

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

Meeting Date: 04/20/09		Item Number: A-2	
AGENDA ITEM: Consideration of Member Absence and Resignation for the Landlord Tenant Mediation Board.			
Contact Person/Dept.: Lillian Ikeda, CDD Housing		Phone Number: (310) 253-5797	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Public Notification: Master E-Mail Notification List (04/15/09). Mary Ellen Fernandez on 03/25/09. Claire-Elise Broner on 03/25/09. Landlord Tenant Mediation Board members on 03/25/09.			
Department Approval: Sol Blumenfeld (03/25/09)		City Attorney Approval: Carol Schwab (by H. Baker) (04/15/09)	
Chief Financial Officer Approval: Jeff Muir (04/15/09)		City Manager Approval: Jerry B. Fulwood (04/16/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council consider the continuance of service of both Claire-Elise Broner, Tenant Representative, and Mary Ellen Fernandez, Landlord Representative, on the Landlord Tenant Mediation Board and to accept Theodore Kreps' resignation as Tenant Representative. <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 expanded on May 20, 1987 by Chapter 15.09 of the Culver City Municipal Code to provide mandatory "good faith" mediation to rental disputes surrounding 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 rental housing market by providing a means for tenants and landlords to resolve disputes related to rent increases; and 3) 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 and seventy-six (576) mediation sessions.			

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The Board consists of nine members who each serve three-year terms. There are three categories of memberships which include: three Tenant Representatives, three Landlord Representatives, and three Member-at-Large Representatives. There are also three alternate positions, one in each of the above-referenced 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 and are neither tenants nor have any ownership interest in rental property in Culver City.

DISCUSSION:

The rules and regulations in the "Organization and Implementation Guidelines" for the Board states "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."

The Board meets quarterly during the months of January, April, July and October usually on the last Wednesday of the month.

Tenant Representative - Kreps

Theodore Kreps has served on the Board since July 1, 2005, when he was appointed as a Tenant Representative. Mr. Kreps was absent from the October 2008 and January 2009 meetings. Mr. Kreps has expressed his desire to no longer remain on the Board and has verbally resigned from his position as Tenant Representative.

Tenant Representative - Broner

Claire-Elise Broner has served on the Board since July 1, 2007, when she was appointed as a Tenant Representative.

Ms. Broner was absent from the July 2008 and January 2009 meetings.

Ms. Broner has expressed her desire to remain on the Board. Since Ms. Broner's appointment to the Board, she has received 30 hours of professional mediation training at a cost to the City of \$625. Additionally, Ms. Broner has mediated two cases since her appointment in July 2007.

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Should the City Council determine to remove Ms. Broner from her seat, according to the "Organization and Implementation Guidelines," the alternate Tenant member would be appointed by the Council as the Tenant Representative, however, that position remains vacant.

The City Clerk's office has begun advertising for Tenant Representative and Tenant Alternate position and appointments are scheduled on the May 11, 2009 agenda.

Landlord Representative

Mary Ellen Fernandez was first appointed in 1989 as Landlord Alternate and was appointed as a Landlord Representative on June 1, 1990.

Ms. Fernandez was also absent from the July 2008 and January 2009 meetings.

Ms. Fernandez has expressed her desire to remain on the Board. Since Ms. Fernandez's appointment to the Board, she also has received 30 hours of professional mediation training at a cost to the City of \$625. Additionally, Ms. Fernandez has mediated forty-five cases since her appointment in 1990.

Should the City Council determine to remove Ms. Fernandez from her seat, according to the "Organization and Implementation Guidelines", the newly appointed alternate Landlord member, Mr. Justin Lescoulie, would be appointed by the Council as the Landlord Representative, to serve Ms. Fernandez's remaining term, until June 30, 2010.

FISCAL ANALYSIS:

Consideration of the Tenant and Landlord Representatives has no significant fiscal impact. Should a vacancy be created for the Landlord Representative, current Landlord Alternate Justin Lescoulie would be appointed as the Landlord Representative. Training costs (including AB 1234 Ethics training) would be absorbed in existing appropriations.

ATTACHMENTS:

None

MOTION:

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That the City Council:

1. Accept Theodore Kreps' resignation as Tenant Representative on the Landlord Tenant Mediation Board; and,

2A) Allow Claire-Elise Broner to continue to serve as Tenant Representative to the Landlord Tenant Mediation Board;

OR

2B) Remove Claire-Elise Broner as Tenant Representative, and wait to consider an appointment for Tenant Representative on May 11, 2009; and,

3A) Allow Mary Ellen Fernandez to continue to serve as Landlord Representative on the Landlord Tenant Mediation Board;

OR

3B) Remove Mary Ellen Fernandez as Landlord Representative and appoint Justin Lescoulie as Landlord Representative to serve the unexpired term of Ms. Fernandez commencing April 20, 2009 and ending June 30, 2010.