

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:

Prepared on: 07/10/03
Department: Superior Court
Budget Unit: 025
Agenda Date: 08/12/03
Placement: Administrative
Estimate Time: NA
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM Gary M. Blair, Superior Court Executive Officer
Santa Barbara County ADR Programs Administrator

STAFF Chris Profio, Court-Administrated Dispute Resolution (CADRe) Coordinator
CONTACT: Santa Barbara County ADR Programs Coordinator, ext. 3150

SUBJECT: FUNDING OF ADR/DRPA DISPUTE RESOLUTION PROGRAMS, 2003-2004

Recommendation(s):

That the Board of Supervisors

- (1) Approve and execute an amendment of the existing (2001-02) Contract with *Community Mediation Program of Santa Barbara County* for grant funding from the Dispute Resolution Trust (Fund 1073) in the amount of \$60,000.; extending the Contract for the period July 1, 2003 - June 30, 2004, as permitted in Section 3 of that Contract and as recommended by the Dispute Resolution Committee.
- (2) Approve continued funding from the Dispute Resolution Trust Fund (1073) for the Superior Court, for purposes of Dispute Resolution Program administration during fiscal year 2003-04, in an amount not to exceed 20% of the annual revenue of the Trust Fund, as provided by Section 469 of the California Business and Professions Code.

Alignment with Board Strategic Plan:

- Goal V. Maintain and Enhance the Quality of Life for all Residents
- Goal VI. Make Santa Barbara County Government Citizen-Friendly

Executive Summary and Discussion:

DRPA Program History

In December of 1987, your Board adopted provisions of the Dispute Resolution Programs Act (“DRPA”) of 1986 (California Business and Professions Code Sections 465, et seq), approving an incremental addition to Court filing fees, and creating the County Dispute Resolution Trust Fund from which certain qualifying dispute resolution services may be funded. The “Garamendi” Dispute Resolution programs to be funded (named for the sponsoring California Legislator) are intended to provide tested or experimental alternatives to traditional adversary Court processes, using such techniques as mediation and arbitration for the resolution of disputes between parties in conflict. Such programs must meet the qualifications specified by DRPA, and by the implementing California Code of Regulations for DRPA (CCRs Title 16, Chapter 36). The 1986 legislation established authority for oversight of the DRPA process by the California Department of Consumer Affairs, which has established regulations for operation and funding of the Program.

For the first years of the Program, the County Administrator’s Office acted as our County DRPA Program Coordinator, with assistance by judicial representatives who acted as an informal proposal evaluation resource. In 1994, at the request of the CAO, the North County Municipal Court assumed the coordination function. In 1996 a new Countywide committee of Court and Bar representatives assumed oversight of this and other ADR activity, as the Santa Barbara County Dispute Resolution Program Committee. The Superior Court provides administration and support staffing to the Program, per agreement between Court and County.

For several years now, our DRPA-funded dispute resolution programs have provided Countywide services, focusing on community mediator training as well as providing actual mediation services. The broad scope of these services includes 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 our primary goals -- i.e. a heightened public awareness and understanding of mediation and other informal methods of dispute resolution -- has been substantially achieved. The primary contract provider has historically been the *Community Mediation Program of Santa Barbara County (CMP)*, which in fiscal year 1997-98 separated from its parent organization, the Santa Barbara Legal Aid Foundation.

The DRPA Process, 2003-2004

The Dispute Resolution Program Committee remains committed to ensuring the countywide availability of services funded through DRPA, and particularly attempts 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 also 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.

In consideration of several years of continuing improvement and enhancement of services provided by the current contractor, *Community Mediation Program of Santa Barbara County (CMP)*, the DRPA Committee requests that your Board extend the current contract for an additional year, from July 1, 2003 through June 30, 2004, with the same contract provisions as for fiscal year 2002-2003, but with a modest funding reduction (from \$70,000. to \$60,000), in recognition of current fiscal conditions and possible modest reduction in 2003-04 revenue accrual to the ADR Trust Fund from Court filing fees.

This request for extension of the existing contract is supported by a successful and improving performance and reporting record of the current contractor; and further, by the fact that, in response to a formal RFP issued in May of 2001 for the 2001-2002 contract, the proposal of the current contractor was the only proposal received.

| <u>Program Provider</u> | <u>Program / Component</u> | <u>Funding Amount</u> |
|--|---------------------------------|-----------------------|
| <i>Community Mediation Program Of Santa Barbara County (CMP)</i> | 1.Community Caseload | \$ 60,000. |
| | 2.Community Outreach & Referral | |
| | 3.Court Caseload | |
| | 4.ADR Education & Training | |

Community Mediation Program Contract

The *Community Mediation Program of Santa Barbara County* has an extensive history of successfully providing community mediation services and training in Santa Barbara County, and has historically been the primary recipient of DRPA contract funding from the Dispute Resolution Trust Fund. A wide range of dispute resolution services, education and training has been provided by the Community Mediation Program, for the past several years. The Proposal of the Community Mediation Program for fiscal year 2001-2002 addressed several specific and established needs for dispute resolution services, and these services will continue under the contract extension during 2003-2004. The Contractor's services focus on Committee-established priorities for (1) directly providing dispute resolution services in appropriate cases, (2) continued development and advocacy of community interest in dispute resolution, and (3) training of individual County citizens to serve as mediators. [See "*Exhibit A*" to the Contract, "*Program Policies and Service Priorities*"; "*Exhibit B*" for *Contractor Compensation and Billing*, and "*Exhibit C*", for Insurance Provisions.]

Mandates and Service Levels:

The establishment of DRPA funding and programs is optional rather than mandatory in California Counties. The Board initially acted to implement 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. California Business and Professions Code Sections 465, et seq, and California Code of Regulations Title 16, Chapter 36 establish the mandates and service levels for this Program.

Fiscal and Facilities Impacts:

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 contracts for funding of DRPA programs.

All funding for DRPA programs comes directly from the dedicated Dispute Resolution Trust Fund (#1073), and funds will be transferred into the Superior Court budget (Fund 0069) for payments to the contractors. In accordance with governing legislation and regulations, up to twenty percent (20%) of all "funds available" for DRPA services may be used for administration of the DRPA Program. Administrative expenses not to exceed that amount will be transferred to the Superior Court budget (Fund 5900), for this purpose.

Special Instructions: Please furnish the Superior Court Executive Officer with a conformed copy of the Board Minute Order and a conformed copy of the contracts, following execution by the Chairman of the Board.

Concurrence:

County Counsel, Auditor-Controller, Risk Management