

MEETING DATE

June 20, 2005

AGENDA ITEM

Discussion Regarding the Creation of the Community Mediation Board and Possible Dissolution of the Landlord Tenant Mediation Board

ATTACHMENTS

Pages

- 1 November 17, 2004 Letter from Steve Reitzfeld and Members of the Landlord Tenant Mediation Board

1-23

November 17, 2004

TO Steve Rose, Mayor of Culver City
Members of the Culver City City Council

CC Jerry Fulwood, Chief Administrative Officer
Susan Evans, Community Development Director
Carol Schwab, City Attorney
Tevis Barnes, Housing Programs Administrator
Lillian Ikeda, Housing Programs Supervisor

FROM Steve Rertzfeld, Chair, Landlord-Tenant Mediation Board
Members of the Landlord-Tenant Mediation Board

RE Creation of the Community Mediation Board

The Landlord-Tenant Mediation Board was established in 1987 as a means for dealing with disputes over rent increases (See Attachment A – Ordinance) While other cities in the L A area opted for rent control, Culver City believed that the disputes could be handled through mediation The structure of the LTMB has undergone few changes from the time of its inception and it has continued to handle rent disputes between tenants and landlords

In 1987, members of the Board began to receive training conducted by the L A County Bar Association, which is for all types of mediation and not just limited to Landlord-Tenant mediation Many Board members also attend the Southern California Mediation Association conferences to enhance their knowledge and ability to conduct mediations The numbers of cases handled by the Board has decreased - from a high of 20-30 to approximately one per year in the past 3 years At the present time the expertise of the 12 well-trained Board members is not being adequately utilized

Since the inception of the LTMB in 1987, there has been a great increase in court costs and backlogs in city and county judicial systems across the nation This has necessitated cost and time saving strategies Chief among those strategies was the development and streamlining of mediation Consequently, many cities and counties throughout the United States have instituted mediation as a prerequisite to going to trial This has saved these governmental units money, time and given a beneficial service to the citizens in the process

Currently, the Culver City Attorney's office receives numerous dispute calls and must spend many hours dealing with cases that would be better resolved through mediation. In addition, the Culver City Police Department has indicated that it also fields numerous calls that could be better resolved through mediation. These two departments need community mediation services available to them. However, the L/T Board, as instituted, may only handle landlord-tenant rent disputes.

With a well-trained mediation board, a demonstrated need for broader mediation services, a desire to serve the Culver City citizens and save much-needed city finances, we therefore respectfully request that the City Council seriously consider either

- a) expanding the scope of the current Landlord/Tenant Board or
- b) establishing a Community Mediation Board which would handle disputes between residents and businesses within Culver City and incorporate the L/T disputes rendering the current LTMB obsolete (See Attachment B - Proposed Structure of Community Mediation Board) [In order to continue to provide mediation services to landlords and tenants, the existing Landlord-Tenant Mediation Board would continue in its current form until the formation of the new Community Mediation Board, at which time the LTMB members agree to resign en masse]

When a new Board is established, although a new mechanism of funding would have to be developed, there should be no need for an increase in the current budget of \$4,800.00.

The mediators themselves are volunteers who are not paid for participating in mediation. The City Attorney's Office may need a part-time person to answer the telephone and do intake. As a suggested solution to a source of funding, it may be possible to arrange for an extern from one of our local law schools (UCLA, Loyola Marymount, West LA) to provide intake assistance for course credit. We could also seek additional funding from such organizations as the National Association for Community Mediation which provides mini-grant support.

The current LTMB Guidelines (See Attachment C - Organization and Implementation Guidelines) would require revision to incorporate the provisions of the new ordinance (See Attachment D - Proposed Case Intake and Mediation Process).

Cities and communities throughout the United States have begun to provide mediation services. The National Association for Community Mediation www.nafcm.org provides examples in most states. In California alone, there are

at least 21 agencies which provide community mediation. Some are organized to provide dispute resolution services throughout a county such as the L A County Bar Association, others are designed for specific mediation responsibilities such as the Victim-Offender Reconciliation Programs (VORP) which can be found in Santa Ana and Chico. The City of Davis in Northern California has included a Community Mediation Service as part of its Parks & Community Services. Residents can log on to the city website www.city.davis.ca.us, search for mediation and be presented with information about the mediation program and how it works. It is certainly feasible that Culver City could move in that direction as well.

