

CITY COUNCIL COMMUNICATION FORM

FROM: Dan Foote, City Attorney

THROUGH: N/A

DATE: June 10, 2021

ITEM: An Emergency Ordinance Imposing a Moratorium on Accepting Applications for, Reviewing, or Approving or Issuing Permits for Vacation Home Rental Uses in the City of Steamboat Springs

_____ DIRECTION
_____ INFORMATION
 _____ ORDINANCE
_____ MOTION
_____ RESOLUTION
_____ PROCLAMATION

I. REQUEST/ISSUE & BACKGROUND INFORMATION:

City Council directed staff at the June 8, 2021 City Council work session to schedule a special meeting on June 10, 2021 and prepare an emergency ordinance imposing a six month moratorium on the issuance of Vacation Home Rental permits. The draft emergency ordinance implements this direction for a period of ninety (90) days, which is the maximum permitted effective date for an emergency ordinance per the City's home rule charter. The proposed emergency ordinance will be ratified and extended by a second ordinance, which staff will present to Council for first reading on either June 15, 2021 or July 6, 2021. The draft emergency ordinance will take effect immediately upon passage.

The Municipal Code ordinarily requires seventy-two (72) hours public notice of a City Council meeting. However, the Municipal Code also provides that meetings may be held on a minimum of twenty-four (24) hours public notice with good cause. If a meeting is held on less than seventy-two (72) hours notice, the reason for the short notice must be stated on the record and included in the minutes of the meeting. In the case of this meeting at 2:30 p.m. on June 10, 2021, the City Clerk posted meeting notices at 8:00 a.m. on

June 9, 2021 and re-posted an amended meeting notice at 2:05 p.m. on June 9, 2021. Copies of the notices are attached.

Section 3.5 of the Charter requires that each Council member be given seventy-two hours notice of a Council meeting. However, this requirement may be waived by the consent of a quorum of City Council pursuant to Section 3.6 of the Charter. Staff recommends that this consent be expressed on the record prior to consideration of the proposed ordinance.

II. SUMMARY AND ALTERNATIVES:

Council may adopt the proposed ordinance as drafted, with revisions, or choose not to adopt the proposed ordinance. The content of the ordinance is relatively straightforward in the sense it is a binary choice as to whether Council wishes to impose a moratorium or not. However, the question of timing is more nuanced, both as to whether it is necessary or desirable to adopt the ordinance via emergency process and if so whether Council is satisfied with the notice given for the June 10, 2021 special meeting.

III. STAFF RECOMMENDATION:

Staff recommends adopting the ordinance as drafted on June 10, 2021. Charter procedures regarding emergency ordinances and meetings permit the adoption of an emergency ordinance on the proposed schedule.

IV. FISCAL IMPACT:

None.

V. LEGAL ISSUES:

The principal legal issue is compliance with Charter and Code notice requirements. As stated above, these have been met. As for the moratorium itself, Council has clear discretion to adopt a moratorium to preserve the status quo pending a review of City regulations. Temporary moratoria have been challenged in court as an unlawful taking. However, the U.S. Supreme Court has confirmed that a temporary moratorium is lawful as long as its length is reasonable given its purpose and the impact on private property rights.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. CONSISTENCY WITH COUNCIL GOALS AND POLICIES:

This item relates to the City Council's adopted goal regarding housing.

ATTACHMENTS:

Attachment 1: Meeting Notice 8:00am on June 9, 2021.

Attachment 2: Re-Posted Amended Meeting Notice 2:05am on June 9, 2021.