

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

*5/16/08*



**FROM:** County Executive Office

**SUBMITTAL DATE:**  
December 8, 2008

**SUBJECT:** Adoption of Resolution No. 2008-516 Approving an Increase in the Dispute Resolution Programs Act Distribution

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. 2008-516 approving an increase in the Dispute Resolution Programs Act distribution to eight dollars (\$8) per applicable civil filing fee for the purpose of reducing civil court caseloads, and establishment and maintenance of a "Dispute Resolution Program Fees" account into which to deposit such collections; and,
2. Direct the County Executive Office to work with the Courts to transfer administration of this program to the County pursuant to state law.

**BACKGROUND:** Pursuant to the California Dispute Resolution Programs Act of 1986 (DRPA), on May 18, 1993, the Board of Supervisors authorized establishment of the Alternative Dispute Resolution Program and collection of an amount between three dollars (\$3) and eight dollars (\$8) from each civil filing fees to fund the program. The DRPA provides a structure and funding mechanism for counties to offer voluntary dispute resolution services to reduce court caseloads and promote amicable resolution of disputes within the community. Subsequent changes in the law and transfer of the Courts to the State make it necessary to revise the provisions of the resolution and to transfer responsibility for administration of the program to the County.

*Denise C. Harden*  
Denise C. Harden, Principal Management Analyst

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FORM APPROVED COUNTY COUNSEL  
BY: *Beauford Miller Jr.* DATE: *12/13/08*

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

<b>SOURCE OF FUNDS:</b> Uniform Civil Filing Fees	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

BY: *Christopher M. Hans*  
Christopher M. Hans

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept's Recomm.:  
Per Exec. Ofc.:

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**BACKGROUND (cont.):**

Since this amount was originally added to the civil filing fees, to minimize the impact on litigants the program chose to collect the minimum amount authorized of three dollars (\$3) per civil filing. However, Section 470.3 of the Business & Professions Code was replaced by Section 470.5, which as amended by the Uniform Civil Filing Fees Act operative January 1, 2006, stipulates that DRPA collections are to be distributed by the Administrative Office of the Courts out of the civil filing fees to counties with DRPA programs in an amount per filing approved by each county.

Over 25 other California counties, including San Bernardino, San Diego, Orange and Los Angeles, currently receive the \$8 maximum amount. The proposed \$5 per filing adjustment is projected to increase the distribution to the County of Riverside's Alternative Dispute Resolution Program by over \$300,000 at no additional cost to litigants. This additional revenue can only be used toward the County's voluntary dispute resolution services.

Under DRPA law and regulations, dispute resolution programs are to be administered by the counties. The County of Riverside's Alternative Dispute Resolution Program was established by the Board under the administration of the Superior Courts, which at the time were a division of the County. However, since that time the Courts have transferred to the jurisdiction of the State, so it is necessary to explore transferring the program back under the authority of the County.

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3 **RESOLUTION NO. 2008-516**

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5 **RESOLUTION OF RIVERSIDE COUNTY BOARD OF SUPERVISORS INCREASING**  
6 **DISTRIBUTION OF STATE UNIFORM CIVIL FILING FEES TO SUPPORT**  
7 **THE ALTERNATIVE DISPUTE RESOLUTION PROGRAM**  
8 **PURSUANT TO THE DISPUTE RESOLUTION PROGRAMS ACT OF 1986**  
9

10 **WHEREAS**, on May 18, 1993, pursuant to the Dispute Resolution Program Act of 1986  
11 (“DRPA”) (commencing with Business and Professions Code Section 465 et seq., as amended), the  
12 Riverside County Board of Supervisors adopted Resolution No. 93-263 establishing an Alternative  
13 Dispute Resolution Program (“ADR Program”) and approving distribution to the County of an amount  
14 between three dollars (\$3) and eight dollars (\$8) per civil filing fee dedicated to the support of the ADR  
15 Program; and,

16 **WHEREAS**, the Riverside County Superior Court established an Alternative Dispute  
17 Resolution Committee (“Committee”) for the purpose of administering the County’s ADR Program, and  
18 in accordance therewith, the Committee comprising of judicial officers, local bar representatives and local  
19 community leaders was formed; and,

20 **WHEREAS**, although the maximum amount of DRPA funding allowed under State law to  
21 fund the County’s ADR Program is eight dollars (\$8) per civil filing fee, in an effort to minimize the costs  
22 to the County’s civil litigants the Committee chose to administer the County’s ADR Program with three  
23 dollars (\$3) per civil filing fee, the lowest amount authorized by the Board

24 **WHEREAS**, former Section 470.3 of the Business and Professions Code was subsequently  
25 repealed by the Statutes of 2005; and,

26 **WHEREAS**, in lieu of former Section 470.3, California Legislature enacted Section 470.5  
27 of the Business and Professions Code operative January 1, 2006; and,

28 **WHEREAS**, pursuant to Section 470.5 of the Business and Professions Code, the same  
29 amount as was required to be collected as of December 31, 2005, is to be withheld from the uniform civil  
30 filing fee for filing the first paper in unlimited civil, family law and probate actions and limited civil  
31 actions (collectively, “limited and unlimited civil cases”) and distributed by the Administrative Office of  
32 Courts to each county that had acted to establish a dispute resolution program; and,