A concern has been raised about the liability insurance and how that is handled. The president of the Ventura Center for Dispute Settlement Board, Jim Lingl, referred us to a company with which they are insured, Complete Equity Markets www.cemins.com. Premiums vary and can be arranged through the Southern California Mediation Association, an organization which some of our LTMB members belong. In addition, Deborah Thomas, Director of Operations for the Dispute Resolution Services of the L A County Bar Association, indicated that they carry liability insurance (\$2 million) which covers all of their associated community arbitrators/mediators. www.lacba.org (click on Volunteer Opportunities then on Dispute Resolution Services)

As Chair of the Landlord-Tenant Mediation Board, I have already met with Mayor Rose and City Attorney Schwab to discuss how such services could be set up.

The questions of the dissolution of the Landlord-Tenant Mediation Board and the creation of the Community Based Mediation Board have been thoroughly discussed by the members of the Board, whose signatures are affixed below. All the Landlord-Tenant Mediation Board members understand that, if they wish to serve on the new board, they would have to apply and their qualifications would be considered along with any other resident of Culver City who applies.

As members of the Landlord-Tenant Mediation Board, we stand ready to provide service to Culver City and believe that our training can be used more effectively. We would like to request that the Council and the Chief Administrative Officer agendaize the Creation of the Community Mediation Board for discussion and for possible implementation.

Sincerely,

Steve R. Ritzfeld
Steve Ritzfeld, Chair, Professional Mediator

11-28-04
Date

Tom Camarella
Tom Camarella, J D , Certified Mediator

11-22-04
Date

Samantha Eisner, Attorney-at-Law

Date

Mary Ellen Fernandez, Certified Mediator

Date

Janet Hoult
Janet Hoult, Ed D , Professor Emerita, CSULA
Certified Mediator

11/17/2004
Date

Robert M. Pine
Robert M Pine, Attorney-at-Law

11-18-2004
Date

Juanita Patterson-Wright
Juanita Patterson-Wright, M A
Certified Mediator

11/22/04
Date

Judy Rappin

Date

Kenneth Rothschild
Kenneth Rothschild

18 Nov 2004
Date

Lauren Werner-Hunter

Date

Ricky Windom
Ricky Windom, Certified Mediator

11/28/04
Date

ORDINANCE NO 87-010

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, ADDING CHAPTER 32 TO THE CULVER
CITY MUNICIPAL CODE ESTABLISHING THE CULVER
CITY LANDLORD-TENANT MEDIATION BOARD AND
PROVIDING FOR MANDATORY MEDIATION OF RENT
INCREASES FOR RESIDENTIAL RENTAL HOUSING

The City Council of the City of Culver City, California,
DOES HEREBY ORDAIN as follows

SECTION 1 Chapter 32 of the Culver City Municipal Code
is hereby added to read

Section 32-1 Purpose and Objectives

The City Council finds and declares

(a) The formation of the Landlord-Tenant Mediation
Board builds and strengthens communication between landlords and
tenants, reduces tensions in the rental housing market, and
promotes the best interests of the City and

(b) Mediation sessions provided by the Landlord-
Tenant Mediation Board provide a confidential and privileged
forum for discussion and resolution of disputes relating to rent
increases and educate the parties about the landlord-tenant
relationship and

(c) There is a shortage of rental housing in the
City of Culver City resulting in a low vacancy factor and rising
rents

Section 32-2. Landlord-Tenant Mediation Board -
Creation

There shall be a Culver City Landlord-Tenant Mediation
Board which shall have the power and responsibility to provide
mediation services regarding claims rent increases are excessive

1 or unjustified in accordance with regulations adopted by the City
2 Council, by Resolution, governing the duties of the Board, the
3 qualifications and appointment of its members and other matters
4 as are set forth in the "Organization and Implementation
5 Guidelines Culver City Landlord-Tenant Mediation Board" now in
6 effect or hereinafter amended

7 Section 32-3. Matters Subject to Mediation.

8 (a) Any claim a rent increase is excessive or
9 unjustified is subject to mediation in accordance with this
10 chapter, except as provided in this section

11 (b) Mandatory mediation as provided in section
12 32-4 shall not be applicable to a rent increase for a single-
13 family home or condominium unit used as a rental unit, to
14 property containing less than two rental units, or to property
15 governed by a written lease which contains a provision
16 authorizing a rent increase at a rate previously established by
17 the terms of the written lease

18 Section 32-4. Mediation of Rent Increases.

19 (a) If, within fifteen (15) days of the receipt
20 of a notice of an increase in rent, a request for mediation is
21 filed by a tenant of a dwelling unit subject to the rent
22 increase, a mediation session shall be set prior to the effective
23 date of such rent increase

24 (b) No rent increase shall be invalid or otherwise
25 questioned for failure to reach agreement regarding the increase
26 at a mediation session

27 (c) The provisions of this section shall not apply
28 to any rent increase established by a written lease.

