



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 10/21/2014

Agenda Placement: 60

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Leanne Link for Nancy Watt - County Executive Officer  
County Executive Office

**REPORT BY:** Helene Franchi, PRINCIPAL MANAGEMENT ANALYST - 253-4820

**SUBJECT:** Dispute Resolution Program

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### **RECOMMENDATION**

County Executive Officer requests approval of the following actions effective January 1, 2015 regarding the administration and maintenance of the Dispute Resolution Programs Act (DRPA) in Napa County:

1. Adoption of a resolution authorizing the Auditor-Controller to create within the General Government Function a Non-Operating Special Revenue Fund pursuant to DRPA and delegating administration of DRPA funds to the Napa County Superior Court; and
2. Approval and authorization for the Chairman to sign Amendment No. 2 to Agreement No. 4137 with the Napa County Superior Court expanding the Scope of Service to include the DRPA program.

### **EXECUTIVE SUMMARY**

The Dispute Resolution Programs Act (DRPA) was intended to provide tested or experimental alternatives to traditional adversary judicial processes using such techniques as mediation for the resolution of disputes between parties in conflict. Programs must meet the qualifications specified by the DRPA and the California Code of regulations (CCR Title 16, Chapter 36). As the designated oversight authority for DRPA programs, the California Department of Consumer Affairs establishes regulations for operation and funding of these programs.

Counties that choose to offer these services to their residents are authorized to allocate up to \$8.00 from existing civil filing fees in superior court actions to generate new revenues for local programs. Currently, these funds are deposited in the State's General Fund. The Court, together with the Napa County Bar Association, is proposing to establish a local court-sponsored mediation program. The recommended actions will initiate that process.

**FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Superior Court Filing Fees - \$8 per filing fee
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Dispute resolution programs are effective and efficient alternatives to court proceedings and offer less threatening and more flexible forums.
Is the general fund affected?	No
Future fiscal impact:	Funds will be included in the recommended budgets for support of the program.
Consequences if not approved:	This portion of filing fees will continue to be transferred to the State General Fund with no local benefit.
Additional Information:	

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

The Dispute Resolution Programs Act of 1986 (Stats 1986, ch. 1313, SB 2064-Garamendi and Stats 1987, ch. 28, SB 123-Garamendi) provides for the local establishment and funding of informal dispute resolution programs. The goal of the Act is the creation of a statewide system of locally-funded programs that provide dispute resolution mediation services to county residents. These services assist in resolving problems informally and function as alternatives to more formal court proceedings.

Counties that choose to offer these services to their residents are authorized to allocate up to up to \$8.00 from existing civil filing fees in superior court actions to generate new revenues for local programs. Such mediation services can be used to settle civil disputes between landlord/tenant, neighbor/neighbor, consumer/merchant, business/business and employer/employee, as well as many others. Such services will be provided to litigants on a limited basis at no cost.

The Napa Superior Court has been working with the Napa County Bar Association to establish a local court-sponsored mediation program. To fund the operating expenses for such a program, the court is requesting the Board approve a resolution that would accomplish the following:

1. Allow the court to deduct \$8.00 from each civil filing fee as specified by Business and Professional Code section 470.5.(c).
2. Establish a local DRPA trust funding into which all such funds will be deposited and drawn upon for use in establishing and administering a local dispute resolution mediation program.
3. Designate the Superior Court Executive Officer as the DRPA Program Coordinator.

4. Delegate to the court to the to the extent allowed by law all duties and responsibilities required under section 465 through section 471.5, inclusive, of the Business and Professions Code and Title 16 CCR section 3600 et seq.

The court will use such funding and powers to work with the local Bar Association and other appropriate agencies to establish and refer civil litigants to a panel of qualified mediators. As required by the statutes, such services will be rendered on a voluntary but limited basis at no cost.

The court estimates that this action will provide \$8,000 to \$10,000 in filing fee revenue for this program. This program will redirect current filing fee revenue now being deposited in the state revenue funds and not increase filing fees for civil litigants. Business and Professional Code provides that this action can occur either on July 1 or January 1 of each year with prior notice to the Administrative Office of the Court (AOC). Upon approval of the Board, staff will notify the AOC.

#### **SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Liz Habkirk