

**AMADOR COUNTY BOARD OF SUPERVISORS**  
**COUNTY ADMINISTRATION CENTER**  
**BOARD OF SUPERVISORS CHAMBERS**  
**810 Court Street**  
**Jackson, CA 95642**

**Please Note: All Board of Supervisors meetings are tape-recorded.**

**Anyone who wishes to address the Board must speak from the podium and should print their name on the Board Meeting Speaker list, which is located on the podium. The Clerk will collect the list at the end of the meeting.**

Public hearing items will commence no sooner than the times listed on the agenda. Closed Session agenda items may be heard before or after scheduled public hearings, dependent upon progression of the agenda.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Clerk of the Board staff, at (209) 223-6470 or (209) 257-0619 (fax). Requests must be made as early as possible and at least one-full business day before the start of the meeting. Assisted hearing devices are available in the Board Chambers for public use during all public meetings.

Pursuant to Government Code 54957.5, all materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, at and after the time of such distribution, in the office of the Clerk of the Board of Supervisors, 810 Court Street, Jackson, California 95642, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials that are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

**REGULAR SESSION ADDENDUM AGENDA**

**DATE:** Tuesday, May 14, 2019  
**TIME:** 9:00 AM  
**LOCATION:** COUNTY ADMINISTRATION CENTER  
BOARD OF SUPERVISORS CHAMBERS  
810 Court Street  
Jackson, CA 95642

**1. ADDENDUM #1**

- 1.a. Discussion and possible action regarding the following items:
1. Adoption of an Interim Urgency Ordinance prohibiting parking on either side of Coal Mine Road; and
  2. Amendment of County Code Chapter 10.12 prohibiting parking along either side of Coal Mine Road and revising the penalties for parking violations.
- Suggested Action: 1. Adopt Urgency Ordinance  
2. Waive the reading of the subject ordinance and schedule for adoption on the Consent Agenda for May 28, 2019.
- [Staff Report re Coal Mine Road No Parking.pdf](#)  
[No Parking Coal Mine Rd - Urgency.docx](#)  
[No Parking Coal Mine Rd - Regular ord.docx](#)

# Board of Supervisors Agenda Item Report

Submitting Department: Board of Supervisors

Meeting Date: May 14, 2019

## **SUBJECT**

Discussion and possible action regarding the following items:

1. Adoption of an Interim Urgency Ordinance prohibiting parking on either side of Coal Mine Road; and
2. Amendment of County Code Chapter 10.12 prohibiting parking along either side of Coal Mine Road and revising the penalties for parking violations.

## **Recommendation:**

1. Adopt Urgency Ordinance
2. Waive the reading of the subject ordinance and schedule for adoption on the Consent Agenda for May 28, 2019.

## **4/5 vote required:**

Yes

## **Distribution Instructions:**

County Counsel; Public Works

## **ATTACHMENTS**

- [Staff Report re Coal Mine Road No Parking.pdf](#)
- [No Parking Coal Mine Rd - Urgency.docx](#)
- [No Parking Coal Mine Rd - Regular ord.docx](#)



GREGORY G. GILLOTT  
County Counsel

LESLEY GOMES, DEPUTY  
GLENN SPITZER, DEPUTY  
ANGELA R. CREACH, PARALEGAL  
JULIE BROWN, LEGAL SECRETARY

**STAFF REPORT**

TO: Board of Supervisors  
FROM: Gregory Gillott, County Counsel  
DATE: May 10, 2019  
RE: No Parking Ordinance on Coal Mine Road

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**RECOMMENDATION:**

- A) Adopt the proposed Interim Urgency Ordinance temporarily prohibiting parking along either side of Coal Mine Road.
- B) Following introduction, waive the reading of the proposed Amendment to Amador County Code Chapter 10.12 prohibiting parking along either side of Coal Mine Road and revising the penalties for parking violations, and schedule the proposed Amendment for adoption on the Consent Agenda for May 28, 2019.

**BACKGROUND:**

In connection with the soft opening of the Harrah’s Northern California Casino at 4:29 p.m. on Monday April 29, 2019, several County roads leading to the Casino experienced significant traffic congestion and delays. Whether due to the delays associated with the backed up traffic, or whether they were turned away because the Casino’s parking lot was full, people began parking their vehicles in various places along Coal Mine Road and walking back to the Casino entrance.

