

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 06/20/05		Item Number: <u>A-2</u>	
AGENDA ITEM: Discussion Regarding the Creation of the Community Mediation Board and Possible Dissolution of the Landlord Tenant Mediation Board.			
Contact Person/Dept.: Lillian Ikeda, CDD Heather Iker, City Attorney		Phone Number: (310) 253-5780 and (310) 253-5660	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Landlord Tenant Mediation Board Members on June 1, 2005. Master Notification List on June 15, 2005.			
Department Approval: Susan Evans 06/09/05		CAO Approval:	
City Controller Approval: Jim Lavery 6/15/05			
<u>RECOMMENDATION:</u> It is recommended that the City Council not approve the creation of the Community Mediation Board because it is not financially feasible at this time and alternative mediation sources exist. <u>BACKGROUND:</u> The Landlord Tenant Mediation Board ("Board") was established by the City Council in 1981 to offer voluntary mediation services to the tenant-landlord community. Those services were extended on May 20, 1987 by Chapter 32 of the Culver City Municipal Code to provide mandatory "good faith" mediation to rental disputes relating to residential rent increases in Culver City. The purpose and objectives of the Board are: 1) to build and strengthen communications between tenants and landlords; 2) to reduce tensions in the residential rental housing market by providing a means for tenants and landlords to resolve disputes related to rent increases; 3) and to educate the rental community about tenant and landlord relationships and the rights and responsibilities of both tenants and landlords. Since its creation in 1981, the Board has scheduled five hundred fifty-nine (559) mediation sessions. The Board consists of nine (9) members who each serve three (3) year terms. There are three (3) categories of membership. These categories include: three (3)			

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Landlord Representatives; three (3) Tenant Representatives; and three (3) Member-at-Large Representatives. There are also three (3) alternate positions, one in each of the three (3) categories.

Tenant Representatives must be a resident of Culver City and have no financial interest in residential income-producing property either in Culver City or elsewhere. Landlord Representatives must own, manage, or have a residential income property interest within the City and preferably be residents of Culver City. Member-at-Large Representatives must be residents of the City who are neither a tenant, nor have any ownership interest in any residential income-producing property in Culver City.

All Board Members receive thirty (30) hours of basic mediation training conducted by the Los Angeles County Bar Association through Dispute Resolution Services. Staff support for the Board is provided by the Community Development Department Housing Division.

DISCUSSION:

At its July, 2003 quarterly meeting, the Board began discussion to expand their scope of duties beyond mediating residential rent increases. To better understand the types of complaints expressed by citizens, the Board asked the Housing Division to tally the types of calls received (other than rent increases) during a three (3) month period. A total of forty-one (41) calls were received. It was noted that the type of calls received were for the following reasons: security deposit, rent control, lease, eviction, repairs, noisy neighbors, and landlord issues.

From this information, the Board discussed the possibility of expanding the scope of mediations to include neighbor-to-neighbor issues such as, barking dogs, view mediation, noise from gardeners, fence heights and, consumer-to-business, etc. The City Attorney has attended meetings with Board members to discuss these proposals.

The Housing Administrator was invited to attend the Board's July 2004 quarterly meeting to discuss the expansion and how it would relate to the Board's budget. It was conveyed that the budget for the Board is funded from Redevelopment Agency Housing Set-Aside Funds that is solely for the purpose of increasing, improving and preserving affordable housing (Health and Safety Code Section 33334.2) and that the function of the Board is to preserve affordable housing. With the proposed expanded duties, the Board would no longer follow the Redevelopment Health & Safety Code rules and regulations. If the Board were to expand their duties to include the mediation of barking dogs, view mediation, and assist neighbor-to-neighbor disputes and move away from the premise of Housing Set-Aside Funds,

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their budget from the Housing Division would be drastically reduced. For example, if the Board spent only five percent (5%) of their time on rent mediation then only five percent (5%) of the present budget would be funded through Housing Set-Aside Funds. At this time, the Board spends approximately \$4,800 per year (stipends, basic mediation training and conferences). Staff has notified the Board that expansion of their duties would involve substantial increases in their budget. Their budget would require additional office supplies, possible separate office space, brochures, advertising, telephone, computers, printing, and staffing.

Additionally at this meeting, it was also expressed by the Housing Administrator that the City already has Building & Safety, Code Enforcement, and a City Attorney's Office to address many of the issues they wish to mediate. In addition to the services provided by the City, the Los Angeles City Attorney's Office provides free mediation services to Los Angeles County residents and the County of Los Angeles provides mediation services through Dispute Resolution Services, as explained below. The Board expressed that even though these entities exist, they can assist with repetitive complaint calls received by Police, City Attorney and Code Enforcement.

