

WP0595C-ORD
06/11/96

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4885

AN ORDINANCE approving a plan for the mediation and settlement of disputes; establishing the City's Dispute Resolution Center pursuant to chapter 7.75 RCW; adding a new Chapter 3.70 to the Bellevue City Code; and establishing an effective date.

WHEREAS, the resolution of many disputes can be costly and complex in a judicial setting where the parties involved are necessarily in an adversary posture and subject to formalized procedures; and

WHEREAS, the state legislature has declared that alternative dispute resolution centers can meet the needs of Washington's citizens by providing forums in which persons may voluntarily participate in the resolution of disputes in an informal and less adversarial atmosphere; and

WHEREAS, chapter 7.75 RCW authorizes cities to create and operate dispute resolution centers provided that the legislative authority of such city has first approved a plan for establishing a center for mediation and settlement of disputes which adequately prescribes the procedures set forth in RCW 7.75.020(2); now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that that certain Program Plan for the establishment and operation of the City's Dispute Resolution Center, a copy of which Program Plan has been given Clerk's Receiving No. 23178, adequately prescribes the procedures required pursuant to RCW 7.75.020(2) and hereby approves and adopts said Program Plan.

Section 2. A new Chapter 3.70 Dispute Resolution Center is hereby added to the Bellevue City Code to read as follows:

Chapter 3.70 Dispute Resolution Center.

- 3.70.010 Establishment of Dispute Resolution Center.
- 3.70.020 Staffing and Administration.
- 3.70.030 Procedures.
- 3.70.040 Charge for Use of Dispute Resolution Center.
- 3.70.050 Written Agreement Required.
- 3.70.060 Report to Administrator for the Courts.

3.70.070 Confidentiality of Centers' Files, etc.--Exception--Privileged Communications.

3.70.080 Withdrawal from Dispute Resolution Process.

3.70.090 Immunity from Civil Action.

3.70.010 Establishment of Dispute Resolution Center.

There is hereby established pursuant to chapter 7.75 RCW, the City of Bellevue's Dispute Resolution Center, which shall operate as a part of City government consistent with the procedures set forth in the Program Plan approved by the City Council.

3.70.020 Staffing and Administration.

The Dispute Resolution Center and the employees and volunteers assigned to the Center shall be under the direction and administration of the Director of the Department of Planning, Neighborhoods and Economic Development, or other person designated by the City Manager.

3.70.030 Procedures.

The Director of the Department of Planning, Neighborhoods and Economic Development, or other person designated by the City Manager, is authorized to adopt procedures, forms and policies consistent with the Program Plan for the administration and implementation of this Chapter 3.70.

3.70.040 Charge for Use of Dispute Resolution Center.

The Dispute Resolution Center shall provide dispute resolution services either without charge to the participants or for a fee which is based on the participant's ability to pay.

3.70.050 Written Agreement Required.

(1) In conducting a dispute resolution process, the Dispute Resolution Center established under this chapter shall require:

(a) That the disputing parties enter into a written agreement which expresses the method by which they shall attempt to resolve the issues in dispute; and

(b) That at the conclusion of the dispute resolution process, the parties enter into a written agreement which sets forth the settlement of the issues and the future responsibilities, if any, of each party.

(2) Pursuant to RCW 7.75.040(2), a written agreement entered into with the assistance of the Dispute Resolution Center at the conclusion of the written dispute resolution process is admissible as evidence in any judicial or administrative proceeding.

3.70.060 Report to Administrator for the Courts.

The Dispute Resolution Center shall annually provide to the administrator for the courts such data regarding its operation as the administrator requires.

3.70.070 Confidentiality of Centers' Files, etc.--Exception--Privileged Communications.

All memoranda, work notes or products, or case files of the Dispute Resolution Center are confidential and privileged and are not subject to disclosure in any judicial or administrative proceeding unless the court or administrative tribunal determines that the materials were submitted by a participant to the Center for the purpose of avoiding discovery of the material in a subsequent proceeding. Any communication relating to the subject matter of the resolution made during the resolution process by any participant, mediator, or any other person is a privileged communication and is not subject to disclosure in any judicial or administrative proceeding unless all parties to the communication waive the privilege. The foregoing privilege and limitation on evidentiary use does not apply to any communication of a threat that injury or damage may be inflicted on any person or on the property of a party to the dispute, to the extent the communication may be relevant evidence in a criminal matter.

3.70.080 Withdrawal from Dispute Resolution Process.

Any person who voluntarily enters a dispute resolution process at the Dispute Resolution Center may revoke his or her consent, withdraw from dispute resolution, and seek judicial or administrative redress prior to reaching a written resolution agreement. The withdrawal shall be in writing. No legal penalty, sanction, or restraint may be imposed upon the person.

3.70.090 Immunity from Civil Action.

Pursuant to RCW 7.75.100:

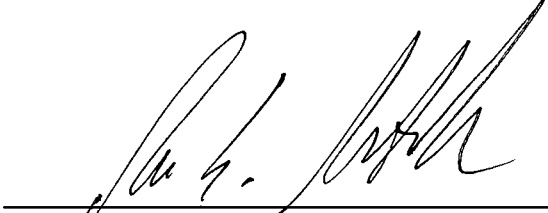
(1) Employees and volunteers of the Dispute Resolution Center are immune from suit in any civil action based on any proceedings or other official acts performed in their capacity as employees or volunteers, except in cases of wilful or wanton misconduct.

(2) The Dispute Resolution Center is immune from suit in any civil action based on any of its proceedings or other official acts performed by its employees or volunteers, except in cases of wilful or wanton misconduct by its employees or volunteers.

Section 3. This ordinance shall take effect and be in force thirty days after its passage.

PASSED by the City Council this 17th day of June, 1996, and signed in authentication of its passage this 18th day of June, 1996.

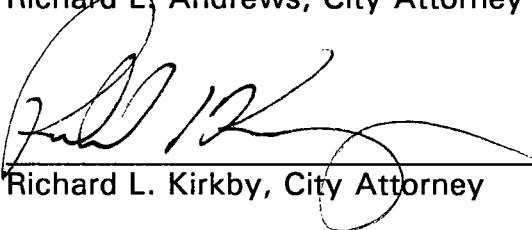
(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, City Attorney

Attest:



Myrra L. Basich, City Clerk

Published June 21, 1996