

RESOLUTION NO. 2001-5721

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN MARCOS ADOPTING PROCEDURES FOR THE
CHANGE, ADDITION, DELETION OR MODIFICATION OF
MOBILEHOME PARK RULES AND REGULATIONS IN
ACCORDANCE WITH SECTION 16.04.070 OF THE
MUNICIPAL CODE

WHEREAS, on June 7, 1994, the voters of the City of San Marcos approved a City Charter, which was filed with the California Secretary of State on June 30, 1994 and approved by the City Council on July 4, 1994; and

WHEREAS, on November 6, 1996, the voters of the City of San Marcos approved Proposition T, which provided for the review and approval by mobilehome park residents of any change or addition to, or deletion or modification of, mobilehome Park Rules and Regulations affecting mobilehome park residents prior to the implementation thereof by mobilehome park owners; and

WHEREAS, the initiative measure was formalized by Ordinance No. 96-1007 and added as Section 16.04.070 of the San Marcos Municipal Code; and

WHEREAS, subject matter of mobilehome park rules and regulations as delineated in Section 16.04.070 of the San Marcos Municipal Code is deemed to be a municipal affair and subject to the provisions of local regulation, or "home rule;" and

WHEREAS, the City has previously approved procedures for implementation of the provisions of Chapter 16.16 of the San Marcos Municipal Code, relating to certain other mobilehome-related matters, which have assisted in the processing of petitions relating to such matters; and

WHEREAS, although the provisions of Section 16.04.070 have not been the subject of action, litigation or challenge since the adoption of Chapter 16.04 of the San Marcos Municipal Code, the City believes that the adoption of procedures and

requirements for implementation of said Section may be of assistance should mobilehome park rules or regulation disputes arise; and

WHEREAS, the City desires to establish the following procedures to ensure that the requirements of Section 16.04.070 are met prior to the change, addition, deletion or modification of any Park Rule or Regulation.

NOW, THEREFORE, BE IT RESOLVED:

1. The above-described recitals are true and correct.
2. The residents of each mobilehome park in the City, other than resident-owned mobilehome parks, shall establish through their homeowner representative group, either by election or appointment, a "Park Rules and Regulations Committee" that will be responsible for reviewing, negotiating and approving or rejecting any change, addition, deletion or modification proposed by the Park Owner to the rules and regulations for that mobilehome park ("Park Rules and Regulations").
3. The homeowner representative group for each mobilehome park in the City shall provide to the owner of its mobilehome park ("Park Owner") a written list of the members of the Park Rules and Regulations Committee and their space numbers. The homeowner representative group shall update this information with the Park Owner as necessary to reflect current membership on the Committee.
4. When any Park Owner proposes any change, addition, deletion or modification to the Park Rules and Regulations, said Park Owner shall first submit the proposal in writing to all members of the Park Rules and Regulations Committee. Not sooner than ten (10) days following written notification of the proposal to all members of the Park Rules and Regulations Committee, the Park Owner or its authorized

representative shall meet with the members of the Park Rules and Regulations Committee to discuss the proposed change, addition, deletion or modification to the Park Rules and Regulations. The written notice of the proposal shall also state the date, time and location of this meeting.

5. Following the meeting with the Park Owner, the members of the Park Rules and Regulations Committee shall have thirty (30) days from the date of the meeting to consider the proposal and inform the Park Owner in writing of their decision regarding the proposed change, addition, deletion or modification to the Park Rules and Regulations. The decision of the Park Rules and Regulations Committee shall be by majority vote of the members.

6. In the event that a majority of the members of the Park Rules and Regulations Committee does not approve the proposed change, addition, deletion or modification of the Park Rules and Regulations, the Park Owner shall have the right to appeal this decision to all residents of the mobilehome park. If the Park Owner decides to appeal, it shall give written notice of the proposed change, addition, deletion or modification to the Park Rules and Regulations to all mobilehome park residents within ten (10) days following notification by the Park Rules and Regulations Committee of its rejection of the proposed change.

7. The mobilehome park residents may reverse the Park Rules and Regulations Committee's rejection of a proposed change, addition, deletion or modification by a petition bearing the signatures of a majority of the residents of the mobilehome park approving the proposed change, addition, deletion or modification. Failure to obtain the signature of a majority of the residents within sixty (60) days

following written notice of the Park Owner's appeal shall mean that the proposed change, addition, deletion or modification is rejected.

8. Any change, addition, deletion or modification to the Park Rules and Regulations that has been approved by the Park Rules and Regulations Committee or the residents, as appropriate, shall be implemented not less than six (6) months following the date of approval. However, any change, addition, deletion or modification to a Park Rule or Regulation applicable to recreational facilities shall be implemented not less than sixty (60) days following the date of approval.

9. Within ninety (90) days following the effective date of this Resolution, each Park Owner shall submit a copy of the current version of the Park Rules and Regulations for their mobilehome park to the City Clerk.

10. This Resolution No. 2001-5721 is not intended to, and shall not operate as, an amendment of the provisions of Section 16.04.070 of the San Marcos Municipal Code, but rather as an establishment of the procedural regulations to be followed in conjunction with a proposed change, addition, deletion or modification to the Park Rules and Regulations of any mobilehome park within the City. In the event any conflict may arise as between the regulations adopted by this Resolution 2001-5721 and the provisions of Section 16.04.070 of the San Marcos Municipal Code, then the provisions of Section 16.04.070 shall prevail.

11. If any term, provision or condition of this Resolution 2001-5721 is, to any extent determined by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining terms, provisions or conditions of this Resolution 2001-5721 shall be valid and enforceable to the fullest extent permitted by law.

12. The City Clerk is directed to implement these procedures for any change, addition, deletion or modification of mobilehome Park Rules and Regulations proposed after the effective date of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, State of California, at a regular meeting thereof, this 18th day of September, 2001, by the following roll call vote:

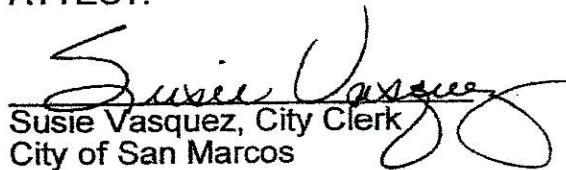
AYES: COUNCILMEMBERS: HARRIS, MARTIN, ROZMUS, THIBADEAU, SMITH

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE


F.H. "Corky" Smith, Mayor
City of San Marcos

ATTEST:


Susie Vasquez, City Clerk
City of San Marcos