



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1314-27

File ID: K-1314-27

Type: Contract

Status: Consent Item

Version: 1

Reference: Item No. 32

In Control: City Council

Department: Legal Department

Cost:

File Created: 07/11/2013

File Name: K-1314-27 Dispute Mediation Contract between the City of Norman and the Alternative Dispute Resolution System of the State of Oklahoma

Final Action:

Title: CONTRACT NO. K-1314-27: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ALTERNATIVE DISPUTE RESOLUTION SYSTEM OF THE STATE OF OKLAHOMA TO PROVIDE A DISPUTE MEDIATION PROGRAM FOR THE CITY OF NORMAN THROUGH JUNE 30, 2014.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1314-27 with the Alternative Dispute Resolution System of the State of Oklahoma through June 30, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 07/23/2013

Agenda Number: 32

Attachments: FY14 Dispute Mediation Contract K-1314-27

Project Manager: Jayme Rowe, Legal Administrative Tech

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
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Text of Legislative File K-1314-27

body

BACKGROUND: In April 1988, the City of Norman, through the City Council, approved and directed the implementation of the Dispute Mediation Program to be administered by the City Attorney's Office. On June 14, 1988 the City of Norman entered into the first contract between the City and the Alternative Dispute Resolution System of the State of Oklahoma.

This contract formally recognizes our Program as part of the Alternative Dispute Resolution System of the State of Oklahoma. This contract allows our Program and the volunteers who mediate for our Program to fall under the protection of the State Statutes regarding mediation which includes immunity from testifying in any court proceeding regarding matters that have gone through our mediations. Additionally, as a part of the ADR system of the State of Oklahoma, we are able to train volunteers to mediate our cases at no cost to the City or the volunteers. Finally, participation in the Program allows us access to staff at the Administrative Offices of the Courts which is the governing body of all judicial branches of the State of Oklahoma.

DISCUSSION: This Program is designed to offer resolutions to disputes to all citizens before they reach the stage of general litigation. Through the mediation program, disputes may be addressed much quicker and resolutions reached before a case can be heard on the court docket. There are no costs for mediation services for citizens of the City of Norman utilizing these services, and the entire process is both voluntary and confidential. The City of Norman Program is somewhat unique as compared to the rest of the State in that 95% of our referrals come to us through our Municipal Court. In FYE13, we received a total of 715 referrals and resolved a total of 291 cases by conducting 98 mediations and addressing the conflict in an additional 193 cases through contact by mediation staff with both parties involved in the conflict. The number of referrals and resolutions indicate an increase of approximately 10% over FYE12. In addition, in more than half of the referrals, the initiating party to the conflict chose not to respond to our contact attempts. This is often an indication that the parties have resolved the conflict on their own. Combining all efforts made by Program staff, statistics show that more than 81% of the total cases referred for mediation required no further action on the part of either Municipal Court or the City Attorney's office.

Our Program handles disputes between citizens of Norman where there are conflicts over situations ranging from barking dogs, destruction of private property, assault and battery, landlord/tenant, consumer/merchant and property disputes, as well as District Court referrals for contract disputes and small claims actions. While our primary focus and referral base involves mediations involving community matters, we also mediate situations concerning Norman citizens with disabilities, guardianships, parent/teen conflicts and divorce modification. The Norman Program differs from the other state programs since those programs are multi-county programs and they are operated and funded by their respective counties and the State of Oklahoma.

Our cases are referred primarily from the Police Department and Norman Municipal Court, with additional referrals from other City of Norman departments, individual citizens, various juvenile agencies, Cleveland County District Court and Norman Board of Realtors.

Our mediators are volunteers from all walks of life. The training is provided by the State of Oklahoma at no charge to the participant or to the City. Each mediator completes a minimum of 24 hours of training, with most of our mediators having completed advanced levels of training. We currently have 12 active mediators on our roster, some of whom have been with our Program over ten years. Basic training sessions are held in partnership with Early Settlement-Central and the OU School of Law. Because Norman has been so progressive in the field of mediation, we have become a model program for other cities.

The Program operates within and conforms to the Dispute Resolution Act, 12 O.S. Supp. 1985, Sections 1801-1813, and the Oklahoma Rules and Procedures for the Dispute Resolution Act of the State of Oklahoma. Our Program is under administrative supervision of the Administrative Director of the Courts and the Dispute Resolution Advisory Board. Ted Roberts, former Presiding Municipal Court Judge for the City of Norman, and Phil Cotten, former Police Chief for the City of Norman, are members of this Board. Statistical information on the status of the Norman Mediation Program is submitted monthly in the Department Reports as a part of the activities of the Office of the City Attorney.

RECOMMENDATION: This Agreement between the City of Norman and the Alternative Dispute Resolution System of the State of Oklahoma for the period July 1, 2013 through June 30, 2014 has been reviewed by the City Attorney and is approved as to form and is recommended for approval.