

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: 5/20/04
Department Name: County Counsel
Department No.: 0710
Agenda Date: 6/1/04
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors
FROM: Stephen Shane Stark, County Counsel
x2950
STAFF Karen Freegard, Paralegal x2950
CONTACT: Jennifer C. Klein, Deputy x2950
SUBJECT: Mobile Home Rent Control

Recommendation(s):

That the Board of Supervisors:

- A. Appoint the following qualified candidates to the County of Santa Barbara's List of Prospective Mobile Home Rent Control Arbitrators:
1. Monty H. Amyx, Attorney at Law
 2. Stephen M. Biersmith, Attorney at Law
 3. Norman J. Colavincenzo, CPA
 4. Paul M. Doran, Attorney at Law
 5. Emil Kim, Attorney at Law
 6. Richard C. Solomon, Attorney at Law
- B. Reappoint the following qualified candidates to the County of Santa Barbara's List of Prospective Mobile Home Rent Control Arbitrators:
1. Robert Ahlstrand, CPA
 2. Pamela Allman, CPA
 3. Paul Fritz, Attorney at Law
 4. Steven Kirby, Attorney at Law
 5. John G. Traller, CPA
 6. Alvin Walker, CPA
- C. Direct County Counsel to revise and update the Mobile Home Rent Control Rules for Hearing for Board consideration.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

The Board of Supervisors last amended the Mobile Home Rent Control Ordinance, County Code Chapter 11A, in 1988. The Board last amended the Mobile Home Rent Control Rules for Hearings in 1986. The Rules for Hearings identify the Clerk of the Mobile Home Rent Control Ordinance as the manager of the Real Property Division of the County Department of Public Works or his designee. (Rule 1.b.) However, in 1994, this Division was eliminated. The functions previously performed by this Division were transferred to other county departments, namely the General Services Department. As a result of this change, the County Counsel's Office assumed responsibilities of administering the Mobile Home Rent Control Ordinance. The duties of the Clerk of the Mobile Home Rent Control Ordinance have been performed the County Counsel, or his designee since 1994.

On March 3, 2003, the Clerk for the Ordinance received, via the County Counsel's Office, a petition from homeowners of Nomad Village Mobile Home Park requesting arbitration of a mobile home rent dispute. Due to the shortage of available qualified arbitrators on County's existing List of Prospective Mobile Home Rent Control Arbitrators, the Clerk encountered substantial difficulty in providing the Nomad Village parties with a three available qualified arbitrators, from which to select their arbitrator as required by the Rules for Hearings.

After several attempts to work around the schedules of the few remaining listed arbitrators and the parties to the arbitration, the Clerk finally established a list of three arbitrators on April 7, 2004: Paul Fritz, Steven Kirby, and John Traller. On April 9, 2004, the Nomad Village Home Owners' Representative expressed concern that Steve Kirby may have a conflict due to his representation of mobile home owners against the management of various mobile home parks, although not Nomad Village. The Clerk conveyed the Homeowners concern to Mr. Kirby. Thereafter, Mr. Kirby voluntarily withdrew from consideration for the Nomad Village Arbitration. The Clerk was unable to replace Mr. Kirby with an available arbitrator from County's existing List.

Clerk advertised in the Santa Barbara News Press on Sunday, April 18, 2004, for attorneys or certified public accountants interested in serving as Mobile Home Rent Control Arbitrators. In addition to this advertisement, the Clerk sent letters to prospective accounting and law firms in Santa Barbara and Santa Maria informing them that the County was seeking arbitrators. These efforts resulted in six letters of interest from attorneys and one letter of interest from a certified public accountant. The Clerk received one letter of interest from a person who was neither a licensed attorney, nor a certified public accountant. This person was disqualified. The Clerk found remaining interested applicants to be qualified. The Rules for hearing require arbitrators to be California licensed accountants or attorneys. All above listed candidates 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 "A" above are on file with the Clerk of the Board.

The Rules for Hearings have not been revised since 1986. Several provisions of the Rules for Hearings require revision to meet present needs of all parties to mobile home rent control hearings, and to reflect changes in County departmental structure that have occurred since 1986. Staff requests that the Board direct County Counsel to revise and update the Rules for Hearing and bring back to your board such revised Rules for Hearing for consideration and adoption. Copies of the County's current Mobile Home Rent Control Ordinance and Rules for Hearing are on file with the Clerk of the Board.

Mandates and Service Levels:

No change in programs or service level.

Fiscal and Facilities Impacts:

None.

Special Instructions:

Direct the Clerk of the Board to return a copy of the Minute Order to County Counsel, attention "Clerk of the Mobile Home Rent Control Ordinance".

Concurrence:

County Counsel