



MEMORANDUM
COUNTY EXECUTIVE OFFICE
County of Placer

TO: Board of Supervisors

DATE: July 27, 2020

FROM: Todd Leopold, County Executive Officer
By: Erin Casey, Principal Management Analyst

SUBJECT: Urgency Ordinance to temporarily extend the alcohol ban on portions of the Truckee River from July 27, 2020 to October 15, 2020.

ACTION REQUESTED

Introduce, waive oral reading and adopt an urgency ordinance to amend Placer County Code Chapter 9, Article 9.08, Section 9.08.030 on an interim basis to extend an alcohol ban on portions of the Truckee River from July 27, 2020 to October 15, 2020.

BACKGROUND

On February 5, 2008, the Board of Supervisors approved Resolution 2008-27, requesting state legislation to authorize a proposed alcohol ban on portions of the Truckee River. Irresponsible use along the river during peak holiday periods created a public safety hazard and negative environmental impacts. Action was needed to address these issues because state law allows alcohol use on navigable waterways throughout the state unless expressly prohibited by statute.

In response to the Board's action, former State Senator Dave Cox sponsored SB 1159, which added Section 25608.10 to the Business and Professions Code, and authorized the Board to impose an alcohol ban on the Truckee River between Fanny Bridge and the River Ranch during "designated holiday periods." On April 15, 2008, the Board adopted an Ordinance to amend Chapter 9, Public Peace Safety and Welfare; Article 9.08 Offenses Against Public Peace and Decency, to include section 9.08.030 to ban alcohol on the Truckee River consistent with the state statute. Implementation of the ordinance required a Board Resolution to select specific dates, which the Board also approved in 2008. The selected dates were through the Fourth of July weekend. The proposed urgency ordinance would temporarily extend those dates from July 27, 2020 to October 15, 2020.

ISSUES

On March 4, 2020, the Governor enacted a State of Emergency in response to the COVID-19 pandemic. On March 18, 2020 the Governor issued a "Stay and Home Order" which directed the closure of most businesses in California and limited travel to essential purposes only. Despite the Order, tourism continued in North Lake Tahoe and has increased substantially since Memorial Day weekend.

Rafting is a popular activity along several stretches of the Truckee River. Within Placer County, two commercial outfitters provide services. The remaining rafters purchase inner tubes, rafts or other floatation devices for private use. The commercial outfitters have voluntarily reduced boat capacity by 50 percent to address COVID-19 concerns, however, the number of private rafters is significantly higher than previous years. This has resulted in several public health and safety concerns within the North Lake Tahoe community including alcohol-fueled misconduct, trash and potential environmental degradation within the river, as well as increased exposure to COVID-19.

To help address these issues, staff is recommending the approval of an urgency ordinance to extend an alcohol ban on the Truckee River from July 27, 2020 to October 15, 2020. Due to COVID-19 impacts and a rapidly evolving landscape in telework and online learning, the designated holiday period is likely to change from prior years. Part-time residents and visitors may choose to stay beyond mid-August when tourism historically decreases in Tahoe. The proposed date for the alcohol ban is based on these evolving trends. The extended ban is expected to help reduce the public health and safety concerns on the river.

The urgency ordinance was reviewed by commercial rafting companies for feedback. Both operators expressed support for the extended alcohol ban. The US Forest Service was also consulted prior to developing this recommendation. County staff is also working with agency partners including the Tahoe City Public Utility District and the Tahoe Fund to develop river-specific signage encouraging rafters to physically distance and avoid congregating along the river. If the ordinance is approved, portable message boards will also be placed near popular access points with similar messaging and staff will update required signage notifying the public of this change.

Currently, the Placer County Sheriff's Office (PCSO) enforces the existing alcohol ban. That role will continue with this proposed amendment. While some additional enforcement duties are anticipated, no significant impact to workload for Sheriff's patrol is anticipated as a result of this action. PCSO will monitor workload impacts and return to your Board for further discussion, if warranted.

Government Code section 25123 allows the County to enact an urgency ordinance for the immediate preservation of the public peace, health, or safety, and to make the ordinance effective immediately. The facilitation of public health and safety measures during the COVID-19 qualifies as a basis for this urgency ordinance. In this instance, the proposed ordinance would be effective immediately and would expire on October 15, 2020.

ENVIRONMENTAL CLEARANCE

The proposed action is not a project under the California Environmental Quality Act since it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment pursuant to CEQA Guidelines 15061(b)(3) and 15378(b).

