



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

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**File #:** 12-1043, **Version:** 1

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- a. Authorize the Chair of the Monterey County Board of Supervisors to sign an agreement with the Superior Court of California, County of Monterey concerning the administration and maintenance of the Dispute Resolution Programs Act (DRPA) in Monterey County.
- b. Approve the Board Resolution that delegates administration of the DRPA Trust Fund to the Superior Court of California, County of Monterey; for purposes of dispute resolution program administration, approve an amount not to exceed 10% of the annual revenue of the DRPA Trust Fund, as provided by Section 469 of the California Business and Professions Code, which shall be used to finance the administration of the program.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

1. Authorize the Chair of the Monterey County Board of Supervisors to sign an agreement with the Superior Court of California, County of Monterey concerning the administration and maintenance of the Dispute Resolution Programs Act (DRPA) in Monterey County.
2. Approve the Board Resolution that delegates administration of the DRPA Trust Fund to the Superior Court of California, County of Monterey; for purposes of dispute resolution program administration, approve an amount not to exceed 10% of the annual revenue of the DRPA Trust Fund, as provided by Section 469 of the California Business and Professions Code, which shall be used to finance the administration of the program.

### DISCUSSION:

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 judicial processes, using such techniques as mediation for the resolution of disputes between parties in conflict. Such programs must meet the qualifications specified by the DRPA Program and the California Code of Regulations (CCRs Title 16, Chapter 36). As the designated oversight authority for DRPA Program, the California Department of Consumer Affairs establishes regulations for operation and funding of DRPA Programs.

Effective January 1, 2006, a statewide Uniform Civil Fee Structure was adopted pursuant to the Uniform Civil Fees and Standard Fee Schedule Act of 2005. As a result, litigants in all courts are charged the same fee for specific filings. The Act created a new structure for processing and distributing civil fees. Under the new system, funds generated by filing fees are deposited into a bank account established by the Administrative Office of Courts (AOC). Each local court reports the local distribution formula to the AOC. These funds are distributed to law libraries, small claims advisors, dispute resolution programs, and bond repayment for specified counties.

For over twenty years, Monterey County Department of Social and Employment Services’ Director has acted as the County’s DRPA Program Coordinator. Its administration duties include coordinating the competitive bidding process for programs applying for DRPA funding, making funding recommendations to the Board of Supervisors and providing general oversight of the DRPA funded programs. The Department is currently contracting with Conflict Resolution who provides dispute resolution services within Monterey County for

approximately \$32,000 per year, with the contract term ending 12/31/12.

In 2012, Monterey County Board was approved to receive an increase in the distribution of the civil filing fees. The amount of revenue from the DRPA Program currently averages \$76,000 per year. This proposed resolution would transfer the administration of the DRPA funds and program to the Superior Court of California, County of Monterey. To complete the transfer of administration and the review of grantees before the next disbursement of DRPA funds, this resolution must be adopted before December 1, 2012.

The proposed resolution shifts the administration of the DRPA Trust Fund from the County to the Superior Court of California, County of Monterey. This change would leverage the Court's existing ADR expertise to more efficiently administer the DRPA funds and thus more effectively realize the goals of DRPA Program.

OTHER AGENCY INVOLVEMENT:

This agenda and the attached Resolution have been reviewed and approved by the Superior Court of California, County of Monterey's Court Executive Officer. The Presiding Judge of the Superior Court of California, County of Monterey authorized the Court Executive Officer to request the Board resolution. The County Administrative Office also concurs.

FINANCING:

There is no impact to County's staffing based upon these recommendations. The Superior Court of California, County of Monterey has agreed to administer this program and as such will determine the necessary staffing. DRPA regulations allow the agency administering ADR funds to use up to 10% of funds available for actual administrative costs. As the administrating agency, the Superior Court would be entitled to these funds.

Approved by: Elliott Robinson, Director, 4434

Attachments:

Resolution of the Monterey County Board of Supervisors to Delegate Administration of the DRPA Trust Fund to the Superior Court of California, County of Monterey

Agreement Between the County of Monterey and the Monterey County Superior Court to Delegate Administration of the DRPA Trust Fund to the Superior Court of California, County of Monterey

Original on file with Clerk to the Board