



Legislation Details (With Text)

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On agenda: 12/5/2017 **Final action:** 12/5/2017

Title: HEARING - Consider recommendations regarding Judge David W. Long's Arbitration Ruling and Awards, as corrected, dated June 16, 2017 as to Awards 1 through 9, in the matter of arbitration between Nomad Village Mobilehome Homeowners and Nomad Village Mobilehome 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, Second District, as follows: (EST. TIME: 1 HR.)

a) Make the following determinations as supported by the Findings:

- i) Find that the Arbitrator did not abuse his discretion and affirm Award No. 1 related to the denial of Homeowner's Motion for Summary Judgment styled motion;
- ii) Find that the Arbitrator did not abuse his discretion and affirm Award No. 2 related to the denial of Homeowner's objection to Management's Reply Brief on Attorney fees;
- iii) Find that the Arbitrator did not abuse his discretion and affirm Award No. 3 related to the compliance by Management of the Meet and Confer requirements as set out in the Santa Barbara County Mobilehome Rent Control Ordinance;
- iv) Find that the Arbitrator did not abuse his discretion and affirm Award No. 4 related to the timeliness of the Notice of Increase in Monthly Rent effective July 1, 2016;
- v) Find that the Arbitrator did not abuse his discretion and affirm Award No. 5 related to granting of an automatic, pro rata, rent increase of 1.725% which is to be retroactive to July 1, 2016;
- vi) Find that the Arbitrator did not abuse his discretion and affirm Award No. 6 related to the requested, per space, increase of \$29.31 as set forth in the Notice of Increase in Monthly Rent served March 31, 2016 to be capitalized at 9% and amortized over a period of 15 years;
- vii) Find that the Arbitrator did not abuse his discretion and affirm Award No. 7 related to amounts claimed for capital improvements for Common Area Paving, Common Area Electrical Work and Related Engineering Costs, as set forth in the Notice of Increase in Monthly Rent served on March 31, 2016 in the amount of \$23.01 to be capitalized at 9% and amortized over a period of 15 years;
- viii) Find that the Arbitrator did not abuse his discretion and affirm Award No. 8 related to attorney fees and costs arising from the 2011 Arbitration in the amount of \$56.30, per space retroactive to July 1, 2016, as set forth in the Notice of Monthly Rent Increase served on March 31, 2016 to be capitalized at 9% and amortized over a period of 7 years; and
- ix) Find that the Arbitrator did not abuse his discretion and affirm Award No. 9 related to attorney fees and costs and expert fees arising from the current Arbitration, \$12.14 per month capitalized at 9% and amortized over a period of 7 years and retroactive to July 1, 2016, and \$1.26 per month beginning at least 90 days after Management properly gives notice of such increase; and

b) 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), approve and direct staff to file and post the Notice of Exemption on that basis.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Sponsors: GENERAL SERVICES DEPARTMENT

Indexes:

Code sections:

Attachments: 1. Board Letter, 2. Attachment 1 Exhibit A - Park Management's Notice of Increase in Monthly Rent dated March 31, 2016, 3. Attachment 1 Exhibit B - Homeowners Petition Dated May 13 2016, 4. Attachment 1 Exhibit C - Park Mgmt Response to Homeowner's Petition for Arbitration with Exhibits, 5. Attachment 1 Exhibit D - Homeowner's Pre-Hearing Brief, 6. Attachment 1 Exhibit E - Park Management's Arbitration Brief, 7. Attachment 1 Exhibit F - Nomad Village Mobile Home Park Rent Control Hearing Transcripts _11-18-16, 8. Attachment 1 Exhibit G - Nomad Village Mobile Home Park Rent Control Hearing Transcripts_02-10-17, 9. Attachment 1 Exhibit H - Homeowner's Exhibits sub. in Arbitration, 10. Attachment 1 Exhibit I - Park Management's Exhibits sub. in Arbitration, 11. Attachment 1 Exhibit J - Homeowner's Post-Hearing Opening Brief, 12. Attachment 1 Exhibit K - Park Management Post Hearing Reply Brief, 13. Attachment 1 Exhibit L - Homeowner's Post-Closing Brief, 14. Attachment 1 Exhibit M - Park Management's Post Arbitration Hearing Brief, 15. Attachment 1 Exhibit N - Homeowner's MSJ to DENY RENT INCREASE, 16. Attachment 1 Exhibit O - Arbitrator's Ruling and Awards dated June 16, 2017, 17. Attachment 1 Exhibit P - CORRECTIONS to Arbitrator's Ruling and Awards dated July 10, 2017, 18. Attachment 1 Exhibit Q - Park Management Comment on Arbitration Award, 19. Attachment 1 Exhibit R - Homeowner's Objection to Park's Comment on Arbitration Award, 20. Attachment 1 Exhibit S - Homeowner's Petition for Review of Arbitrator's Ruling and Awards, 21. Attachment 1 Exhibit T - Park Management's Response to Homeowner's Petition for Review of Arbitrator's Ruling and Awards, 22. Attachment 1 Exhibit U - Dec.Summary of Accounts-Park Management, 23. Attachment 1 Exhibit V - Stipulation Order 030117s, 24. Attachment 1 Exhibit W - Findings, 25. Attachment 1 Exhibit X - Matrix of Board Options, 26. Attachment 1 Exhibit Y - CEQA Notice of Exemption, 27. Presentation

Table with 5 columns: Date, Ver., Action By, Action, Result. It contains two rows of data from 12/5/2017, both showing 'Pass' results for actions taken by the Board of Supervisors.

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COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: POLICY