The Board has also investigated funding sources. The Board proposes to have a part-time employee, who would be an intern, to provide intake assistance. The Board believes this intern would work for school credit and would not receive financial compensation. The Board also believes that they could obtain a mini grant from the National Association for Community Mediation. With this, the Board feels that there should be no need for an increase over the \$4,800 currently budgeted.

Currently, when Culver City residents inquire about mediation services for situations other than rent increases, they are referred by staff to Dispute Resolution Services. Dispute Resolution Services ("DRS") is a nonprofit corporation of the Los Angeles County Bar Association established to promote and provide accessible and effective conflict resolution services. DRS serves more than 25,000 people annually, including the residents of Culver City, through the following six (6) programs:

- (1) Community Mediation Services – This service offers residents of the County and its various municipalities a speedy, inexpensive way to resolve disputes through mediation and facilitation. A nominal administrative processing fee of \$50 is the only charge in most cases, with a sliding scale fee for family and domestic partnership disputes/agreements. For all cases, fees can be waived for those unable to pay. Typical disputes can be landlord/tenant; condominium issues; zoning/land use; environmental; consumer/merchant; employee/employer; small claims; family divorce; neighbor-to-neighbor and domestic relations.

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- (2) Youth, Schools, and Family Mediation Services – This program serves youths in school districts throughout Los Angeles County. It is designed to reduce and prevent acts of frustration and violence among youth.
- (3) Rainbow Mediations – This provides mediation and facilitation services to the lesbian, gay, bisexual, and transgender communities of Southern California.
- (4) Attorney-Client Mediation & Arbitration Services – DRS offers the largest attorney-client fee disputes program in California.
- (5) Training and Consultant Services – This program provides skills training courses and private consulting services in mediation, arbitration, negotiation, and other conflict resolution and dispute prevention techniques.
- (6) Business and Consumer Services – This program identifies, develops, and implements mediation services and training for the public and for business.

Expansion of the scope of services provided by the Board is not recommended by staff based on the aforementioned information which outlines that expansion is not financially feasible under the City's current budget as the use of Housing Set-Aside Funds (which currently funds the Board) is restricted to "increasing and improving affordable housing." Additionally, various Culver City entities already exist, such as the Police Department, Building Safety, Code Enforcement, City Attorney's Office, District Attorney's Office as well as alternative mediation services available through both the City and County of Los Angeles to address the types of issues the Board wishes to mediate.

If the Council decides to create the Community Mediation Board, Council will need to direct staff to develop guidelines for the new Community Mediation Board to define the types of mediation which will be heard.

FISCAL ANALYSIS:

According to the Board, in a letter dated November 17, 2004 (Attachment 1), they are projecting a budget of no more than \$4,800, which is their current budget funded through Housing Set-Aside Funds.

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Staff estimates that the creation of the Community Mediation Board would include the following start-up costs based upon a ten (10) member Board:

Item	Description	Estimated Annual Cost
Part-time support staff	Clerical assistance \$12.085-\$13.352/hr (no benefits, 12 hrs. per week) (on-going)	\$7,541.04 to \$8,331.44
Desk space	Provided by City, if available	No Charge
Equipment	Phone (one-time cost)	400.00
	Computer (one-time cost)	1,210.00
	Printer (one-time cost)	250.00
Utilities	Provided by City	No Charge
Printing	Brochures (on-going)	2,000.00
Advertising	Newspaper, etc. (on-going)	1,680.00
Mediation Training	\$595 per member (on-going)	5,950.00
Miscellaneous	Office supplies, photocopies, business cards, postage, etc. (on-going)	2,500.00
	TOTAL	\$22,321.44

Council will need to direct staff to identify possible accounts where funds will be provided if the creation of the Community Mediation Board is approved. A 4/5ths majority vote will be required.

ATTACHMENT:

1) November 17, 2004 letter from Steve Reitzfeld, Chair, and Members of the Landlord Tenant Mediation Board.

MOTION:

That the City Council:

- 1) Not approve the creation of the Community Mediation Board, or
- 2) Approve the creation of the Community Mediation Board, to be funded through an account to be identified in the amount of \$22,322; and provide staff with guidelines for the services to be provided by the Community Mediation Board; or
- 3) Provide staff with further direction.