



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: CEO  
Department No.: 012  
For Agenda Of: 3/15/11  
Placement: Administrative  
Estimated Tme: NA  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department Chandra L. Wallar, County Executive Officer  
Director(s)  
Contact Info: Terri Maus-Nisich, Assistant County Executive Officer

**SUBJECT: Appointment of Mobile Home Rent Control Arbitrators**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: Select\_Concurrence

**Recommended Actions:**

That the Board of Supervisors:

a) Receive report on status of Petition filed by residents of the Nomad Village Mobile Home Park requesting arbitration of a mobile home rent dispute; and

b) Appoint or reappoint the following 5 qualified candidates to the County of Santa Barbara's Panel of prospective Mobile Home Rent Control Arbitrators:

1. Paul Fritz, Attorney at Law - Reappointment
2. Alvin Walker, CPA - Reappointment
3. Clare Macdonald, Attorney at Law - Appointment
4. Stephen M. Biersmith, Attorney at Law - Reappointment
5. Emil Kim, Attorney at Law - Reappointment

c) Direct the Clerk of the Mobile Home Rent Control Ordinance to add the following additional qualified candidates to the County of Santa Barbara's list of prospective Mobile Home Rent Control Arbitrators who may be appointed in the event that resignation, unavailability or other removal reduces the panel to less than 5 members:

**Auditor-Controller Concurrence**

As to form: N/A

1. Pamela Allman, CPA - Reappointment
2. Luis Esparza, Attorney at Law - Appointment
3. Anthony Kastenek, Attorney at Law - Appointment

**Summary Text:**

On February 28, 2011, staff from Housing and Community Development, acting as Clerk of the Mobile Home Rent Control Ordinance (Clerk), received a petition from homeowners of the Nomad Village Mobile Home Park requesting arbitration of a mobile home rent dispute. This action has initiated a process defined in Chapter 11A of the County Code (Mobile Home Rent Control Ordinance).

Pursuant to Rule 4 of the Mobile Home Rent Control Rules for Hearing, the Clerk is responsible for verifying the Petition by the residents of Nomad Village Mobile Home Park to determine whether subsequent provisions of Chapter 11A are triggered. The Clerk of the Ordinance is currently in the process of contacting the mobile home park owner to obtain a list of tenants in order to verify the validity of the petition. A majority of the homeowners in the mobile home park must sign the petition in order to initiate the arbitration process. We estimate approximately 10 working days to complete this verification process. If the petition confirms that the provisions of Chapter 11A have been triggered, the Clerk will notify the parties and initiate the arbitration process.

Should the petition prove valid, arbitration, as set forth in Section 11A4 of the ordinance shall be used to fix maximum rent increase schedules for mobile home tenancies. The method of selecting, appointing, and compensation of an arbitrator, and having hearing procedures shall be in accordance with the Mobile Home Rent Control Rules for Hearings and subsequent amendments as approved by the Santa Barbara County Board of Supervisors.

With respect to the list of prospective arbitrators, the County currently has a list of six qualified candidates to potentially serve as Mobile Home Rent Control Arbitrators. Per the Rules for Hearing, three qualified arbitrators must be available for any given arbitration from which one is selected by the parties to serve. While a list of six satisfies the language set forth in the Ordinance, staff has initiated a process to secure additional qualified candidates.

The County advertised in the Santa Barbara Daily Sound on Tuesday, March 1, 2011, for attorneys or certified public accountants interested in serving as Mobile Home Rent Control Arbitrators. In addition to this notice, the Clerk sent letters to professional organizations representing the legal and accounting fields in the Santa Barbara area informing them that the County was seeking arbitrators. Thus far, these efforts have resulted in three additional letters of interest from local attorneys. The Clerk has determined that these three additional individuals are qualified to serve. The Rules for hearing require arbitrators to be California licensed accountants or attorneys. All the candidates for appointment or reappointment possess valid California CPA licenses or active licenses to practice law in the State of California. The Clerk determined all above listed candidates possess adequate levels of experience to serve as arbitrators for Mobile Home Rent Control Arbitrations. Letters of interest and/or resumes submitted by the candidates listed in Recommendation b) and c) above are on file with the Clerk of the Mobile Home Rent Control Ordinance in the Office of Housing and Community Development.

Staff will continue to seek additional qualified candidates to serve as Mobile Home Rent Control Arbitrators and will return to the Board as appropriate for Board certification of the list.

**Background:**

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

Copies of the County’s current Mobile Home Rent Control Ordinance and Rules for Hearing are on file with the Clerk of the Mobile Home Rent Control Ordinance and the Clerk of the Board of Supervisors.

**Performance Measure:**

NA

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

Direct the Clerk of the Board to forward a Minute Order to the Clerk of the Mobile Home Rent Control Ordinance.

**Attachments:**

None

**Authored by:**

Michael Allen, Chief Deputy Clerk of the Board