



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2015

TO: Mayor and Councilmembers

FROM: Ariel Pierre Calonne, City Attorney
John Steve Doimas, Deputy City Attorney

SUBJECT: Short Term Residential Rental Subpoenas

RECOMMENDATION:

That Council receive certified copies of subpoenaed records related to unlawful vacation rentals that are subject to the City's Ordinance prohibiting their operation.

DISCUSSION:

On August 11, 2015, the City Council authorized the Mayor to sign, and the City Clerk's Office to serve, subpoenas on websites that have listings for vacation rentals in the City of Santa Barbara. Pursuant to this authorization, the Mayor signed subpoenas which the City served on the websites.

These subpoenas required the websites to appear and/or produce certified copies of certain records related to the operation of vacation rentals in the City. If the subpoenaed parties fail to appear or produce the requested records by November 10, 2015 at 4:00 pm, the Mayor is authorized to submit a report of noncompliance to the Santa Barbara Superior Court.

Superior Court review is necessary before remedies can be sought for failure to comply with the legislative subpoena. Upon an order from the court, a writ of attachment may be issued directing the Santa Barbara County Sheriff to bring the individual before the court. Upon appearance before the court, a judge has jurisdiction to issue a contempt order. The punishment for disobedience of a legislative subpoena is the same as if contempt has been committed in a civil trial in superior court.

PREPARED BY: John Steve Doimas, Deputy City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office