1 Section 32-9 Voluntary Mediation and Binding

2 Arbitration

3 (a) If a request for mediation is filed by a
4 tenant of a dwelling unit subject to a rent increase at any time
5 after the fifteenth day after receipt of notice of the increase,
6 a mediation session shall be held if both parties to the dispute,
7 or their authorized representatives, voluntarily agree to be
8 present and participate in the mediation process

9 (b) If all parties agree to arbitration in lieu
10 of, or in addition to, mediation, an arbitrator agreeable to all
11 parties may be chosen from the members of the Board. The award of
12 the arbitrator shall be final and binding on the parties as to
13 the issue or issues presented for arbitration. The arbitration
14 hearing shall not be open to the public. Such arbitration shall
15 be conclusive evidence the landlord has met the obligations of
16 good faith mediation established by this Chapter

17 Section 32-10 Consolidated Hearing

18 (a) Whenever more than one request for mediation
19 has been filed with respect to rental units which are under
20 common ownership or management, such requests may be consolidated
21 for mediation at the mediator's discretion

22 (b) Two or more persons may join in a request for
23 mediation whenever the dispute relates to all of the parties
24 named

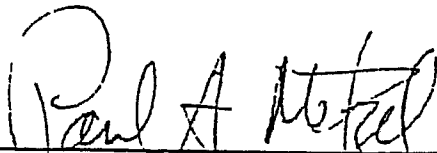
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 2 Severability

If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter shall be declared to be severable

SECTION 3 This Ordinance shall take effect thirty (30) days from the date of its adoption and prior to the expiration of fifteen (15) days from the adoption hereof the City Clerk shall cause this Ordinance to be published in the Culver City News.

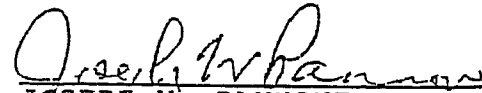
APPROVED and ADOPTED this 20th day of April, 1987


PAUL A. NETZEL, Mayor
City of Culver City, California

ATTEST

APPROVED AS TO FORM


PAULINE C. DOLCE, City Clerk


JOSEPH W. PANNONE
City Attorney

ORD/3/landlord/tenant

Published in the Culver City News on April 25th and 30th, 1987

9

RESOLUTION NO 87-P

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CULVER CITY, CALIFORNIA, ADOPTING ORGANIZATION
AND IMPLEMENTATION GUIDELINES FOR THE CULVER
CITY LANDLORD-TENANT MEDIATION BOARD AND
RESCINDING RESOLUTIONS NO CS-8062, CS-8096, CS-
8146, CS-8367, AND 84-R040

WHEREAS, the City Council by Resolution numbers CS-8062,
CS-8096, CS-8146, CS-8367 and 84-R040 has created the Culver City
Landlord-Tenant Mediation Board and has established organization
and implementation guidelines to govern and regulate said Board
and

WHEREAS, on February 23, 1987, the City Council received
a report and recommendation from the Culver City Landlord-Tenant
Mediation Board to require mandatory good faith mediation of
residential rent increase disputes in addition to (or supplement)
the voluntary mediation services offered by the Board and

WHEREAS, the City Council intends to reduce tensions in
the rental housing market by requiring an owner of a residential
rental unit to meet with the tenant and objective mediators in a
good faith effort to resolve a rent increase dispute prior to
increasing the rent for the unit

NOW THEREFORE, the City Council of the City of Culver
City, California DOES HEREBY RESOLVE as follows

1 Resolution numbers CS-8062, CS-8096, CS-8146, CS-
8367, and 84-R040 are hereby rescinded

1 2 ganization and Implementa on Guidelines Culver
2 City Landlord-Tenant Mediation Board" attached hereto and
3 incorporated by reference herein are hereby adopted to implement
4 Chapter 32 of the Culver City Municipal Code

