

RESOLUTION NO. 2015-R040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CULVER CITY, CALIFORNIA, ADOPTING THE BYLAWS OF
THE CULVER CITY LANDLORD-TENANT MEDIATION
BOARD AND RESCINDING RESOLUTION NO. 87-R043.

WHEREAS, the Landlord-Tenant Mediation Board (the "Board") was established by the City Council in 1965 with the purpose and objectives of building and strengthening communication between landlords and tenants; reducing tensions in the rental housing market; and providing confidential mediation services to assist in the discussion and resolution of disputes relating to rent increases and educate the parties about the landlord-tenant relationship; and,

WHEREAS, the Organization and Implementation Guidelines governing the operation of the Board were last updated nearly 30 years ago; and,

WHEREAS, the City Council desires to update the governing document of the Board, in the form of bylaws, to reflect existing practice; emphasize the importance of confidentiality and neutrality in fulfilling the role of a Board Member; and achieve consistency, to the extent practicable, with other City commission and committee governing documents.


NOW, THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY RESOLVE as follows:

1. The Bylaws of the Culver City Landlord-Tenant Mediation Board, attached hereto as Exhibit A and incorporated herein by this reference, are hereby adopted.

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2. Resolution No. 87-R043 is hereby rescinded.

APPROVED and ADOPTED this 11th day of May, 2015.


MICHEÁL O'LEARY, Mayor
City of Culver City, California

ATTEST:


MARTIN R. COLE, City Clerk

APPROVED AS TO FORM:


CAROL A. SCHWAB, City Attorney
for

A15-00303

BYLAWS OF THE
CULVER CITY LANDLORD-TENANT MEDIATION BOARD

I. PURPOSE AND OBJECTIVES

As set forth in Culver City Municipal Code (CCMC) Section 15.09.005, the purpose and objectives of the Landlord-Tenant Mediation Board (the "Board"), are as follows:

- A. To reduce tensions in the rental housing market by requiring the parties involved in a rent increase dispute to participate in a good faith mediation session with objective and neutral mediators. The sessions will serve to facilitate a means of resolution of disputes between tenants and landlords of residential rental properties related to rent increases, through the process of mediation.
- B. To build and strengthen communications between landlords and tenants and educate the parties about the landlord and tenant relationship and the rights and responsibilities of both parties.

II. BOARD ORGANIZATION

A. **Composition**

The Board shall consist of 12 members appointed by the City Council as follows:

- Four Tenant Members
- Four Landlord Members
- Four Members-at-Large

B. **Qualification and Selection of Board Members**

1. Tenant Members shall be tenants of residential rental property located within the City of Culver City, and neither the applicant nor the applicant's spouse or dependents shall have any financial interest in residential income-producing property in Culver City.
2. Landlord Members shall own, manage or have a residential income property interest(s) within the City of Culver City, and shall preferably be residents of the City of Culver City.
3. Members-at-Large shall be residents of the City of Culver City. Members-at-Large shall neither be tenants within the City of Culver

City, nor shall they own or have an ownership interest in any residential income-producing property in the City of Culver City. Furthermore, preferably, neither Members-at-Large nor their spouse or dependents shall have any direct business or financial relationship with either landlords or property managers within the City of Culver City.

4. All Board Members shall be selected by the City Council without regard to race, creed, color, religion, ancestry, national origin, sex, sexual orientation, gender, gender identity, gender expression, income, age, disability, medical condition, genetic information, and marital status.
5. Upon appointment to the Board, each Member shall be required to sign a declaration acknowledging his or her commitment to maintain neutrality and impartiality in his or her role on the Board, to conduct mediations in a neutral and an impartial manner, and to maintain the confidentiality of all mediations.

C. Terms of Office

1. Board Members shall serve a term of four years with no term limits.
2. All Board Members shall serve at the pleasure of the City Council and may be removed at any time, and without cause, by a majority vote of the City Council.

D. Absence of Board Members

The name of any Board Member who within any twelve month period has more than two unexcused absences from regular meetings of the Board, shall be referred to the City Council for consideration of removal. The Board shall determine whether a Board Member's absence is excused or unexcused.

E. Appointments to Fill Vacancies

If a vacancy occurs, the City Council may, but shall not be required to, appoint a qualified replacement. Such qualified replacement shall serve for the unexpired term for that seat. Upon expiration of such unexpired term, the incumbent may apply for re-appointment by the City Council.

F. Compensation

Board Members shall receive compensation, if any, at the rate established by City Council resolution.

G. Mediation Training

Board Members must complete mandatory mediation training within 60 days of appointment or as soon thereafter as training becomes available. Board Members shall coordinate such training through the Staff Liaison.

