

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Members of the Board of Supervisors

FROM: Tom Miller, County Executive Officer
By: Jennifer Merchant, Principal Management Analyst

DATE: October 23, 2007

SUBJECT: Receive a Report and Provide Additional Direction to Staff Regarding Possible Placer County Action Steps to Address Fourth of July Holiday Misconduct on the Truckee River.

ACTION REQUESTED: Receive a Report and Provide Additional Direction to Staff Regarding Possible Placer County Action Steps to Address Fourth of July Holiday Misconduct on the Truckee River.

BACKGROUND: Following a discussion led by Supervisor Bruce Kranz at the July 24, 2007 Tahoe Board of Supervisors meeting your Board provided direction to staff to research and develop options for Placer County engagement in resolving alcohol-related misconduct and related public health, safety and environmental degradation issues on and around the Truckee River over the Fourth of July holiday period.

Because the Truckee River, its banks and other ingress and egress points are under a patchwork of state, federal and private ownerships and jurisdictions, any resolution will require a multi-agency approach.

While law enforcement efforts are significantly broadened over the holiday period throughout the North Lake Tahoe area, the Truckee River is growing as a significant epicenter for various alcohol-related incidents. The growth may be related to a holiday alcohol ban on the American River in Sacramento County, as well as other rivers in Northern California.

This year, the problems increased to unprecedented proportions. Data collected by Placer County Environmental Health shows that the number of rafts floating the river doubled over last year, while business on the Placer County-permitted rafting operators was cut in half. Increased law enforcement and medical calls, as well as environmental degradation such as trampled river banks, excessive litter and loss of water clarity were also documented.

Due to the complex federal, state and local jurisdictional issues in and around the Truckee River, the County Executive Office worked closely with County Counsel to develop a multi-tiered approach to resolve misconduct issues.

Because the Truckee River is a navigable waterway within the state of California, the Department of Boating and Waterways would require that special legislation be enacted to ban alcohol on a limited section of the river, probably for a limited period of time. Our department has initiated discussion through our state legislative advocate Don Peterson to assess legislator interest in carrying such legislation. Reaction to date has been positive, especially as two other counties, El Dorado and Butte, are considering similar requests. A draft of potential legislation was developed by County Counsel and is attached to this memo. Based on similar legislation approved last year on the American River, the working proposal gives authority to Placer County to ban alcohol during limited peak holiday periods.

Additionally, the USDA Forest Service estimates that approximately 60 to 70 percent of the banks of the Truckee River are owned by the federal government. The Forest Service is aware of the issues faced on this stretch of river and is generally supportive of an alcohol ban. A meeting with Forest Service and Placer County officials has been scheduled to occur days before the Tahoe Board of Supervisors meeting. An oral update of jurisdictional issues will be provided.

The Placer County Sheriff's Office has indicated support of an alcohol ban. Law enforcement efforts are significantly broadened over the holiday period throughout the North Lake Tahoe area. Local and federal law enforcement officials agree that getting the word out to the public about an alcohol ban or similar such action would allow for proactive law enforcement efforts. An alcohol ban limited to peak holiday periods is also supported by the North Lake Tahoe Chamber of Commerce as well as by businesses that operate on and around the Truckee River.

FISCAL IMPACT: This is a status report for the purpose of providing an opportunity to provide additional direction to staff. No funding is being requested at this time.

RECOMMENDATION: Provide appropriate direction to staff regarding ongoing and potential future actions.

Attachment

BILL NUMBER: _____ INTRODUCED
BILL TEXT

INTRODUCED BY: _____

[DATE]

An act to add Section 25608.10 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

[AB/SB and No.], {Sponsor} . Alcoholic beverages: possession: Portions of the Truckee River.

(1) Existing law establishes the Alcoholic Beverage Control Act to regulate the possession, sale, and consumption of alcohol. Existing law makes it a crime to violate any provision of the Alcoholic Beverage Control Act.

This bill would prohibit a person, as defined, on certain portions of the Truckee River, as defined, from possessing a container, as defined, with an alcoholic beverage during the summer holiday periods that the Placer County Board of Supervisors so designates by ordinance or other official act.

The bill would require Placer County to provide notice on the land portions along the river that this conduct is punishable as an infraction.

Because this bill would create a new crime and require Placer County to provide notice on the land portions along the river that this conduct is punishable as an infraction, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25608.10 is added to the Business and Professions Code, to read:

25608.10. (a) On 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 Road bridge, a person in a nonmotorized vessel, or a

bather, as defined by Section 651.1 of the Harbor & Navigations Code, shall not possess either a container with an alcoholic beverage, whether opened or closed, during the summer holiday periods that the Placer County Board of Supervisors shall so designate.

(b) For purposes of this section, "container" means bottle, can, or other receptacle.

(c) A violation of this section is punishable as an infraction pursuant to subdivision (b) of Section 25132 of the Government Code.

(d) Placer County shall provide notice on the land portions along the river described in subdivision (a) that a violation of this section is punishable as an infraction.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique problem of prevalent consumption of alcohol during certain summer holiday periods on this portion of the Truckee River, and because of the health hazards created by improper disposal of glass containers.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 4. This act is 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 shall go into immediate effect. The facts constituting the necessity are:

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.