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STAFF REPORT NO. 214-92

TO: Mayor and City Council **DATE:** 9/28/92
FROM: John F. Fischbach, City Manager *J.F. Fischbach*
SUBJECT: Establishment of a Neighborhood Dispute Resolution Program
CORE VALUE: Active and Livable Neighborhoods

On June 1, 1992, following an April workshop presentation to council, \$15,000 was allocated in the Supplemental Budget for implementation of a Neighborhood Dispute Resolution Program for Vancouver citizens. (Ordinance M-3009, SR 119-92). After extensive recruitment, a coordinator was hired to begin work in mid-July, averaging 30 hours a week, in order to have the program fully operational by January 1993. The proposed 1993/94 budget for the Department of Community Resources and Public Information contains Dispute Resolution Program funding. The budget includes salary for a full-time coordinator of volunteer staff, reporting to the Community Resource Manager/Office of Neighborhoods.

Volunteer recruitment, community outreach, and a discussion of appropriate information sharing and referral procedures with city departments and neighborhoods have begun. A volunteer orientation is scheduled for the last week in October, and the program is moving toward "opening its doors" for the acceptance of cases later this fall.

Formal organization of the program under the authority of R.C.W. Ch. 7.75 is needed prior to volunteer training and the acceptance of cases. The statute provides a framework for the establishment of dispute resolution centers by municipalities, counties, and non-profit corporations. It requires that an operating plan adequately prescribing procedures for itemized center activities be approved - procedures fundamental to a dispute resolution/mediation process in which community members can have trust and confidence.

Centers established under the Act enjoy the statutory provision that their files and other papers are confidential and privileged, and that communications relating to the subject matter of dispute resolution cases are not to be disclosed in judicial or administrative proceedings except with the approval of the parties. Deadlines for filing lawsuits are delayed while parties are in the dispute resolution process. In addition, immunity from civil action is established for employees and volunteers of a dispute resolution center as well as for the members of its Board of Directors - unless wilful or wanton misconduct or bad faith can be shown.

The attached proposed ordinance creates a dispute resolution program under the provisions of R.C.W. Ch. 7.75, authorizes a general Program Plan to be adopted by resolution, clarifies the confidentiality of information and records, provides for a program review within 12 months, and an annual report to city council and the State Administrator for the Courts.

The attached resolution approves the Program Plan for the dispute resolution center, and finds that it meets the requirements of R.C.W. 7.75.020(2). A copy of R.C.W. Chapter 7.75 is attached for easy reference.

ACTION REQUESTED:

1. On September 28, 1992, approve the attached ordinance on the first reading, setting date of second reading and public hearing for October 5, 1992.
2. On October 5, 1992, subject to public hearing, approve ordinance on second reading.
3. On October 5, 1992, subject to final approval of the ordinance, adopt the resolution and accompanying Program Plan.

Attachments: • Ordinance
 • Resolution
 • Program Plan
 • R.C.W. Ch.7.75

9/23/92

ORDINANCE NO. _____

AN ORDINANCE relating to the establishment of a Neighborhood Dispute Resolution Program for the City of Vancouver as contemplated by R.C.W. Ch. 7.75; establishing an effective date for the ordinance and providing for review of the program results.

WHEREAS, The City Council of the City of Vancouver finds, consistent with R.C.W. Ch. 7.75 and SR-_____ that resolution of many disputes can be costly and complex in a judicial setting where parties involved are necessarily in an adversary posture and subject to formalized procedures; and

WHEREAS, Alternative dispute resolution processes can meet needs of Vancouver citizens by providing a forum in which persons may voluntarily participate in the resolution of disputes in an informal and less adversarial atmosphere; and

WHEREAS, The use of alternative dispute resolution processes in the context of Vancouver's neighborhoods can enhance both relationships between individual neighbors and cooperative relationships throughout the Vancouver community; and

WHEREAS, City resources which are now devoted to resolution of disputes through the criminal and civil judicial systems may be conserved and/or better utilized by having

available a neighborhood dispute resolution program;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Program Created.

