



Legislation Details (With Text)

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On agenda: 2/7/2017 **Final action:** 2/7/2017

Title: HEARING - Review the arbitrator's opinion and award (revised on remand) dated August 28, 2016 as to Awards 5, 6, 7, 8, 9, 12, and 13 (previously known as Awards 4, 5, 6, 7, 8, 11, 12) 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, Second District, as follows: (EST. TIME: 1 HR.)

a) Make the following determinations as supported by the findings;

- i) Find that the Arbitrator abused his discretion and remand Award No. 5 to the Arbitrator for findings about the useful lives of the items subject to amortization and in light of remanded Awards No. 7 and No. 8;
- ii) Find that the Arbitrator did not abuse his discretion and affirm Award No. 6 related to specific items of incurred costs in the amount of \$62,145.55;
- iii) Find that the Arbitrator abused his discretion and remand Award No. 7 to the Arbitrator for adequate findings that identify which professional fees are awarded and how the professional fees are properly categorized as a cost of capital improvements or capital expenses;
- iv) Find that the Arbitrator abused his discretion and remand Award No. 8 to the Arbitrator for adequate findings that identify which professional fees are awarded and how the professional fees are properly categorized as a cost of capital improvements or capital expenses;
- v) Find that the Arbitrator did not abuse his discretion and affirm Award No. 9;
- vi) Find that the Arbitrator did not abuse his discretion and affirm Award No. 12; and
- vii) Find that the Arbitrator did not abuse his discretion; however, remand Award No. 13 to the Arbitrator for recalculation in light of remanded Awards No. 7 and No. 8; 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).

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Sponsors: GENERAL SERVICES DEPARTMENT

Indexes:

Code sections:

Attachments: 1. , 2. Attachment 1 Exhibit A - Remand Arbitration Brief by Park Management, 3. Attachment 1 Exhibit B - Homeowners Remand Arbitration Brief, 4. Attachment 1 Exhibit C - Homeowners Post-Hearing Brief, 5. Attachment 1 Exhibit D - Post Remand Arbitration Brief by MHP, 6. Attachment 1 Exhibit E - Arb Opinion and Award dated 8-28-2016, 7. Attachment 1 Exhibit F - Hearing Transcript 8-10-2016, 8. Attachment 1 Exhibit G - Homeowners Petition for Review of Arbitrator's Decision on Remand, 9. Attachment 1 Exhibit H - Park Management's Response to Homeowner's Petition for Review, 10.

Attachment 1 Exhibit I - Matrix, 11. Attachment 1 Exhibit J - Findings, 12. Attachment 1 Exhibit K Notice of Exemption, 13. Attachment 2 Exhibit A - Homeowner's Arbitration Brief on Remand, 14. Attachment 2 Exhibit B - Park Management's Arbitration Brief on Remand, 15. Attachment 2 Exhibit C - Homeowner's Exhibit 9 (not admitted), 16. Attachment 2 Exhibit D - Park Management's Exhibit U (not admitted), 17. Attachment 2 Exhibit E - Park Management's Exhibit V (not admitted), 18. Attachment 2 Exhibit F - Arb Opinion and Award dated 3-5-2016 (002), 19. Attachment 2 Exhibit G - Hearing Transcripts 2-17-2016, 20. Attachment 2 Exhibit H - Homeowner's Petition for Review of Arbitrator's Decision on Remand, 21. Attachment 2 Exhibit I - Park Management's Response to Petition for Review, 22. Attachment 2 Exhibit J - Board Letter dated 7-12-2016, 23. Attachment 2 Exhibit K - Minute Order to Board's July 19 2016 Decision, 24. Attachment 3 Exhibit A - Order on Writ of Mandate, 25. Attachment 3 Exhibit B - Board Letter dated 1-5-2016, 26. Attachment 3 Exhibit C - Minute Order of Board's 1-19-2016 Decision, 27. Attachment 4 Exhibit A - Statement of Facts and Exhibits, 28. Attachment 4 Exhibit B - Response Letter to County from James Ballantine, 29. Attachment 4 Exhibit C - Homeowners Arbitration Pre-Hearing Brief, 30. Attachment 4 Exhibit D - Objections and Response by MHP, 31. Attachment 4 Exhibit E - Arbitration Hearing Brief by MHP, 32. Attachment 4 Exhibit F - List of Arbitration Exhibits, 33. Attachment 4 Exhibit G - Homeowner's Post-Hearing Opening Brief, 34. Attachment 4 Exhibit H - Opening Post-Hearing Arbitration Brief by MHP, 35. Attachment 4 Exhibit I - Homeowner's Post-Hearing Closing Brief, 36. Attachment 4 Exhibit J - Closing Post Arbitration Brief by MHP, 37. Attachment 4 Exhibit K - Submission of PUC Orders, 38. Attachment 4 Exhibit L - Hearing Transcripts 9-19-11, 39. Attachment 4 Exhibit M - Hearing Transcripts 9-20-11, 40. Attachment 4 Exhibit N - Arb Opinion and Award dated 12-20-11, 41. Attachment 4 Exhibit O - Homeowner's Petition, 42. Attachment 4 Exhibit P - Park Management's Petition, 43. Attachment 4 Exhibit Q - Park Management's Response to Homeowner's Petition for Review, 44. Attachment 4 Exhibit R - Homeowner's Response to Park Management's Petition for Review, 45. Attachment 4 Exhibit S - Park Management's Objection, 46. Attachment 4 Exhibit T - Board Letter dated 5-1-2012, 47. Attachment 4 Exhibit U - Minute Order of Board's 5-15-2012 Decision, 48. Ex-Parte Communications - Hamrick, 49. Ex-Parte Communications - Ballantine, 50. Ex-Parte - Ballantine Letter dated 2-2-17, 51. Presentation

Date	Ver.	Action By	Action	Result
2/7/2017	2	BOARD OF SUPERVISORS	Acted on as follows:	Pass
2/7/2017	2	BOARD OF SUPERVISORS	Acted on as follows:	Pass
1/24/2017	1	BOARD OF SUPERVISORS	Set for a hearing, as follows:	Pass

HEARING - Review the arbitrator's opinion and award (revised on remand) dated August 28, 2016 as to Awards 5, 6, 7, 8, 9, 12, and 13 (previously known as Awards 4, 5, 6, 7, 8, 11, 12) 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, Second District, as follows: (EST. TIME: 1 HR.)

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ii) Find that the Arbitrator did not abuse his discretion and affirm Award No. 6 related to specific items of incurred costs in the amount of \$62,145.55;

iii) Find that the Arbitrator abused his discretion and remand Award No. 7 to the Arbitrator for adequate findings that identify which professional fees are awarded and how the professional fees are properly categorized as a cost of capital improvements or capital expenses;

iv) Find that the Arbitrator abused his discretion and remand Award No. 8 to the Arbitrator for adequate findings that identify which professional fees are awarded and how the professional fees are properly

categorized as a cost of capital improvements or capital expenses;

v) Find that the Arbitrator did not abuse his discretion and affirm Award No. 9;

vi) Find that the Arbitrator did not abuse his discretion and affirm Award No. 12; and

vii) Find that the Arbitrator did not abuse his discretion; however, remand Award No. 13 to the Arbitrator for recalculation in light of remanded Awards No. 7 and No. 8; 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).

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: POLICY