Coal Mine Road is a narrow, two-lane rural County road, which in certain sections near the Casino entrance is very curvy. Coal Mine Road was not designed or constructed to accommodate either roadside parking or pedestrian travel, with no sidewalks anywhere, and very

**STAFF REPORT**

TO: Board of Supervisors  
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PAGE: 2  
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little road shoulder in some sections. There are potentially significant safety concerns associated with vehicles parking and pedestrians walking along Coal Mine Road.

The County, Tribe, and CHP are all in agreement that vehicles should not be parking anywhere along Coal Mine Road. The proposed ordinances, will provide an additional tool in the joint efforts to prevent similar problems from occurring in the future, especially in connection with the upcoming grand opening May 17th-19th. The uncodified urgency ordinance, if it receives the necessary 4/5ths vote, would go into effect immediately upon adoption, and will remain in effect for 45 days (until June 28, 2019). The proposed ordinance amendment, if approved, would likely be adopted at the next meeting on May 28, 2019 and go into effect 30 days later (June 27, 2019).

In addition to prohibiting parking along Coal Mine Road, the proposed amendment to Chapter 10.12 revises the penalty provisions for all parking violations as had been requested by the Amador Superior Court and previously discussed by the Board. Those specific changes are shown on the attached page.

Finally, any adopted parking restriction may not be enforced until adequate signs or makings are in place.

**10.12.015 Penalties for violation.**

~~A. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment for not more than thirty days in the county jail, or by both such fine and imprisonment.~~

Any person violating any of the provisions of this chapter shall be guilty of an infraction, and upon conviction thereof, shall be punished by fine as provided in California Vehicle Code Section 42001. Each day a violation is committed or permitted to continue shall constitute a separate offense.

B. Notwithstanding the foregoing, as provided in California Vehicle Code Section 40000.28, any offense which would otherwise be an infraction is a misdemeanor if a defendant has been convicted of three or more violations of this chapter within the 12-month period immediately preceding the commission of the offense and such prior convictions are admitted by the defendant or alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

C. Pursuant to California Vehicle Code Section 42002, every person convicted of a misdemeanor for a violation of any of the provisions of this chapter shall be punished by a fine of \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

D.B. In addition to any fines or other penalties which may be imposed, any vehicle parked in violation of any section of this chapter may be removed to the nearest storage facility at the expense of the registered owner thereof, by or under and at the direction of a peace officer, and the person causing such movement and storage of the vehicle shall immediately, by the most expeditious means, notify the owner of the vehicle of its location. If, for any reason, the vehicle's owner cannot be so notified, the person causing the vehicle to be moved and stored shall immediately, by the most expeditious means, notify the sheriff's department of the county and the nearest office of the California Highway Patrol.

E. No vehicle may be removed and stored pursuant to this section unless signs indicating that no person shall stop, park or leave standing any vehicle within the area marked by the signs are erected at least twenty-four hours prior to any enforcement thereof. ~~(Ord. 1605 §2, 2004).~~

**AN UNCODIFIED INTERIM URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR PROHIBITING PARKING ON COAL MINE ROAD**

The Board of Supervisors of the County of Amador ordains as follows:

**SECTION 1. PURPOSE AND AUTHORITY.** The purpose of this ordinance is to establish a temporary no parking zone on both sides of Coal Mine Road, County Road No. 92.

**SECTION 2. FINDINGS.** The Board of Supervisors of the County of Amador makes the following findings in support of the immediate adoption and application of this temporary moratorium:

A. At 4:29 p.m. on Monday April 29, 2019, the Harrah’s Northern California Casino “Casino” on Coal Mine Road in Amador County opened for business with a “soft opening.”

B. In connection with the soft opening, several County roads leading to the Casino experienced significant traffic congestion and delays. Whether due to the delays associated with the backed up traffic, or whether they were turned away because the Casino’s parking lot was full, people began parking their vehicles in various places along Coal Mine Road and walking back to the Casino entrance.

C. It is likely that the parking along Coal Mine Road will reoccur in the near future on weekends, on the formal grand opening on May 17 through May 19, or during other major promotional events at the Casino.