5

6 APPROVED and ADOPTED this day of ,
7 1987

8

9

10

RICHARD R. BRUNDO, Mayor
City of Culver City, California

11

12

ATTEST

APPROVED AS TO FORM

13

14

15 PAULINE C DOLCE, City Clerk

Joseph W. Pannone
JOSEPH W. PANNONE
City Attorney

16

RES/3/MEDIATION

17

18

19

20

21

22

23

24

25

26

27

28

RESOLUTION NO 92-R 080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING RESOLUTION NO 87-R043, AMENDING PARAGRAPHS 12 AND 17 OF THE ORGANIZATION AND IMPLEMENTATION GUIDELINES FOR THE CULVER CITY LANDLORD-TENANT MEDIATION BOARD

WHEREAS, the City Council by Resolution numbers CS-8062, CS-8096, CS-8146, CS-8367, 84-R040 and 87 R043, has created the Culver City Landlord-Tenant Mediation Board and has established organization and implementation guidelines to govern and regulate said Board, and

WHEREAS, on July 13, 1992, the City Council received the annual report from the Culver City Landlord-Tenant Mediation Board, and

WHEREAS, the City Council has determined that the current Guidelines which require monthly meetings may require the Board to meet when no matters are to be presented for mediation, and the requirement of monthly meetings should be relaxed

NOW THEREFORE, the City Council of the City of Culver City, DOES HEREBY RESOLVE as follows

1 The Organization and Implementation Guidelines for the Culver City Landlord-Tenant Mediation Board, as adopted by Resolution No 87-R043, is hereby amended as follows

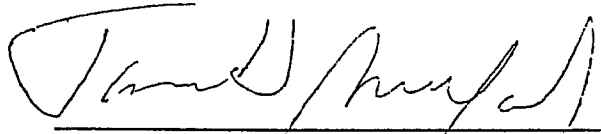
a "Paragraph 12 - Absences of Board Members

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

b ' Paragraph (17) Meetings

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

APPROVED and ADOPTED this 21st day of September 1992



DR JAMES BOULGARIDES, MAYOR
City of Culver City, California

ATTEST

APPROVED AS TO FORM



PAULINE C DOLCE, City Clerk



NORMAN Y HERRING, City Attorney

RLANDTEN
(vl)

Attachment B

Proposed Structure of Community Mediation Board

- 1 The Community Mediation Board (CMB) will replace the Landlord-Tenant Mediation Board
- 2 The CMB will mediate cases which come from the residents and businesses within Culver City (i.e. noise, pets, property maintenance, common area disputes, parking space problems, renters/homeowners conflicts, safety and environmental concerns, landlord-tenant disputes, consumer-merchant, workplace-related, schools, family/domestic)
- 3 There will be 12 members of the Board. In order to provide for continuity, the initial appointments will be as follows: 4 members for 3 years, 4 members for 2 years, and 4 members for 1 year
- 4 Board members must be residents of Culver City and will be appointed by the Culver City City Council
- 5 Funding and staff support for the Community Mediation Board will come from the City Attorney's Office
- 6 The Board will meet on a quarterly basis

The above list will be incorporated into the Organization and Implementation Guidelines for the Culver City Community Mediation Board

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 D

Proposed Case Intake and Mediation Process

- 1 The City Attorney's Office will be responsible for intake to their office and referrals from the Culver City Police Department
- 2 If needed, CMB members will volunteer to assist with intakes and material preparation
- 3 The City Attorney's Office will forward appropriate cases (business and residential) to the designated CMB member (CMB Chair or Liaison to the City Attorney's Office)
- 4 The City Attorney's Office will provide a case folder to the CMB member including an overview of the case, the ordinance which applies to the case and all the appropriate forms for mediation (confidentiality, agreement/non-agreement, etc)
- 5 An Ad Hoc Committee of the CMB will meet to assign mediators to the cases The number of mediators will depend on the type of case
- 6 The mediators will contact the participants in the mediation and notify the City Attorney's office if the mediation will take place and the times the participants are available
- 7 The City Attorney's Office will arrange for the location of the mediation
- 8 Mediations will be scheduled for at least 3 hours in length
- 9 Each CMB member who mediates a case will be responsible for writing up the findings and settlement and returning the paperwork to the City Attorney's Office

The above list will be incorporated into the Organization and Implementation Guidelines for the Culver City Community Mediation Board