



County of Santa Barbara BOARD OF SUPERVISORS

Minute Order

May 15, 2012

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

COMMUNITY SERVICES

File Reference No. 12-00354

RE: HEARING - Consider recommendations regarding Petitions for Review of Mobile Home Rent Control Arbitrator Award for Nomad Village, Second District, as follows: (EST. TIME: 2 HRS. 40 MIN.)

a) Consider the Petitions for Review of the arbitrator's December 20, 2011 Opinion and Award in the Matter of Arbitration Between Nomad Village Mobile Home Park and by Nomad Village Mobile Home Park Management filed by the Homeowners of Nomad Village Mobile Home Park and by Nomad Village Mobile Home Park Management;

b) Find that the arbitrator did not abuse his discretion and affirm the arbitrator's Opinion and Award and authorize the Chair to execute the final decision of the Board; or

c) Find that the arbitrator abused his discretion, and consider recommendations, as follows:

i) Reverse the arbitrator's decision in whole or in part and authorize the Chair to sign the final decision of the Board;

ii) Make a new decision without remand and authorize the Chair to sign the final decision of the Board; or

iii) Remand the case to the arbitrator for reconsideration and authorize the Chair to execute the final decision of the Board, and consider recommendations, as follows;

1) Consider whether to set a rehearing on any matters remanded by the Board;

d) Determine that the Board's review of the Arbitrator's Opinion and Award is not the approval of a project that is subject to environmental review under the California Environmental Quality Act (CEQA); and

e) Approve the filing of a Notice of Exemption.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Received and filed staff presentation and conducted public hearing.

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

Determined that the hearing of May 15, 2012 will be conducted as follows:

In accordance with Rule 23(b) of the Mobile Home Rent Controls Rules for Hearings, the Board should limit its review of the Arbitrator's decision to the paper record alone, which consists of Attachments A through P to the Board Agenda Letter. The Board will not consider any new evidence, and should receive 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 Gray,
and Supervisor Lavagnino



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In addition to considering under Rule 23(b) of the Mobile Home Rent Control Rules for Hearings Attachments A through P to the Board Agenda Letter, the Board also considered the following documents:

- a) Entitled "In Response to Management's Petition for review regarding Rent Increase Arbitration" dated February 6, 2012
- b) Entitled "Response By Nomad Village Mobile Home Park To Petition For Review" dated February 6, 2012
- c) Entitled "Objections by Nomad Village Mobile Home Park Management to Homeowners' Response To Petition For Review" dated February 10, 2012



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

a) Received and considered.

b) and c) i, ii, iii, 1) After considering Attachments A through P to the Board Agenda Letter dated May 15, 2012 and the Response by Nomad Village Mobile Home Park to Petition for Review, the Nomad Village Homeowners' Response to Management's Petition for Review Regarding Rent Increase Arbitration, and the Objections by Nomad Village Mobile Home Park Management to Homeowners' Response to Petition for Review, the Board took the following action on the ten awards made by the Arbitrator that are under petition for review:

Award No. 2) The Board affirmed the Arbitrator's decision.

Award No. 3) Remanded back to the Arbitrator.

Award No. 4) Found that the Arbitrator abused his discretion and reversed the decision in whole.

Award No. 5) Found that the Arbitrator abused his discretion and reversed the decision in whole.

Award No. 6) Found that the Arbitrator abused his discretion and reversed the decision in whole.

Award No. 7) Found that the Arbitrator abused his discretion and reversed the decision in whole.

Award No. 8) Found that the Arbitrator abused his discretion and reversed the decision in whole.

Award No. 9) The Board affirmed the Arbitrator's decision.

Award No. 11) Found that the Arbitrator abused his discretion and reversed the decision in whole.

Award No. 12) Remanded back to the Arbitrator for recalculation based on the remand of Award No. 3.

No rehearing was scheduled on matters remanded by the Board.

d) and e) Approved.

The motion carried by the following vote:

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