



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Counsel
Department No.:
For Agenda Of: 05/19/20
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: 4/5 vote required

TO: Board of Supervisors
FROM: Michael C. Ghizzoni, County Counsel

SUBJECT: Urgency Ordinance to Delegate and Authorize the County Road Commissioner to Post Temporary No Parking Restrictions on Public Roads and Highways During the COVID-19 Pandemic

County Counsel Concurrence

As to form: Yes

Other Concurrence: Public Works, Sheriff

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Pursuant to Government Code sections 8634, 25123, and 25131 and California Governor Newsom's Executive Order N-33-20, adopt an urgency ordinance amending Chapter 28 of the Santa Barbara County Code to add sections 28-123.1 through 28-123.6, to delegate and authorize the County Road Commissioner to post temporary no parking restrictions, including parking time limits, on public roads and highways to prevent the unhealthy over-crowding of parking areas otherwise, during the COVID-19 pandemic and until the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated;
- b) Read the title and waive further reading of the Urgency Ordinance;
- c) Determine that adoption of the Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15269(c), 15060(c)(2) and 15060(c); and
- d) Waive the Notice of Exemption 6-day posting requirement for good cause pursuant to County CEQA Guidelines section V.D.2.

Summary Text:

The recommended Urgency Ordinance would delegate and authorize the County Road Commissioner to post temporary no parking restrictions, including parking time limits, on County public roads and highways to prevent the unhealthy over-crowding of parking areas otherwise, during the COVID-19 pandemic and until the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated. Based on Board direction in Open Session on May 12, 2020, the recommended Urgency Ordinance would:

- Allow the County to post and enforce temporary no parking restrictions when needed during the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus;
- State a series of decision factors that the County Road Commissioner shall consider in making any decision to use the delegated authority to temporarily restrict or limit parking;
- Preserve Board oversight of the delegated authority, by requiring the County Road Commissioner to make periodic reports to the Board of Supervisors;
- Upon the termination of the Santa Barbara County Local Emergency from the COVID-19 virus, automatically end this delegated authority to the County Road Commissioner; and
- Be enforceable by the Santa Barbara County Sheriff and/or California Highway Patrol.

Background:

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency in California due to the threat of COVID-19. On March 12, 2020, the Director of Emergency Services proclaimed a Local Emergency related to COVID-19 pursuant to Government Code section 8550 et seq. and Chapter 12, Section 12-5(a) of the Santa Barbara County Code. The Board of Supervisors ratified this proclamation on March 17, 2020. On March 12, 2020, the Health Officer of the County of Santa Barbara determined that there is an imminent and proximate threat to public health from the introduction of COVID-19 in the County of Santa Barbara, and proclaimed a Local Health Emergency as a result. The Board of Supervisors ratified this proclamation on March 17, 2020.

In direct response to expected strains on healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread. In furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the “State Stay-at-Home Order”). On March 19, 2020, the State Public Health Officer ordered all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations for the federal critical infrastructure sectors.

Despite the above orders, some parts of the general public continue to engage in activities inconsistent with the State Stay-at-Home Order. This is demonstrated in an overabundance of parked cars on County roads and highways adjacent to County beaches and hiking trails. On May 12, 2020, the Board

unanimously directed County Counsel to draft an Urgency Ordinance to allow the Board to delegate and authorize the County Road Commissioner to post temporary “No Parking” restrictions on affected roads and highways in the unincorporated County to prevent the unhealthy over-crowding of parking areas otherwise as a result of a “lack of social distancing” of at least six feet. This is necessary to preserve social distancing requirements and slow the spread of the COVID-19 virus.

The recommended Urgency Ordinance provides that making any determination to temporarily restrict or limit parking, including parking time limits, on portions of any county road or highway, the County Road Commissioner shall:

1. Consider the days, times, and locations most impacted by large crowds;
2. Evaluate how temporary parking restrictions may impact nearby neighborhoods;
3. Consult with and receive input from the California Highway Patrol and/or the Santa Barbara County Sheriff; and,
4. Weigh any potential impact to coastal access against the necessity to preserve social distancing requirements and slow the spread of the COVID-19 virus during the proclaimed Local Emergency from the COVID-19 virus.

The recommended Urgency Ordinance provides that the posting and contents of the signage shall be made in accordance with County Code Section 28-123. The recommended Urgency Ordinance also provides that the County Road Commissioner shall also periodically provide a report to the Board of Supervisors regarding the number and type of temporary parking restrictions implemented and the Sheriff’s office will report on enforcement. These temporary parking restrictions would be enforceable under California law, including but not limited to the California Vehicle Code and County Code.

The recommended Urgency Ordinance is based on evidence of transmissions of the COVID-19 virus both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19. The recommended Urgency Ordinance is intended to reduce the likelihood of exposure to the COVID-19 virus, thereby slowing the spread of COVID-19 in the County of Santa Barbara.

The recommended Urgency Ordinance recites that it necessary for the immediate preservation of the public peace, health or safety and in accordance with Government Code sections 8634 and 25123, these conditions warrant and necessitate that the County adopt this Urgency Ordinance to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County.

Fiscal and Facilities Impacts:

No direct costs to the County are anticipated as a result of adopting this urgency ordinance.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Amount</u>
Road Fund	\$ 15,000.00

Narrative:

Fiscal impacts were estimated assuming approximately 30 signs would be installed and require ongoing maintenance. Funds are in Fund 0015, program 2110.

Special Instructions:

Before the expiration of 15 days after passage of this Ordinance, a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.

Following Board approval, Clerk of the Board to please post the Notice of Exemption and forward a stamped copy to the Office of County Counsel, Attention: Michelle Montez, Division Chief.

Request the Clerk of the Board to return a copy of the Ordinance and Minute Order to the Office of County Counsel, Attention: Michelle Montez, Division Chief.

Attachments:

- Attachment A: Urgency Ordinance
- Attachment B: CEQA Notice of Exemption

Authored by: Michelle Montez, Division Chief

CC:

Scott McGolpin, Public Works Director
Bill Brown, Sheriff