



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** General Services  
**Department No.:** 063  
**For Agenda of:** June 7, 2016  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Matthew P. Pontes, Director of General Services, 560-1011  
Director:  
Contact Info: Janette Pell, Assistant Director of General Services, 568-3096

**SUBJECT:** Appointment of Mobile Home Rent Control Arbitrators, Santa Barbara County Code of Ordinances Chapter 11A – Mobile Home Rent Control, All Districts

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Reappoint the following four (4) qualified candidates to the County of Santa Barbara's Panel of prospective Mobile Home Rent Control Arbitrators:
  1. Stephen M. Biersmith, Attorney at Law - Reappointment
  2. Emil Kim, Attorney at Law – Reappointment
  3. Luis Esparza, Attorney at Law - Reappointment
  4. Anthony Kastenek, Attorney at Law - Reappointment
- b) Appoint the following two (2) qualified candidates to the County of Santa Barbara's Panel of prospective Mobile Home Rent Control Arbitrators:
  1. Hon. David W. Long, Judge (Ret.) – Appointment
  2. David M. Karen - Attorney at Law – Appointment
- c) Determine that the Board's appointment and reappointment of Mobile Home Rent Control Arbitrators is not a project pursuant to CEQA Guidelines section 15378(b)(5), as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

Santa Barbara County Code Chapter 11A – Mobile Home Rent Control, governs disputes between mobile home owners and mobile home park owners arising from increases in rent imposed on the mobile home owners by the park owners. The Code provides for an arbitration process to resolve such disputes, and requires a list of at least five pre-approved qualified arbitrators be kept on file in the event arbitration becomes necessary. The County currently has four qualified arbitrators and staff has provided two additional candidates to be considered by the Board for inclusion on that list; the Honorable David W. Long, Retired Judge, and David M. Karen, Attorney at Law.

**Background:**

The County Mobile Home Rent Control Ordinance was adopted on October 22, 1979, to protect the owners and occupiers of mobile homes from unreasonable rents, while at the same time recognizing the need for mobile home park owners to receive a fair return on their investment and to apply rent increases sufficient to cover their increased costs. The purpose of Chapter 11A is to alleviate potential hardship on mobile home owners by imposing rent controls in mobile home parks within the unincorporated area of the County of Santa Barbara, while protecting the park owners' right to a fair return on their investment.

Section 11A-4 sets forth the procedural requirements for an arbitration proceeding. An arbitrator is required to preside at all hearings and re-hearings regarding maximum rent increase schedules under the Mobile Home Rent Control Ordinance and shall make findings and decisions on such increases in accordance with the provisions of the Ordinance and the Mobile Home Rent Control Rules for Hearings. The method of selection, appointment, and compensation of an arbitrator, as well as the hearing procedures, shall be in accordance with the Mobile Home Rent Control Rules for Hearings.

The County currently has a list of four qualified candidates to potentially serve as Mobile Home Rent Control Arbitrators. Per the Mobile Home Rent Control Rules for Hearings, three qualified arbitrators must be available for any given arbitration, from which one is selected by the parties to serve. Because a list of four does not satisfy the requirements of the Mobile Home Rent Control Rules for Hearings (“The staff of the Real Property Division shall propose additional candidates in the event that resignation or other removal reduces the panel to less than five.”), staff has initiated a process to secure additional qualified candidates.

The Real Property Division of General Services, acting as the Clerk of the Mobile Home Rent Control Ordinance, has determined that the two proposed additional candidates are qualified to serve as arbitrators and possess the type of experience required. All current and proposed candidates for appointment or reappointment possess active licenses to practice law in the State of California. Letters of Interest and Resumes submitted by the candidates listed in Recommendation b) above are attached to this Board Agenda Letter and on file with the Clerk of the Mobile Home Rent Control Ordinance in the Office of the General Services Department.

As set forth in the California Environmental Quality Act (CEQA) Guidelines, Section 15378 of the California Code of Regulations provides an exemption from CEQA review for actions taken that are not considered to be a “project” for purposes of CEQA. Section 15378(b) describes activities not considered

Appointment of Mobile Home Rent Control Arbitrators

Agenda Date: June 7, 2016

Page 3 of 3

to be “projects” for purposes of CEQA. Subsection 15378(b)(5) includes “organizational and administrative activities of government” as such an activity. Therefore, the Board’s appointment and reappointment of Mobile Home Rent Control Arbitrators consists of organizational and administrative activity, which is not a “project” that requires environmental review under CEQA.

**Fiscal and Facilities Impacts:**

There will be no fiscal or facilities impacts.

**Special Instructions:**

Direct the Clerk of the Board to forward a Minute Order to the Clerk of the Mobile Home Rent Control Ordinance in the General Services, Real Property Division.

**Attachments:**

- 1) Letter of Interest and Resume for the Hon. David W. Long, Judge (Ret.)
- 2) Letter of Interest and Resume for David M. Karen, Attorney at Law

**Authored by:**

Natalie Dimitrova, Real Property Division, 560-1079.