be convened, subject to the parties' in the dispute consent in writing, a single mediator may be utilized, provided however, that such a mediator shall be selected from the Board ~~m~~Members-at-Large representatives. When possible, a mediation panel should include one Board Member who has had prior experience participating on a mediation panel.

7.—

4. ~~(5) If mediation/conciliation leads to an agreement between the parties, such agreement shall be reduced to prepared in writing and signed by the parties and attested to by the Board Member(s) who comprised the mediation of the panel. If mediation/conciliation reaches an impasse, the panel shall advise the parties of the availability of arbitration or may provide give the parties other information regarding other options that the majority of the panel considers appropriate that may be available to assist the parties in resolving their dispute.~~

E. Confidentiality and Neutrality.

1. In submitting a dispute to mediation, all parties shall acknowledge that the proceedings of the mediation shall be privileged and confidential, and any admission or concession made by any party shall not prejudice the positions of any party or be introduced as evidence in any litigation or proceedings in accordance with California Evidence Code Section 1152.5.
2. All matters connected with mediation efforts under CCMC Chapter 15.09 and these Bylaws are privileged and confidential and shall not be examined or inspected, except by a party to the mediation, and shall not be offered or accepted into evidence in any later arbitration, litigation, or other judicial proceeding.
3. In order to preserve the confidentiality of the mediation process, the identity of the parties to a dispute shall be confidential, except insofar as disclosure of the parties' identity(ies) may be necessary in furtherance of the provisions of CCMC Chapter 15.09, other provisions of law, or pursuant to a court order.
4. No person shall make an electronic, photographic or stenographic recording of the whole or any part of any mediation session unless permission is given by all participating parties.
5. Board Members of a mediation panel shall conduct themselves with neutrality and impartiality, which are critical components in providing a fair and equitable mediation process.
6. In order to foster an environment of neutrality, Board Members on a panel shall not disclose their Member designation (i.e. Landlord, Tenant or Member-at-Large) during the course of a mediation session.
- [CM19]
7. A violation of the provisions of this Section VI.E may be cause for a Member's removal from the Board.

F. Disclosure and Disqualification.

1. The following are grounds for a Board Member to be disqualified from sitting on a mediation panel:
 - a. If a Board Member is one of the parties in a case before the Board mediation panel.
 - b. If a Board Member is a friend or family member of one of the parties in a case before the Board mediation panel.
 - c. If a Board Member has a financial conflict of interest pursuant to applicable laws.
2. In the event of disqualification of a Board mMember, the party or parties shall be advised of the Board mMember's conflict and shall be further advised that the Board mMember will not participate in any way in their capacity as a Board mMember in any matter relating to the case.

G. Other Procedures.

The Board shall have the power to establish additional procedures for implementing its responsibilities under these Bylaws including, without limitation:

1. Procedures for assignment of Board mMembers to mediation panels; and
2. Procedures for assignment of cases to mediation panels; and
3. Procedures for replacement of Board mMembers who are for any reason disqualified to serve on a panel.

E. ~~ARBITRATION~~

- ~~(1) As used herein, the term "arbitration" shall mean that process whereby the parties to a dispute agree to submit issues to a panel which will hear and adjudicate the matter and which shall render a written decision which shall be binding upon all parties to the dispute.~~
- ~~(2) At the time the parties are asked to agree to voluntary mediation, they shall be afforded the opportunity of agreeing to voluntary binding arbitration as an alternative.~~
- ~~(3) If a mediation session reaches an impasse, the parties will be given the~~

~~opportunity of agreeing to voluntary binding arbitration before a new panel.~~

~~(4) Both parties to the dispute and/or their authorized representatives who have the power to act on behalf of a party to the dispute, must voluntarily agree to be present and participate in the arbitration process. Should either party decline to participate or to send an authorized representative to participate on his or her behalf, other options shall be made available to the original complainant to include, but not be limited to referral to other agencies or services. Such information and/or referral shall not include the rendering of legal advice and shall not be considered as such.~~

~~(5) An arbitration panel in each case shall consist of one "landlord," one "tenant" and one "member at large" representative. When unusual circumstances exist preventing the assembly of a three member panel, a single "member at large" representative may arbitrate with the written consent of all parties.~~

F. OTHER POWERS OF THE BOARD

Procedures

~~The Board shall have the power to establish procedures for implementing its responsibilities under these guidelines including without limitation:~~

~~Procedures for assignment of members to mediation and arbitration panels and assignment of cases to the several panels;~~

~~Procedures for rotation of assignment of cases to panels;~~

~~Procedures for replacement of members who are for any reason disqualified to serve on a panel;~~

~~Procedures for conduct of the Board meetings, e.g., adoption of Robert's Rules of Order Newly Revised.~~

~~(2) If a complaint is filed which presents a question as to whether a rent raise issue is presented, the matter shall be presented to the Board for its determination.~~

VII. STAFF SUPPORT

The City's Housing Administrator, or designee working under the general supervision of the Housing Administrator, shall act as liaison to the Board and shall:

A. Respond to initial calls from landlords or tenants requesting information and referral or for a mediation hearing appointment and facilitate and encourage communication between a landlord and tenant, but shall not mediate; and.

- B. Complete intake data regarding a landlord/tenant rent raise increase dispute and verify such information with the assistance of other City staff members; and.
- C. Coordinate mediation session appointments with the Board Chair; and.
- D. Take minutes, and coordinate with the Chair the preparation and dissemination of required reports; and.
- E. Perform follow-up activity deemed necessary by the Board, and maintain a reference file on agencies, services and other groups for use in the mediation process and for referral for landlords and/or tenants not wishing or eligible to participate in mediation; and.
- F. Subject to the confidentiality requirements of CCMC Chapter 15.09 and these Bylaws, report to the Board at its Regular Meetings all calls involving requests for information and referral as well as cases in progress and follow-up activities performed by the Staff Liaison and
Verify information submitted by applicants for positions on the Board. (CM20)

VIII. AMENDMENT TO BYLAWS

These Bylaws may only be amended by resolution of the City Council.