There is hereby created the Vancouver Neighborhood Dispute Resolution Program, pursuant to the provisions of the Court Improvement Act of 1984, Chapter 7.75 R.C.W.

Section 2. Approval of Program Plan/Finding.

Prior to the start of operation of such Vancouver Neighborhood Dispute Resolution Program, City Council shall approve by resolution a plan which it finds to meet the requirements of RCW 7.75.020(2) for establishing a dispute resolution program.

Section 3. Administration and Funding.

The Neighborhood Dispute Resolution Program shall be administered by and funded through the budget of the Office of Neighborhood Organization established under V.M.C. 2.76.110.

Section 4. Confidentiality of Program Files/Privileged Communications/Exceptions.

The Neighborhood Dispute Resolution Program records and information shall be privileged and confidential consistent with RCW 7.75.050, which is incorporated herein as if fully set forth.

Section 5. Annual Report to Administrator for the Courts.

That the Neighborhood Dispute Resolution Program shall annually report to the Washington State Administrator for the Courts as required by RCW 7.75.020, and shall provide a copy of such report to the City Manager and the City Council.

Section 6. Fees For Services/Establishment.

That except as otherwise provided by City Council by resolution, the Neighborhood Dispute Resolution Program shall provide services without charge to the participants. Any fees established by resolution shall be based upon participants' ability to pay.

Section 7. Report On First Year of Operation.

This ordinance shall be reviewed by the Vancouver Office of Neighborhoods in consultation with the City Manager, the Department of Community Preservation and Development, the Vancouver Police Department, the Vancouver Public Works Department, the City Attorney's office, and City of Vancouver neighborhood associations, and a report shall be made to City Council within one year of its effective date as to whether to repeal or amend the ordinance. Council may choose to hold a public hearing on such report and recommendation.

Section 8. Effective Date/Ratification.

This ordinance shall go into effect 30 days after final passage. Acts taken pursuant to such ordinance but prior to its effective date are hereby ratified and confirmed.

Read first time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____,

1992.

Bruce E. Hagensen, Mayor

Attest:

H. K. Shorthill, City Clerk

Approved as to form:

Jerry F. King, City Attorney
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9/22/92

RESOLUTION NO. M - _____

A RESOLUTION relating to the Vancouver Neighborhood Dispute Resolution program established by Ordinance M-_____, approving the plan for establishment of a program for mediation and settlement of disputes as described in the Program Plan attached to this resolution further finding that such plan meets the requirements of RCW 7.75.020(2).

WHEREAS, Ch. 7.75 RCW (Court Improvement Act of 1984) requires that before a municipally-sponsored dispute resolution program established under the Act begins operation, the legislative body of the sponsoring municipality shall first approve a plan for the program's operation which adequately prescribes the procedures for mediation and settlement of disputes required by RCW 7.75.020(2); and

WHEREAS, Ordinance M-____ creating the Vancouver Neighborhood Dispute Resolution Program authorizes City Council, by resolution, to approve the program's plan and find that it is consistent with the requirements of RCW 7.75.020(2); and

WHEREAS, the Program Plan attached to this resolution contains the plan for operation of the Vancouver Neighborhood Dispute Resolution Program along with sample forms for its implementation,

NOW, THEREFORE

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The City Council of the City of Vancouver, finds that the attached Program Plan for the Vancouver Neighborhood Dispute Resolution Program adequately prescribes the standards and procedures required for operation of a dispute resolution program established under Ch. 7.75 RCW and as required by RCW 7.75.020(2).

Section 2. The City Council of the City of Vancouver, hereby approves the attached Program Plan for use in the operation of the Vancouver Neighborhood Dispute Resolution Program.

Section 3. The Office of Neighborhood Organization established pursuant to Ch. 2.76 VMC is authorized to develop and prescribe appropriate forms and other operational aids for implementation of the Program Plan approved in Section 2 of this resolution.

ADOPTED at a regular session of the Council of the City of Vancouver, at _____ day of _____, 1992.

Bruce E. Hagensen, Mayor

Attest:

H. K. Shorthill, City Clerk

Approved as to form:

Jerry F. King, City Attorney
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