



## RESOLUTION NO. 017-2023

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

### **Resolution to Retroactively Approve the Closure of the Rubicon Trail Due to Storm Damage and to Further Delegate Authority to the Director to Close County Roads During the 2022 Storms Series**

**WHEREAS**, in Resolution No. 015-2023 adopted on January 4, 2023, the Board of Supervisors found that conditions of extreme peril exist due to an imminent and proximate threat to the safety of persons and property within the territorial limits of the County of El Dorado as a result of the 2022 storms for reasons set forth in the proclamation of local emergency by the County's Sheriff, acting as the Director of the Office of Emergency Services, dated December 31, 2022, and ratified the local emergency proclamation, which continues in effect until terminated by the Board of Supervisors and has not been terminated as of the date that this Resolution is adopted; and

**WHEREAS**, on January 4, 2023, the Governor of the State of California proclaimed a State of Emergency beginning December 27, 2022, due to severe winter storms related to a series of atmospheric river systems; and

**WHEREAS**, the Rubicon Trail is a County maintained public highway from the trailhead at Airport Flats Campground to the County Line boundary with Placer County, and is managed and monitored by the El Dorado County Chief Administrative Office, Parks & Trails Division, in compliance with the California State Parks Off-Highway Motor Vehicle Recreation Division's Soil Conservation Standards and Guidelines (OHV Standards) and the Rubicon Trail Saturated Soil Water Quality Protection Plan (SSWQPP); and

**WHEREAS**, beginning Friday, December 30, 2022, a storm system passing through El Dorado County produced extreme weather conditions that impacted numerous roadways throughout the West Slope and Tahoe Basin, causing widespread road damages and flooding; and

**WHEREAS**, heavy snow, saturated soils, and the unimproved nature of the Rubicon Trail have created dangerous road conditions, creating high-risk circumstances for both County staff performing inspections and members of the public in remote areas with no access to rescue services due to the severity of the storms; and

**WHEREAS**, the Department of Transportation (Transportation), in conjunction with the Chief Administrative Office, Parks and Trails Division, determined on December 30, 2022, that a closure of the Rubicon Trail from the at Airport Flats Campground to the County Line boundary with Placer County was necessary to maintain public safety; and

**WHEREAS**, pursuant to California Vehicle Code Section 21101(e), the Board of Supervisors is authorized to temporarily close a portion of any street for the safety and protection of persons who are to use that portion of the street during the temporary closing; and

**WHEREAS**, pursuant to California Streets and Highways Code Section 942.5(a) and (b), the Board of Supervisors may close any county highway whenever the Board considers such closing necessary for the protection of the public or for the protection of such county highway from damage during storms; and

**WHEREAS**, pursuant to California Government Code Section 8634, during a local emergency the Board of Supervisors or officials designated by the Board, may promulgate orders necessary to provide for the protection of life and property; and

**WHEREAS**, the Board of Supervisors has reviewed that determination and finds that the decision of Transportation to close the Rubicon Trail on December 30, 2022, was appropriate and necessary for the safety and protections of persons who are to use that portion of the street within the meaning of California Vehicle Code Section 21101(e), for the protection of the public and the protection of such county highway from damage during storms within the meaning of California Streets and Highways Code Section 942.5(a) and (b), and for the protection of life and property during a local emergency under California Code Section 8634;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors retroactively approves a closure of the Rubicon Trail, beginning Friday, December 30, 2022, the trailhead at Airport Flats Campground to the County Line boundary with Placer County until weather conditions improve and assessments of the trail condition and any necessary repairs can be made. The closure will extend 60 days or until the Director of Transportation (Director) determines that necessary repairs are complete and the trail is safe to traverse. The Director will notify the Board of Supervisors, business owners, residents, general public, and safety and law enforcement agencies in the area of the Rubicon Trail Road closure. through direct communications, signage, flyers, or other means determined reasonable at the sole discretion of the Director.


**AND BE IT FURTHER RESOLVED** that the Director is delegated the authority to close any County highway, or road that is serviced by a County Zone of Benefit, during the local emergency declared in Resolution No. 015-2023 for a consecutive period of no more than 60 days and to establish an alternate access route during the time of the temporary closure. The Director shall determine the precise dates of any such temporary closure and shall provide notification of the temporary closure and alternate routes to the County Supervisor for the affected district, business owners, residents, the general public, the El Dorado County Transit Authority, and safety and law enforcement agencies in the project area. Such notice shall be provided through direct communication, signage, flyers, or other means determined reasonable at the sole direction of the Director. Any extension beyond this initial period will require Board of Supervisors Authorization. This delegated authority provided in this paragraph will remain in effect until the Board finds that the local emergency declared in Resolution No. 015-2023 no longer exists.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 10th day of January, 2023, by the following vote of said Board:

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

Ayes: Thomas, Hidahl, Parlin, Laine  
Noes: Turnboo  
Absent: None

By:   
Deputy Clerk

  
Chair, Board of Supervisors  
Wendy Thoams