



Legislation Text

File #: K-1718-7, **Version:** 1

CONTRACT K-1718-7: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ALTERNATIVE DISPUTE RESOLUTION SYSTEM OF THE STATE OF OKLAHOMA FOR THE PURPOSE OF CERTIFYING NORMAN'S DISPUTE MEDIATION PROGRAM BEGINNING JULY 1, 2017, AND ENDING JUNE 30, 2018.

BACKGROUND: In April 1988, the City of Norman, through the City Council, approved and directed the implementation of a Dispute Mediation Program. 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 the City of Norman's Program as part of the Alternative Dispute Resolution System of the State of Oklahoma. This contract allows the City of Norman's Program and the volunteers who mediate for the 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 mediations conducted by the Program. Additionally, as a part of the ADR system of the State of Oklahoma, volunteers to mediate cases can be trained at no cost to the City or the volunteers. Finally, participation in the Program allows access to staff at the Administrative Offices of the Courts which is the governing body of all judicial branches of the State of Oklahoma.

This contract is renewed on an annual basis. This item brings forward to Council renewal of the contract for fiscal year ending June 30, 2018.

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 when compared to the rest of the State in that 95% of our referrals come to the Program through Norman's Municipal Court. In FYE17, the Program received a total of 401 referrals and resolved a total of 72 cases by conducting 35 mediations and addressing the conflict in an additional 37 cases through contact by mediation staff with both parties involved in the conflict. In approximately half of the referrals, the initiating party to the conflict chose not to respond to Program 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 80% of the total cases referred for mediation required no further action on the part of either Municipal Court or the City Attorney's office.

Norman's Program handles disputes between citizens of Norman when 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. Norman's Program cases are referred primarily from Norman Municipal Court and the Norman Police Department, with additional referrals from other City of Norman departments, individual citizens, various juvenile agencies, Cleveland County District Court and Norman Board of Realtors. While Norman's Program primarily focuses on a referral base that involves mediating matters that arise in the Norman community, the Program also mediates situations concerning disabilities, guardianships, parent/teen conflicts and divorce modification.

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 eight 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. Norman's 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 Departmental Reports as a part of the activities of the Municipal Court.

RECOMMENDATION: This Agreement between the City of Norman and the Alternative Dispute Resolution System of the State of Oklahoma for the period July 1, 2017 through June 30, 2018 has been reviewed by the City Attorney and is approved as to form and is recommended for approval.