III. OFFICERS

A. Designation of Officers

At each meeting in July, the Board shall elect its officers consisting of a Chair and Vice-Chair, both of whom shall serve at the pleasure of the Board.

B. Duties of the Officers

1. The Chair shall preside at all Board meetings.
2. The Vice-Chair shall perform the duties of the Chair in his or her absence.

IV. MEETINGS

A. Regular Meetings

The Board shall meet on a quarterly basis on the last Wednesday of the months of January, April, July and October at a time and place to be decided by the Board. Regular meetings may be rescheduled by the Staff Liaison when necessary. Regular meetings may be cancelled by the Chair, in consultation with the Staff Liaison.

B. Special Meetings

Special meetings may be called at any time by the Chair or a quorum of the Board.

C. Brown Act

All meetings shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with

California Government Code Section 54950).

D. Quorum and Voting

A majority of the seated Board Members shall constitute a quorum. Each Board Member shall be entitled to one vote. Approval of any matter requires an affirmative vote from the majority of the Board Members present and voting. Abstention is not considered voting.

E. Conduct of Meetings

The latest edition of *Robert's Rules of Order* shall constitute the parliamentary guidelines for transaction of the Board's business. Where there is a conflict between Robert's Rules of Order and these Bylaws, the Bylaws shall have precedence. Failure to strictly follow Robert's Rules of Order shall not invalidate any action of the Board.

F. Placing Items on an Agenda

Consensus among a majority of the Board Members present and voting must exist in order to place an item on a future agenda for discussion or to request research by staff.

G. Board Report

At the Regular Meetings, the Board shall report on all mediation sessions conducted and business transacted at special meetings, if any such Special Meetings were held, since the last Regular Meeting. Subject to the confidentiality requirements of CCMC Chapter 15.09 and these Bylaws, in reporting on mediation sessions, the Board Members who participated in mediation panels may provide general comments regarding the mediations held (i.e. statistical information, successful and unsuccessful techniques used, etc.), but shall not disclose any of the substantive details of the confidential mediation sessions.

V. DUTIES

A. Role

A Board Member's role is to carry out the purpose and objectives of the Board.

B. Mediation Services

1. Members of the Board shall serve on panels to conduct mediation sessions to discuss and attempt to resolve disputes relating to rent increases and educate the parties about the landlord-tenant relationship, in accordance with the policies and procedures set forth in Section VI of these Bylaws.
2. Mediation sessions shall provide a confidential and neutral forum for landlords and tenants to discuss and resolve disputes relating to rent increases, as set forth in Section VI.E of these Bylaws.

C. Community Outreach Coordinator

The Board may designate, on an as-needed basis, one of its Members to coordinate community outreach efforts and communicate information regarding the available services of the Board, and other duties as may be assigned by the Board.

D. Council Liaison

The Board may designate, on an as-needed basis, one of its Members to act as liaison to the City Council to report on the Board's activities.

VI. MEDIATION PROCESS GUIDELINES, POLICIES AND PROCEDURES

A. Scope of Mediation

1. For purposes of these Bylaws, mediation is the process whereby a panel of Board Members, who are not a party to the dispute, attempt to assist the parties to the dispute, to come to a voluntary agreement. The mediation panel does not render a decision.
2. Landlords and/or tenants may contact City staff for basic information and referral regarding landlord/tenant rights and responsibilities. The Board, however, shall provide mediation services only regarding rent increases.
3. If a Request for Mediation is filed which presents a question as to whether a rent increase issue is presented, the matter shall be determined by Housing Division Staff in consultation with the City Attorney's Office. Upon the request of the Housing Division Staff or

the City Attorney's Office, such determinations may also involve staff from the City Manager's Office, whose decision shall be final.

B. Mandatory Mediation

Following receipt of a Request for Mediation regarding a rent increase-related dispute, City staff shall determine if it was timely filed within 15 days of receipt of a notice of rent increase, as required by CCMC Section 15.09.020. If the Request for Mediation is timely filed, City staff shall schedule a mandatory mediation session at a time prior to the effective date of the rent increase.

C. Voluntary Mediation

1. In the case a Request for Mediation is not timely filed, City staff shall contact the landlord party, either by telephone or in writing, and convey the nature of the complaint and provide the landlord and tenant parties an opportunity to voluntarily settle the dispute with the assistance of a Mediation Panel. Both parties to the dispute, and/or their authorized representatives who have the power to act on behalf of a party(ies) to the dispute, must agree to be present and participate in the voluntary mediation process. If the parties voluntarily determine to participate, City staff shall schedule a mediation session before a panel.
2. A rent increase for a condominium, townhome, mobile home unit or single family home is eligible for voluntary mediation in accordance with the process set forth in Section VI.C.1, above.

