



Legislation Text

File #: 21-0279, **Version:** 1

TO:

Honorable Councilmember and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

George Gabriel, Assistant to the City Manager

SUBJECT:

Consider Request by Councilmember Napolitano and Councilmember Hadley to Discuss Prohibiting Timeshares (City Manager Moe).

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council consider placing a discussion on prohibiting timeshares on a future City Council meeting agenda.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action. However, should the City Council direct staff to analyze the request, staff time and resources may be expended to accommodate the request.

BACKGROUND:

Pursuant to the Brown Act, the City Council cannot discuss items not on an agenda unless under limited circumstances. The City Council has developed a process to allow individual Councilmembers to request, with the support of another Councilmember, that items be placed on a future agenda for City Council discussion. At that future meeting, the item is identified on the agenda in full compliance with the Brown Act. Discussion allows an opportunity to the public to provide input and the City Council, as a body, to decide whether City resources (staff time, etc.) should be incurred to present a more comprehensive report at a third City Council meeting.

Accordingly, individual Councilmembers can initiate future agenda items by following the following three-step process:

STEP ONE:

During "Future Agenda Items," a Councilmember may request that an item be placed on the agenda. If another Councilmember concurs with placing the item on the agenda, the item is placed on a future agenda. This was done at the August 24, 2021 City Council meeting.

STEP TWO:

The item is placed on the agenda at the section titled, "City Council Requests and Reports Including AB 1234 Reports" at the end of the agenda with this report. If it does not require any staff time, there may be attachments (e.g., copies of ordinances, resolutions, contracts, etc. previously adopted or approved) to provide background or context. After discussion, the City Council has the following options:

- a) Receive and File the report.
- b) Direct: the City Attorney to perform legal research; and staff to perform the necessary work to prepare a more comprehensive staff report and schedule the item for a future City Council meeting.
- c) Continue the item to a future date.

STEP THREE:

If City Council chooses option b) in Step Two above, the item is placed on a future City Council meeting agenda for action.

DISCUSSION:

At the request of Councilmember Napolitano and Councilmember Hadley at the August 24, 2021, City Council meeting, staff has placed this item on the agenda for further discussion. Specifically, the request pertained to possibly banning the use of residential property by multiple ownership entities, resembling a timeshare situation. Upon City Council consensus, staff will undertake efforts to research this topic and return to the City Council at a future meeting with more information. Additionally, City Council may provide staff direction on what the request entails.

CONCLUSION:

Staff recommends that the City Council consider the request.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.