

(R-85-1494)

RESOLUTION NUMBER R- 262707

ADOPTED ON MAR 12 1985

RESOLUTION APPROVING A COMMUNICATION/MEDIATION PROGRAM BETWEEN MOBILEHOME OWNERS AND MOBILHOME PARK OWNERS WITHIN THE CITY OF SAN DIEGO.

WHEREAS, The City of San Diego has enacted an ordinance which establishes a communication/mediation process for mobilehome park owners and mobilehome owners with The City of San Diego; and

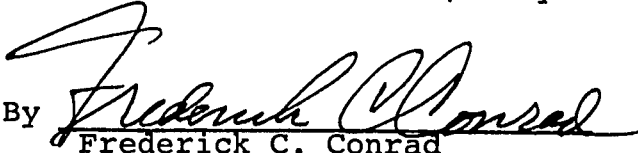
WHEREAS, said ordinance stipulates that the Council of The City of San Diego shall adopt a resolution approving a Memorandum of Understanding between the mobilehome owners and the mobilehome park owners; and

WHEREAS, the Council of The City of San Diego is desirous of having a nonbinding mediation process to resolve concerns within mobilehome parks in the City of San Diego; and

WHEREAS, the Mobilehome Task Force appointed by the Council of The City of San Diego has unanimously recommended a process of meet-and-confer within the terms of a Memorandum of Understanding, dated February 6, 1985, attached hereto as Exhibit "A;" NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Memorandum of Understanding, dated February 6, 1985, attached hereto as Exhibit "A" be and the same is hereby approved.

APPROVED: John W. Witt, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:551.1.1
02/15/85
Or.Dept:Plan.
R-85-1494
Form=r.none

TABLE OF CONTENTS

	<u>Page</u>
1. Nature of the Memorandum of Understanding	1
2. Definition of Terms	1
3. Terms of Communication/Mediation	4
I. Introduction	4
Understanding	
II. Initiation of Process	4
III. Ballot Procedures	4
IV. Outline of Responsibilities	4
Park Committee Responsibilities	5
Park Owner Responsibilities	5
C.O.S.D.M.P.O.A. Responsibilities	5
Negotiation Process	5
V. City Mobilehome Park Communication/Mediation Committee Responsibilities	5

EXHIBIT A
DATED FEBRUARY 6, 1985

R - 262707

01783

2/6/85
Updated

A MEMORANDUM OF UNDERSTANDING TO MEET-AND-CONFER BETWEEN THE
MOBILEHOME OWNERS AND THE MOBILEHOME PARK OWNERS OF THE CITY OF
SAN DIEGO CALLED:

"COMMUNICATION/MEDIATION PROCESS"

NATURE OF THIS MEMORANDUM OF UNDERSTANDING

This is a memorandum of understanding between the MOBILEHOME OWNERS and MOBILEHOME PARK OWNERS of the City of San Diego to create a process through which to communicate and mediate reasonable solutions to their mutual interests and concerns.

The PARK COMMITTEE or MOBILEHOME PARK OWNER shall follow an informal process of meet-and-confer conference(s) prior to initiating the formalized procedures listed herein.

DEFINITION OF TERMS

Terms will be defined in this understanding as follows:

MEDIATION

This involves the active participation of a trained third party, without vested interest in the concerns raised, to establish communications and assist in resolving differences in anticipation of achieving harmony or a consensus of compromising viewpoints.

MEET-AND-CONFER

A process of deliberating on the concerns raised in a good faith manner by the involved parties and seeking solutions, compromises, exchanges of viewpoints and factual input from the MOBILEHOME OWNERS and the MOBILEHOME PARK OWNERS.

MEMORANDUM OF UNDERSTANDING

This document and the processes, responsibilities, definitions and procedures established shall be deemed the memorandum of understanding between the MOBILEHOME OWNERS and the MOBILEHOME PARK OWNERS within the City of San Diego.

R- 262707

MOBILEHOME

A MOBILEHOME is a structure designed for human habitation and for being moved on the streets or highways under permit pursuant to Section 35790 of the Vehicle Code of the State of California. MOBILEHOME does not include a recreational vehicle as defined in Section 799.24 of the California Civil Code and Section 18010 of the Health and Safety Code of the State of California or a commercial coach as defined in Section 18218 of the Health and Safety Code.

