

Structure for a Town of Miami Lakes Citizens Dispute Mediation Program

Premise: The Town wants to make mediation of certain disputes available to residents on a no/cost or low/cost basis.

Types of

Dispute:

- 1) Neighbor/Neighbor
- 2) Neighbor/ HOA
- 3) Resident/Town (zoning and code disputes, improvements, etc)
- 4) Business/Business (both operating in Town)
- 5) Resident/Business

How Initiated

When Town Involved:

- 1) If dispute is with Town, request is filed on-line or with Manager's Office and assigned a Dispute number.
- 2) Request Screened by Manager's Staff to Ensure request meets type of Dispute and no other persons need to be involved.
- 3) If request does not meet criteria, then letter sent out advising of alternatives sources of dispute resolution services
- 4) If request meets criteria, then the dispute is sent to a contracted dispute resolution center that coordinates date and time and sends out a confirming letter.
- 5) Initial Mediation session lasts no more than 3 hours. Town sends authorized representative.
- 6) Town Bears the Costs of Mediation
- 7) Confidentiality of settlement subject to Chapter 119 or Sunshine Law.

When Town Not Involved.

- 1) Town maintains a list of Dispute Resolution Providers. Citizen calls and requests a mediator and is assigned a dispute number. Town provides names of a mediator on rotation basis.
- 2) If first Mediator cannot accept assignment, then next mediator on list.
- 3) Mediator sends out invitation to other party disputant. If accepted, then mediator sets time and date for session.
- 4) Parties who participate in mediation splits fees and costs, if any. Sliding scale fees based on type of dispute, (i.e., neighbor/neighbor or Business/Business).
- 5) Parties agree to be bound by any agreements reached at mediation. All discussions and settlements are confidential and to the extent other persons or entities need to be aware of resolution to effectuate settlement.

- 6) Settlement agreement is enforceable as a "breach of contract."
- 7) If no agreement is reached, mediator simply reports to Town Manager that fact and refers to assigned Dispute number.