

Attachment V

Minute Order of Board's January 19, 2016 Decision



County of Santa Barbara BOARD OF SUPERVISORS

Minute Order

January 19, 2016

Present: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Adam, and Supervisor Lavagnino

GENERAL SERVICES

File Reference No. 16-00021

RE: HEARING - Review the Arbitrator's December 20, 2011 Opinion and Award in the matter of arbitration between Nomad Village Mobile Home Homeowners and Nomad Village Mobile Home Park pursuant to Rule 23 of the Mobilehome Rent Control Rules for Hearings and Chapter 11A, Section A-4 of the Santa Barbara County Code and consider recommendations, as follows: (EST. TIME: 1 HR.)

a) Vacate the Board's May 15, 2012 action, executed by the Chair on June 14, 2012, as it relates to Awards 4, 5, 6, 7, 8, 11, and 12 of the Arbitrator's December 20, 2011 Opinion and Award in the Matter of Arbitration Between Nomad Village Mobile Home Homeowners and Nomad Village Mobile Home Park;

b) Reconsider the Petitions for Review of Awards 4, 5, 6, 7, 8, 11, and 12 of the Arbitrator's December 20, 2011 Opinion and Award and make the following determinations as supported by the findings;

i) Find that the Arbitrator did not abuse his discretion; however, remand Award No. 4 in light of other remanded Awards;

ii) Find that the Arbitrator abused his discretion and remand Award No. 5 to the Arbitrator for adequate findings on specific items of incurred costs in the amount of \$62,145.55;

iii) Find that the Arbitrator abused his discretion and remand Award No. 6 to the Arbitrator for adequate findings about the nature of the fees;

iv) Find that the Arbitrator abused his discretion and remand Award No. 7 to the Arbitrator for adequate findings about the nature of the fees;

v) Find that the Arbitrator did not abuse his discretion and affirm Award No. 8;

vi) Find that the Arbitrator did not abuse his discretion and affirm Award No. 11; and

vii) Remand Award No. 12 to the Arbitrator for recalculation in light of other remanded items; and

c) Determine that the proposed action is an administrative activity of the County which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5).

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY



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Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Wolf, that this matter be acted on as follows:

Accepted into the record and approved procedural motion as follows:

In accordance with Rules 13 and 23(b) of the Mobilehome Rent Control Rules for Hearings, the Board limits its review of the Arbitrator's decision to the paper record alone, which consists of Attachments A through S to the Board Agenda Letter dated January 5, 2016. The Board will not consider any new evidence, and receives oral argument and Brown Act public comment as argument that focuses on evidence that is already contained in the record, rather than as new evidence.

The motion carried by the following vote:

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Adam, and Supervisor Lavagnino

A motion was made by Supervisor Wolf, seconded by Supervisor Farr, that this matter be acted on as follows:

a) Approved.

b) i, ii, iii, iv, and vii) Reconsidered the petitions for review of Awards 4, 5, 6, 7 and 12 of the arbitrator's December 20, 2011 Opinion and Award and approved the determinations as supported by the findings in revised Attachment W dated January 19, 2016; and

b) v) (Award No. 8), and vi) (Award No. 11) Reconsidered the petitions for review of Awards Nos. 8 and 11 of the arbitrator's December 20, 2011 Opinion and Award and approved the determinations as supported by the findings in revised Attachment W dated January 19, 2016 as follows:

v) (Award No. 8) Find that the Arbitrator abused his discretion and remand Award No. 8 to the Arbitrator for adequate findings about the nature of the payment; and

vi) (Award No. 11) Find that the Arbitrator abused his discretion and remand Award No. 11 to the Arbitrator for adequate findings about the nature of the payment; and

c) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Adam

Noes: 1 - Supervisor Lavagnino