MOBILEHOME PARK

A MOBILEHOME PARK is an area of land designated by the City of San Diego as a mobilehome park where two or more MOBILEHOME sites are rented, or held out for rent, to accommodate MOBILEHOMES used for human habitation.

MOBILEHOME PARK OWNER

A MOBILEHOME PARK OWNER is the leaseholder or owner of real estate upon which a MOBILEHOME PARK is located.

MOBILEHOME OWNER

A MOBILEHOME OWNER is the registered owner of a MOBILEHOME in a MOBILEHOME PARK within the City of San Diego.

CITY OF SAN DIEGO
MOBILEHOME PARK
OWNERS ASSOCIATION
(C.O.S.D.M.P.O.A.)

CITY OF SAN DIEGO MOBILEHOME PARK OWNERS ASSOCIATION (C.O.S.D.M.P.O.A.) is an association of park owners in the City of San Diego.

G.S.M.O.L.

G.S.M.O.L. is The Golden State Mobilehome Owners League, Inc. A non-profit corporation of the State of California to promote the general welfare of mobilehome owners.

PARK COMMITTEE

The PARK COMMITTEE is a standing committee composed of up to five MOBILEHOME OWNERS who all live within a particular MOBILEHOME PARK who have each been elected by a majority vote of the other MOBILEHOME OWNERS within that park to represent them to carry out the terms of this understanding. Such vote shall be by secret ballot and elections shall be held at least every two years.

PARK SURVEY

PARK SURVEY is a written poll, one vote per space by secret ballot, of MOBILEHOME OWNERS within a MOBILEHOME PARK to determine whether or not a particular matter, such as rent increases, is indeed an important concern of the MOBILEHOME OWNERS within a park.

CITY MOBILEHOME PARK
COMMUNICATION/MEDIATION
COMMITTEE

The CITY MOBILEHOME PARK COMMUNICATION/MEDIATION COMMITTEE is a committee consisting of two MOBILEHOME OWNERS within the City of San Diego elected by the park representative from the park committees under the sponsorship of Golden State Mobilehome Owners League (G.S. M.O.L.); two MOBILEHOME PARK OWNERS from within the City of San Diego selected by C.O.S.D. M.P.O.A.; and one other person selected from an appropriate mediation service recognized by the City of San Diego or if such service is not available, a person chosen by the four other members of the committee. It is desired, but not compulsory, that the fifth member of the committee have a legal, financial or business background but no vested interest.

TERMS OF COMMUNICATION/MEDIATION

- I. Introduction - The Communication/Mediation process in San Diego is intended to accomplish a framework for discussion on concerns that arise between MOBILEHOME OWNERS and MOBILEHOME PARK OWNERS. This mechanism outlined herein for exchanging ideas and resolving difference is intended as a tool to assist in understanding the viewpoints of another party. It is clearly the intent of everyone associated with this Communication/Mediation process that concerns be addressed on a strictly voluntary basis.
- Understanding - The MOBILEHOME PARK OWNERS and the MOBILEHOME OWNERS of San Diego have this memorandum of understanding that they will abide by the following as a process to resolve concerns, establish responsibilities and achieve harmony between them.
- II. Initiation of Process - Upon a concern being brought to the attention of the PARK COMMITTEE within a particular MOBILEHOME PARK, the PARK COMMITTEE shall (except as noted on page 1, "Nature of this Memorandum of Understanding") conduct a PARK SURVEY to determine the nature and extent of the problem. If 51 percent or more of the MOBILEHOME OWNERS (one vote per space) within the MOBILEHOME PARK respond to the survey by indicating that a particular concern indeed exists, the PARK COMMITTEE shall advise C.O.S.D.M.P.O.A. and G.S.M.O.L. by telephone that a concern exists within the park. In the event of an "anniversary rent increase" all mobilehome owners within the park will be deemed affected. The MOBILEHOME PARK OWNER may also initiate the process outlined herein by notifying the PARK COMMITTEE of a concern.
- III. Ballot Procedures - The PARK COMMITTEE, when a concern arises, shall conduct a secret written ballot of the MOBILEHOME OWNERS. The PARK COMMITTEE shall tally the ballots with a representative of the MOBILEHOME PARK OWNER present if desired by the park owner and verify the percentage of MOBILEHOME OWNERS participation. This verification can be from records supplied by the MOBILEHOME PARK OWNER. The PARK COMMITTEE shall notify the MOBILEHOME PARK OWNER of the results of the ballot survey in writing.
- IV. Outline of Responsibilities - When it has been determined that a secret ballot shall be conducted, responsibilities herein described shall be automatically assumed by the involved parties before and after the ballot casting.