D. Conduct of Mediation Sessions

1. Mediation sessions shall be closed to the public and shall take place at a location, date, and time convenient to all parties to the dispute.
2. Mediation shall be conducted in a session attended by all parties to the dispute; provided that if any party declines to meet, the mediation may be conducted in separate sessions.
3. A Mediation panel in each case shall consist of one Landlord Member, one Tenant Member, and one Member-at-Large. In the event the assembly of a three-member panel is not feasible, a panel of fewer than three Board Members may conduct a mediation session if the parties in the dispute consent in writing to the waiver of a three-member panel and agree to mediation by a panel of fewer than three members. If a panel of two members cannot be convened, subject to the parties' in the dispute consent in writing, a single mediator

may be utilized, provided however, that such a mediator shall be selected from the Board Members-at-Large. When possible, a mediation panel should include one Board Member who has had prior experience participating on a mediation panel.

4. If mediation leads to an agreement between the parties, such agreement shall be prepared in writing and signed by the parties and attested to by the Board Member(s) who comprised the mediation panel. If mediation reaches an impasse, the panel may provide the parties information regarding other options that may be available to assist the parties in resolving their dispute.

E. Confidentiality and Neutrality

1. In submitting a dispute to mediation, all parties shall acknowledge that the proceedings of the mediation are privileged and confidential, and any admission or concession made by any party shall not prejudice the positions of any party or be introduced as evidence in any litigation or proceedings in accordance with applicable law.
2. All matters connected with mediation efforts under CCMC Chapter 15.09 and these Bylaws are privileged and confidential and shall not be examined or inspected, except by a party to the mediation, and shall not be offered or accepted into evidence in any later arbitration, litigation, or other judicial proceeding.
3. In order to preserve the confidentiality of the mediation process, the identity of the parties to a dispute shall be confidential, except insofar as disclosure of the parties' identity(ies) may be necessary in furtherance of the provisions of CCMC Chapter 15.09, other provisions of law, or pursuant to a court order.
4. No person shall make an electronic, photographic or stenographic recording of the whole or any part of any mediation session.
5. Board Members shall conduct themselves with neutrality and impartiality, which are critical components in providing a fair and equitable mediation process.
6. In order to foster an environment of neutrality, Board Members shall not disclose their Member designation (i.e. Landlord, Tenant or Member-at-Large) during the course of a mediation session.
7. A violation of the provisions of this Section VI.E may be cause for a Member's removal from the Board.

F. Disclosure and Disqualification

1. The following are grounds for a Board Member to be disqualified from sitting on a mediation panel:
 - a. If a Board Member is one of the parties.
 - b. If a Board Member is a friend or family member of one of the parties.
 - c. If a Board Member has a financial conflict of interest pursuant to applicable laws.
2. In the event of disqualification of a Board Member, the party or parties shall be advised of the Board Member's conflict and shall be further advised that the Board Member will not participate in any way in their capacity as a Board Member in any matter relating to the case.

G. Other Procedures.

The Board shall have the power to establish additional procedures for implementing its responsibilities under these Bylaws including, without limitation:

1. Procedures for assignment of Board Members to mediation panels; and,
2. Procedures for assignment of cases to mediation panels; and,
3. Procedures for replacement of Board Members who are for any reason disqualified to serve on a panel.

VII. STAFF SUPPORT

The City's Housing Administrator, or designee working under the general supervision of the Housing Administrator, shall act as liaison to the Board and shall:

- A. Respond to initial calls from landlords or tenants requesting information and referral or for a mediation hearing appointment and facilitate and encourage communication between a landlord and tenant, but shall not mediate; and,

Exhibit A to Resolution No. 2015-R040

- B. Complete intake data regarding a landlord/tenant rent increase dispute and verify such information with the assistance of other City staff members; and,
- C. Coordinate mediation session appointments with the Board Chair; and,
- D. Take minutes, and coordinate with the Chair the preparation and dissemination of required reports; and,
- E. Perform follow-up activity deemed necessary by the Board, and maintain a reference file on agencies, services and other groups for use in the mediation process and for referral for landlords and/or tenants not wishing or eligible to participate in mediation; and,
- F. Subject to the confidentiality requirements of CGMC Chapter 15.09 and these Bylaws, report to the Board at its Regular Meetings all calls involving requests for information and referral as well as cases in progress and follow-up activities performed by the Staff Liaison.

VIII. AMENDMENT TO BYLAWS

These Bylaws may only be amended by resolution of the City Council.