



Legislation Details (With Text)

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On agenda: 7/25/2017 **Final action:** 7/25/2017

Title: Chief Administrative Office recommending the Board consider the following:
 1) Approve and authorize the Chief Administrative Officer (CAO) to execute an agreement with the Superior Court of California, County of El Dorado, for the provision of alternate dispute resolution services in an amount not to exceed \$410,000 for a five-year period effective upon execution of the agreement;
 2) Authorize the CAO to execute future Amendments which do not affect the term or total not to exceed amount of the Agreement; and
 3) Authorize the CAO to designate a qualified person to function as the Dispute Resolution Program Coordinator.

FUNDING: Alternate Dispute Resolution Special Revenue Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 7A - Agreement for ADR 7-25-17, 2. 7B - Blue Route 7-25-17, 3. 6A - Approved Blue Route Agm No. 339-S1311 AMD V 9-27-16, 4. 6B - Agreement No. 339-S1311 AMD V 9-27-16, 5. 5A - Approved Blue Route Agm No. 339-S1311 AMD IV 6-14-16, 6. 5B - Agreement No. 339-S1311 AMD IV 6-14-16, 7. 4A - Approved Blue Route Agm No. 339-S1311 AMD III 2-23-16, 8. 4B - Agreement No. 339-S1311 AMD III 2-23-16, 9. 3A - Approved Blue Route Agreement No. 339-S1311 AMD II 9-1-15, 10. 3B - Agreement No. 339-S1311 AMD II 9-1-15, 11. 2A - Agreement 339-S1311 AMD I 2-25-14, 12. 2B - 339-S1311 Blue Route 2-25-14, 13. 2C - Notification to Dept of Consumer Affairs 2-25-14, 14. Executed ltr. to CA Dept. of Consumer Affairs.pdf, 15. A - Consumer Affairs Notification.pdf, 16. B - SAMPLE CNTR.pdf, 17. C - Budget_transfer1.pdf, 18. Fully executed ltr to CA Dept. of Consumer Affairs.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 7/25/2017 | 7 | Board of Supervisors | Approved | Pass |
| 9/27/2016 | 6 | Board of Supervisors | Approved | Pass |
| 6/14/2016 | 5 | Board of Supervisors | Approved | Pass |
| 2/23/2016 | 4 | Board of Supervisors | Approved | Pass |
| 9/1/2015 | 3 | Board of Supervisors | Approved | Pass |
| 2/25/2014 | 2 | Board of Supervisors | Approved | Pass |
| 12/4/2012 | 1 | Board of Supervisors | Approved | Pass |

Chief Administrative Office recommending the Board consider the following:
 1) Approve and authorize the Chief Administrative Officer (CAO) to execute an agreement with the Superior Court of California, County of El Dorado, for the provision of alternate dispute resolution services in an amount not to exceed \$410,000 for a five-year period effective upon execution of the agreement;
 2) Authorize the CAO to execute future Amendments which do not affect the term or total not to exceed amount of the Agreement; and

3) Authorize the CAO to designate a qualified person to function as the Dispute Resolution Program Coordinator.

FUNDING: Alternate Dispute Resolution Special Revenue Fund.

DEPARTMENT RECOMMENDATION

- 1) Approve and authorize the CAO to execute an agreement with the Superior Court of California, County of El Dorado, for the provision of alternate dispute resolution (ADR) services in an amount not to exceed \$410,000 for a five-year period effective upon execution of the agreement; and
- 2) Authorize the CAO to execute future Amendments which do not affect the term or total not to exceed amount of the Agreement; and
- 3) Authorize the CAO to designate a qualified person to function as the Dispute Resolution Program Coordinator.

DISCUSSION / BACKGROUND

The Dispute Resolution Program Act of 1986 provides for the establishment and funding, at County option, of local dispute resolution programs. The goal of dispute resolution programs is to create a more effective and efficient dispute resolution process by offering less threatening and more flexible forums for persons of all ethnic, racial, and socioeconomic backgrounds.

The County issued a Request for Proposals (RFP) in 2012 for these services, and on December 4, 2012, the Board authorized the CAO to execute an agreement with the Superior Court of the County of El Dorado, the sole qualified proposer, for the provision ADR services. The term of the contract was for five years.

The Administrative Office of the Courts makes monthly distributions from superior court filing fees for the support of dispute resolution programs in each county that has acted to establish a program. Historically, El Dorado County collects between \$25,000 to \$30,000 per year as a result of this filing fee. As of June 30, 2017, the special revenue fund has an estimated balance of \$321,000 to fund dispute resolution services.

The Court contacted County staff in May, indicating they would like to continue to provide the services. A new five-year agreement, with the same terms as the previous agreement, has been prepared for the Board's review and approval. The contract provides for the County to pay 49% of the Court's actual cost to provide these services. The annual contract amounts are estimates, based on the Court's budget, for these services. The actual costs may be lower in any given year.

In addition, in accordance with California Code of Regulations, Section 3662, each Board of Supervisors or designee shall appoint or designate a qualified person to function as the Dispute Resolution Program Coordinator. The Dispute Resolution Program Coordinator acts as the public's contact person and information resource regarding the county's grant solicitation and award procedures, the county's functions and responsibilities under the Dispute Resolution Program Act, and the dispute resolution programs and services provided by the County. The Board of Supervisors last designated Laura Schwartz, Chief Budget Officer, to serve in this capacity. The CAO is in the process of determining the proper individual to fill this role, and is asking the Board to authorize him to make that designation and notify the Department of Consumer Affairs.

ALTERNATIVES

The County could choose not to continue to have an established ADR program, resulting in fewer options for settling civil disputes.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Superior Court of California, El Dorado County

FINANCIAL IMPACT

All costs associated with this program are paid from special revenue funds received by the County from the court filing fees and the El Dorado County Superior Court, resulting in no impact to Net County Cost.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Sue Hennike