



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Court Special Services
Department No.: 025
For Agenda Of: July 16, 2019
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Superior Court Executive Officer and Santa
Barbara County ADR Programs Administrator: Darrel E. Parker, 805-614-6594
Contact Info: Patrick Ballard, Chief Financial Officer 882-4682
Richard Morgantini, County Executive Office 568-3551

**SUBJECT: Amendment No. 3 to Grant Award Funding of Alternate Dispute Resolution (ADR)
and Dispute Resolution Programs Act (DRPA) for FY 19/20**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors

- a. Approve, ratify, and authorize the Chair to execute Amendment No. 3 to the Agreement with Conflict Solutions Center of Santa Barbara County (CSC) for grant funding from the Dispute Resolution Trust Fund (Fund 1073) for an additional annual amount of \$72,000 for fiscal year 2019-2020, bringing the overall grant award total not to exceed to \$324,000, and extending the Agreement for the period of July 1, 2019 through June 30, 2020;
- b. Approve continued funding from the Dispute Resolution Trust Fund (Fund 1073) for the Superior Court, for purposes of Dispute Resolution Program administration during the term July 1, 2019 through June 30, 2020 in an amount not to exceed twenty percent (20%) of the funds available of the Trust Fund in accordance with Section 469 of the California Business and Professions Code;
- c. Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15378(b)(4), since the recommended actions are government fiscal activities which do not involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

Summary Text:

The Dispute Resolution Program Committee (The Committee) remains committed to ensuring the countywide availability of services funded through Dispute Resolutions Programs Act of 1986 (DRPA), and endeavors to insure the equitable distribution of program activities and funding within all County communities. The Committee wants to ensure that mediation services and training are available to all county residents and to encourage the education of County citizens in the uses and value of mediation, as well as in specific techniques of the dispute resolution process.

This grant award was the result of a competitive bidding process in fiscal year 2015-16 in accordance with Title 16 of the California Code of Regulations (CCR) Section 3665, in which CSC was the sole responding entity. CSC has a successful performance and reporting record of service as the current and as the past provider. Additionally, CSC has shown continuous improvement and enhancement of services. We therefore request that your Board approve Amendment No. 3 to extend the Agreement through June 30, 2020.

Background:

The Board initially implemented the DRPA Program in December of 1987, enacting Board Resolution 87-614, and has enacted superseding Resolutions for the Program, the latest of which is Resolution 94-178 of April 5, 1994. The Superior Court provides administration and support staffing to ADR Programs, per Rule 10.783 of the California Rules of Court.

Since 1984, DRPA-funded resolution programs have provided Countywide services, focusing on community mediator training as well as providing actual mediation services. The broad scope of these services have included such specialized programs as juvenile offender/victim mediation (JOVM), civil harassment/temporary restraining order (CH/TRO) mediation, and small claims court (SCC) mediation. There has also been a particular focus on general dispute resolution advocacy and referral services. One of the program's primary goals is a heightened public awareness and understanding of mediation and other informal methods of dispute resolution.

Performance Measure:

The Committee will meet at least two (2) times annually with the Contractor and will monitor the Contractor for compliance and performance. Additionally, per Cal. B&P §471.5, CSC is required to "annually provide the county with statistical data" regarding numerous program metrics.

Fiscal and Facilities Impacts:

Budgeted: Yes

The potential savings to the community, to local government entities and to the trial court system of the State of California in utilizing ADR are substantial. This is particularly true when compared to the estimated costs of just one day of (non-jury) trial of any dispute by a judicial officer. The potential savings in time, attorney fees, litigation costs and "adversarial aggravation" for litigants, is an even greater benefit to the citizens of Santa Barbara County. There are no net County costs or facilities impacts related to the proposed execution of this Agreement.

All funding for DRPA programs comes directly from the dedicated Dispute Resolution Trust Fund (Fund 1073), and funds will be transferred into the Court Special Services budget (Fund 0069) for payments to the Contractor. In accordance with Cal. B&P § 469 up to twenty percent (20%) of all "funds available" for DRPA services may be used for administration of the DRPA Program. Administration expenses not to exceed that amount will be transferred to the Superior Court for this purpose.

Fiscal Analysis:

The total cost for CSC to operate the DRPA program and to provide the community throughout Santa Barbara County with Small Claims and Mediation Services is \$106,812 annually. Court Special Services (and CSC) requests a grant award of \$72,000 for the proposed twelve (12) month term. Under this grant award, up to \$72,000 will be paid for services in FY 19/20 from DRPA Trust Fund 1073.

Key Contract Risks:

The Agreement risks are relatively low because CSC has been providing DRPA services since the program's inception, and has been in operation for the past twenty one (21) years. CSC has demonstrated the ability to perform the services and has an understanding of the reporting requirements for this grant award. CSC is a nonprofit corporation, with 59.43% of total revenue coming from DRPA funds. The Committee will continue to monitor performance to ensure compliance and to keep risks low throughout the term.

Staffing Impacts:

There are no staffing impacts associated with this Agreement.

Special Instructions:

Please provide Patrick Ballard, Chief Financial Officer of the Superior Court, with a conformed copy of the Board Minute Order and two (2) conformed copies of the signature page, following execution by the Chair of the Board.

Please provide Richard Morgantini, the Fiscal and Policy Analyst of the County Executive Office with a conformed copy of the Board Minute Order.

Attachments:

1. Amendment No. 3 to the Agreement for Services with Conflict Solutions Center
2. Amendment No. 2 to the Agreement for Services with Conflict Solutions Center
3. Amendment No. 1 to the Agreement for Services with Conflict Solutions Center
4. Agreement for Services with Conflict Solutions Center

Authored by:

Darrel E. Parker, Superior Court Executive Officer

cc:

Richard Morgantini, County Executive Office