



Legislation Details (With Text)

File #:	16-00514	Version:	2
Type:	Agenda Item	Status:	Passed
File created:		In control:	BOARD OF SUPERVISORS
On agenda:	7/19/2016	Final action:	7/19/2016
Title:	<p>HEARING - Consider recommendation regarding the Arbitrator's March 5, 2016 Opinion and Award (Revised on Remand) as to Awards 4, 5, 6, 7, 8, 11, and 12 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.)</p> <p>a) Make the following determinations as supported by the findings;</p> <p>i) Find that the Arbitrator did not abuse his discretion; however, remand Award No. 4 in light of other remanded Awards;</p> <p>ii) Find that the Arbitrator abused his discretion and remand Award No. 5 to the Arbitrator for adequate findings on specific items of incurred costs in the amount of \$62,145.55;</p> <p>iii) Find that the Arbitrator abused his discretion and remand Award No. 6 to the Arbitrator for adequate findings about the nature of the fees;</p> <p>iv) Find that the Arbitrator abused his discretion and remand Award No. 7 to the Arbitrator for adequate findings about the nature of the fees;</p> <p>v) Find that the Arbitrator abused his discretion and remand Award No. 8 to the Arbitrator for adequate findings about the nature of the payment;</p> <p>vi) Find that the Arbitrator abused his discretion and remand Award No. 11 to the Arbitrator for adequate findings about the nature of the fees; and</p> <p>vii) Remand Award No. 12 to the Arbitrator for recalculation in light of other remanded items; and</p> <p>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).</p>		
Sponsors:	COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY GENERAL SERVICES DEPARTMENT		
Indexes:			
Code sections:			
Attachments:	1. Board Letter, 2. Attachment A - Statement of Facts and Exhibits Attached, 3. Attachment B - Response Letter to County from James Ballantine, 4. Attachment C - Homeowners' Arbitration Pre-		

Hearing Brief, 5. Attachment D - Objection and Response by Nomad Village Mobile Home Park to Petition for Arbitration and Exhibits Attached, 6. Attachment E - Arbitration Hearing Brief by Nomad Village Mobile Home Park, 7. Attachment F - List of Arbitration Exhibits Presented at Arbitration, 8. Attachment G - Homeowners' Post-Hearing Opening Brief, 9. Attachment H - Opening Post-Hearing Brief by Nomad Village Mobile Home Park, 10. Attachment I - Homeowners' Post-Hearing Closing Brief, 11. Attachment J - Closing Post Arbitration Hearing Brief by Nomad Village Mobile Home Park, 12. Attachment K - Submission of PUC Orders by Nomad Village Mobile Home Park, 13. Attachment L - Nomad Village Mobile Home Park Rent Control Hearing Transcripts 9-19-11, 14. Attachment M - Nomad Village Mobile Home Park Rent Control Hearing Transcripts 9-20-11, 15. Attachment N - Arbitrator's Opinion and Award, 16. Attachment O - Homeowners' Petition, 17. Attachment P - Park Managements Petition, 18. Attachment Q - Park Managements Response to Homeowners Petition for Review, 19. Attachment R - Homeowners Response to Park Managements Petition for Review, 20. Attachment S - Park Managements Objection to Homeowners Response to Park Managements Petition for Review, 21. Attachment T - Order on Writ of Mandate, 22. Attachment U - Board Agenda Letter dated January 5 2016, 23. Attachment V - Minute Order of Boards January 19 2016 Decision, 24. Attachment W - Homeowners Arbitration Brief On Remand, 25. Attachment X - Management Arbitration Brief On Remand, 26. Attachment Y - Homeowners Exhibit 9 (not admitted by Arbitrator), 27. Attachment Z - Management Exhibit U (not admitted by Arbitrator), 28. Attachment AA - Management Exhibit V (not admitted by Arbitrator), 29. Attachment BB - Arbitrator's Opinion and Award (revised on remand), 30. Attachment CC - Nomad Village Hearing Transcript February 17 2016, 31. Attachment DD - Homeowners Petition for Review of Arbitrators Decision on Remand, 32. Attachment EE - Park Managements Response to Homeowners Petition for Review of Arbitrators Decision on remand, 33. Attachment FF - Decision Matrix of Board Options, 34. Attachment GG - Findings, 35. Attachment HH - Notice of Exemption, 36. Ex Parte - Stephen Biersmith Opinion and Award, 37. Presentation

Date	Ver.	Action By	Action	Result
7/19/2016	2	BOARD OF SUPERVISORS	Acted on as follows:	Pass
7/19/2016	2	BOARD OF SUPERVISORS	Acted on as follows:	Pass
7/12/2016	1	BOARD OF SUPERVISORS	Set for a hearing, as follows:	Pass

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i) Find that the Arbitrator did not abuse his discretion; however, remand Award No. 4 in light of other remanded Awards;

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iii) Find that the Arbitrator abused his discretion and remand Award No. 6 to the Arbitrator for adequate findings about the nature of the fees;

iv) Find that the Arbitrator abused his discretion and remand Award No. 7 to the Arbitrator for adequate findings about the nature of the fees;

v) Find that the Arbitrator abused his discretion and remand Award No. 8 to the Arbitrator for adequate findings about the nature of the payment;

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vii) Remand Award No. 12 to the Arbitrator for recalculation in light of other remanded items; 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