FISCAL IMPACT

No significant staffing or other costs are identified as a result of this action. PCSO will monitor workload impacts and return to your Board for further discussion, if warranted.

ATTACHMENT

Attachment A – Urgency Ordinance

ATTACHMENT A

Before the Board of Supervisors
County of Placer, State of California

In the matter of: An Ordinance Amending
Placer County Code Chapter 9, Article 9.08,
Section 9.08.030(B) on an Interim Uncodified
Basis Related to an Alcohol Ban on the
Truckee River

Ordinance No.: _____

Introduced: _____

The following **Urgency Ordinance** was duly passed by the Board of Supervisors of the County
of Placer at a regular meeting held on _____, 2020 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, California Business and Professions Code (“B&P”) section 25608.10 authorizes the
Placer County (“County”) Board of Supervisors (“Board”) to prohibit the “consumption of an alcoholic
beverage or possession of an open alcoholic beverage container on the land portions along the
Truckee River described as follows: “[o]n the portion of the Truckee River, from the outfall of Lake
Tahoe upstream of the Highway 89 Bridge in Tahoe City to the Alpine Meadows Bridge”; and

WHEREAS B&P section 25608.10 was enacted by the State legislature as an “urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution” and supported by the following facts of necessity: “In order to protect the health and safety of the public due to the problem of consumption of alcohol during certain summer holiday periods on a portion of the Truckee River, it is necessary for this act to take effect immediately.” (2008 Cal. Legis. Serv. Ch. 44 (S.B. 1159); and

WHEREAS, County Code Chapter 9, Article 9.08, Section 9.08.030, enacted by the Board in 2008, is entitled “Possession or consumption of alcoholic beverages along specified reaches of the Truckee River during certain summer holiday periods prohibited and is identical in content to B&P section 25608.10; and

WHEREAS, Chapter 9, Article 9.08, Section 9.08.030 was enacted for the health, safety or welfare of the County and its residents to address the significant and historic problems with large numbers of crowds congregating on the Truckee River and consuming alcohol, which in turn has led to historic alcohol-related misconduct and associated public health, safety and environmental degradation issues on the Truckee River; and

WHEREAS, both state law and the Placer County Code authorize the Board to determine what specific “summer holiday periods” will apply to an alcohol ban on the Truckee River and Section 9.08.030 further authorizes local enforcement of said ban and imposition of penalties for violations of the same; and

WHEREAS, due to the COVID-19 pandemic, the Governor enacted a State of Emergency on March 4, 2020 and subsequently adopted Executive Order No 33-20 on March 19, 2020, requiring residents of the State to shelter in place, which executive order is still in force and effect; and

WHEREAS, use of the Truckee River has increased substantially during the COVID-19 pandemic which has caused an increased amount alcohol use, alcohol-fueled misconduct, trash in the form of beer cans and other alcohol containers, and general disregard for social distancing while recreating on the Truckee River; and

WHEREAS, high numbers of the public using the County area of the Truckee River and corresponding increased use of alcohol has caused safety concerns for families who wish to use the river, in addition to the potential environmental degradation of the “islands, rock outcroppings and other land or structures within the confines of the river”, (Section 9.08.030(A)(2); and

WHEREAS, absent the Board’s action, the risk of an increase in health, welfare and safety concerns and incidents on the Truckee River are likely to escalate; and

WHEREAS, the Board hereby elects to exercise its authority under B&P section 25608.10 and County Code Chapter 9, Article 9.08, Section 9.08.030(B) to define the “summer holiday period” for 2020 as it pertains to an alcohol ban on the Truckee River as set forth herein; and

WHEREAS, the Board finds there is an immediate need to preserve the public peace, health and safety as described above to support the enactment of an urgency ordinance to establish a summer holiday period for 2020 on the Truckee River.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA
ORDAINS AS FOLLOWS:**

Section 1: Placer County Code Chapter 9, Article 9.08, Section 9.08.030(B) is amended on an interim uncodified basis for the effective period of this ordinance as follows:

B. Timing of Prohibition. This prohibition shall only apply during the summer holiday periods ~~that the board of supervisors shall designate by resolution~~ **from July 27, 2020 to and including October 15, 2020.**

Section 2: The Board hereby declares, based on the findings set forth above, that there is an immediate need to preserve the public peace, health and safety constituting the urgency for adoption of this ordinance pursuant to Government Code section 25123(d). Accordingly, this ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption until October 15, 2020, unless otherwise repealed or extended.

Section 3: The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.