



Legislation Details (With Text)

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Type: Agenda Item **Status:** Approved

File created: 4/9/2020 **In control:** Board of Supervisors

On agenda: 4/14/2020 **Final action:** 4/14/2020

Title: Chief Administrative Office recommending the Board approve Urgency Ordinance 5121 providing an administrative enforcement mechanism to address the immediate threat to the public peace, health, safety, and welfare relative to COVID-19, pursuant to California Government Code section 25131 and 25123. (4/5 vote required) (Est. Time: 30 Min.)

FUNDING: General Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Administrative Citation Ordinance, 2. Public Comment BOS Rcvd 4-14-10, 3. Executed Ordinance 5121

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 4/14/2020 | 1 | Board of Supervisors | Approved | Pass |

Chief Administrative Office recommending the Board approve Urgency Ordinance **5121** providing an administrative enforcement mechanism to address the immediate threat to the public peace, health, safety, and welfare relative to COVID-19, pursuant to California Government Code section 25131 and 25123. (4/5 vote required) (Est. Time: 30 Min.)

FUNDING: General Fund.

DISCUSSION / BACKGROUND

At the Board of Supervisors meeting on April 7, 2020, the Board considered options to reduce travel to the South Lake Tahoe area in accordance with the County Health Officer’s April 3, 2020 Order restricting travel into the Lake Tahoe Basin in response to the COVID-19 outbreak.

Acknowledging an influx of visitors to the Tahoe Basin, County Health Officer Dr. Williams first issued a directive on March 24, 2020 clarifying that staying in short-term lodging for recreation, tourism, or as a location other than one’s residence to “shelter in place” is not considered an essential activity and Californians are in violation of the Governor’s Order and the Public Health Officer’s Directive if they do so.

On March 31, 2020, Dr. Williams extended the Shelter-in-Place Directive through April 30, 2020.

On April 3, 2020, acknowledging that continued inappropriate travel into the Lake Tahoe Basin was still occurring, Dr. Williams issued an order restricting travel into the Lake Tahoe Basin. Specifically, Dr. Williams ordered “the cessation of all nonessential travel into the El Dorado County portion of the Lake Tahoe Basin effective immediately.” The order is to remain in place through April 30, 2020, unless extended, terminated, or modified by the Health Officer.

Local residents and officials in the Tahoe Basin have continued to express concerns about non-essential travel to the area. On April 7, the Board directed staff to move forward with preparation of an urgency ordinance to authorize administrative citations and fines, in the amount of \$1,000 each, for violations of the Health Officer's April 3, 2020 Order implementing the Governor's stay-at-home order. The ordinance authorizes citations and fines to any person or business violating the Health Officer's Order, including for travel to vacation home rental properties and travel to and occupancy of private vacation or second homes by the owner for non-essential purposes.

The urgency ordinance provides an administrative enforcement mechanism to address the immediate threat to the public peace, health, safety, and welfare. Pursuant to Government Code 53069.4, the ordinance creates an administrative penalty and hearing process. Enforcement is to be conducted by County Code Enforcement Officers pursuant to Chapter 9.02 of the El Dorado County Ordinance Code. Those found to be in violation of the Health Officer's April 3, 2020 Order may be issued an Administrative Citation. The fine for a violation of this Ordinance shall be \$1,000 per violation per day.

Pursuant to Government Code section 25123(d), this Ordinance will take effect immediately upon adoption by the Board of Supervisors.

The urgency ordinance specifies that the enforcement shall be stayed for a period of thirty (30) days from the effective date for those travelling to property that they own in the Lake Tahoe Basin.

ALTERNATIVES

The Board could choose to not adopt the ordinance, and the enforcement of the non-essential travel ban using administrative citations and fines would not be implemented.

PRIOR BOARD ACTION

On March 17, 2020 (File #20-0419) the Board ratified the local emergency and local health emergency and authorized the CAO to take additional action as necessary to protect the health and safety of El Dorado County residents and ensure the continuity of governmental operations.

On April 7, 2020 (File #20-0515), the Board considered options to reduce travel to the South Lake Tahoe area for the duration of Governor Newsom's "Stay-at-Home" order issued via Executive Order N-33-20, and in accordance with the County Health Officer's Order and Directive Restricting Activities in response to the COVID-19 outbreak.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel
Planning and Building

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The costs associated with the urgency ordinance are unknown at this time. Costs may include those associated with staff time, travel costs, and administrative costs. The revenue resulting from fines may offset these costs.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Public Safety

Healthy Community

CONTACT

Don Ashton, Chief Administrative Officer