Park Committee Responsibilities - The Committee shall conduct the secret ballot survey giving five days notice to all MOBILEHOME OWNERS and the MOBILEHOME PARK OWNER of the date, time and place of the ballot casting and provide the MOBILEHOME PARK OWNER a blank copy of the ballot for information at least five days before the ballot casting. The PARK COMMITTEE shall also notify the designated person of C.O.S.D.M.P.O.A and G.S.M.O.L. When a pending agreement is reached the PARK COMMITTEE shall ensure, by secret ballot, approval of the agreement by 51 percent or more of the MOBILEHOME OWNERS within the park (one vote per space) prior to the effective date of the agreement.

Park Owner Responsibilities - The owner shall send a current registered mobilehome owners list to the PARK COMMITTEE upon notification of pending secret ballot and may attend the ballot counting. When notified by the PARK COMMITTEE that a 51 percent or higher vote has been achieved which indicates a concern then the MOBILEHOME PARK OWNER will within 5 days schedule, by mutual consent, a meeting with the PARK COMMITTEE.

C.O.S.D.M.P.O.A. Responsibilities - When notified by PARK COMMITTEE of pending ballot casting, will contact MOBILEHOME PARK OWNER to ensure that compliance with this memorandum of understanding is fulfilled.

Negotiation Process - A) Meet-and-Confer All parties have responsibility to meet and confer in good faith.

B) Mediation If, in spite of these efforts agreement cannot be reached, a mediator, mutually agreed to by both parties, shall be utilized.

C) City Mobilehome Park Communication/Mediation Committee If once again agreement cannot be reached then the MOBILEHOME PARK COMMUNICATION/MEDIATION COMMITTEE shall be notified of an impasse. The C.O.S.D.M.P.O.A., and G.S.M.O.L., shall be notified of the results of each step in the process.

- V. City Mobilehome Park Communication/Mediation Committee Responsibilities - Upon receipt of notification of impasse, the City Committee shall bring parties together within 10 days. The City Committee may request any or all documentation generated thus far in the process. They may request further information from either party as they deem necessary. The participating parties may supply any additional information so desired. No more than 20 days after

the CITY MOBILEHOME PARK COMMUNICATION/MEDIATION COMMITTEE has met, it shall give a written report to the PARK COMMITTEE; G.S.M.O.L.; C.O.S.D.M.P.O.A. and the MOBILEHOME PARK OWNER indicating possible solutions.

Any individual exercising rights under this Memorandum of Understanding shall not have their rights abridged.

DATED: 2/25, 1985

BY: Imogene Johnson - GSHOH

DATED: 3-1-, 1985

BY: Adeline Smith COSDMP OA

R- 262707

MAR 12 1985

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Mayra G. Rodriguez*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-262707** MAR 12 1985
Number Adopted

01791

01791

RECEIVED
CITY CLERK'S OFFICE

1995 FEB 19 PM 4:41

SAN DIEGO, CALIF.

01791

(R-85-1645)

RESOLUTION NUMBER R- 262708

ADOPTED ON MAR 12 1985

WHEREAS, traces of methane gas have been detected in the immediate vicinity of the Chollas Land Fill facility operated by The City of San Diego; and

WHEREAS, it is necessary for a consultant to evaluate this situation and recommend appropriate corrective action under the immediate circumstances; and

WHEREAS, SCS Corporation has undertaken preliminary work relative to such determination and is prepared to provide such consultant's services; and

WHEREAS, waiver of Council Policy 300-7 is necessary to expeditiously provide for the services consultant is qualified to provide; NOW THEREFORE,

BE IT RESOLVED, that the provisions of Council Policy 300-7 be, and they are hereby waived; and

BE IT FURTHER RESOLVED, by the Council of The City of San Diego, that the City Manager be, and he is hereby authorized to execute a contract with the SCS Corporation in accordance with the document on file in the Clerk's Office as Document No. RR- 262708, to provide for consultant's services.

BE IT FURTHER RESOLVED, that the expenditure, not to exceed \$25,000 from Capital Improvement Project 37-250 is hereby authorized solely and exclusively for providing funds for said project and related costs, and authorizing the City Auditor and