D. Coal Mine Road is a narrow, two-lane rural County road, which in certain sections near the Casino entrance is very curvy. There are no sidewalks anywhere on Coal Mine Road, and very little road shoulder in some sections.

E. Coal Mine Road was not designed or constructed to accommodate either roadside parking or pedestrian travel, and there are significant safety concerns associated with vehicles parking and pedestrians walking along Coal Mine Road.

F. California Vehicle Code section 22507 authorizes the County to prohibit the stopping, parking, or standing of vehicles on certain streets. However, such a County ordinance, if adopted would not be effective until approximately 45 days after introduction.

G. Amador County has a compelling interest in protecting the public health, safety, and welfare of its residents while traveling on county roads.

H. There is no feasible alternative to enactment of this no parking urgency ordinance that will satisfactorily mitigate or avoid the previously identified impacts to the public health,

safety and welfare with a less burdensome or restrictive effect.

I. This temporary moratorium is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15061(b)(3) (“common sense exemption,” whereby there is no possibility the activity in question may have a significant effect on the environment). It is exempt pursuant to CEQA 15308 because it is a regulatory action taken by the County pursuant to its police power and in accordance with Government Code 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation, and policies; and it consists of a temporary prohibition on industrial hemp cultivation within the County, which is currently unregulated at the local level. As an interim ordinance preserving the status quo and prohibiting a new land use that might impact the environment, the ordinance is also exempt under section 15061(b)(3).

J. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and business within the County.

### SECTION 3. PARKING ON COAL MINE ROAD PROHIBITED.

During the term of this interim ordinance, including any extensions hereto, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon either side of Coal Mine Road.

SECTION 4. DECLARATION OF URGENCY. Based on the findings set forth in Section 2, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors.

SECTION 5. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 6. CONFLICTING LAWS. For the term of this ordinance, as set forth in Section 7 below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION 7. EFFECTIVE DATE AND TERM. This ordinance shall take effect immediately upon passage by a four-fifths vote of the Board of Supervisors based upon the findings that this Ordinance is adopted pursuant to California Government Code section 65858 for the protection of the public safety, health, and welfare and shall remain in effect for forty-five (45) days from the date of its adoption unless extended pursuant to Government Code section 65858. The Clerk of the Board is hereby directed to publish this Ordinance as required by law.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the \_\_\_\_th day of May 2019, by the following vote:

AYES:

NOES:

ABSENT:

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Pat Crew  
Vice-Chairman, Board of Supervisors

ATTEST:

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JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California



**ORDINANCE AMENDING CHAPTER 10.12 OF THE AMADOR COUNTY CODE  
REGARDING PARKING STOPPING AND STANDING**

The Board of Supervisors of the County of Amador ordains as follows:

SECTION I. Section 10.12.015 Penalties for violation is amended as follows:

**“10.12.015 Penalties for violation.**

A. Any person violating any of the provisions of this chapter shall be guilty of an infraction, and upon conviction thereof, shall be punished by fine as provided in California Vehicle Code Section 42001. Each day a violation is committed or permitted to continue shall constitute a separate offense.

B. Notwithstanding the foregoing, as provided in California Vehicle Code Section 40000.28, any offense which would otherwise be an infraction is a misdemeanor if a defendant has been convicted of three or more violations of this chapter within the 12-month period immediately preceding the commission of the offense and such prior convictions are admitted by the defendant or alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

C. Pursuant to California Vehicle Code Section 42002, every person convicted of a misdemeanor for a violation of any of the provisions of this chapter shall be punished by a fine of \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

D. In addition to any fines or other penalties which may be imposed, any vehicle parked in violation of any section of this chapter may be removed to the nearest storage facility at the expense of the registered owner thereof, by or under and at the direction of a peace officer, and the person causing such movement and storage of the vehicle shall immediately, by the most expeditious means, notify the owner of the vehicle of its location. If, for any reason, the vehicle’s owner cannot be so notified, the person causing the vehicle to be moved and stored shall immediately, by the most expeditious means, notify the sheriff’s department of the county and the nearest office of the California Highway Patrol.

E. No vehicle may be removed and stored pursuant to this section unless signs indicating that no person shall stop, park or leave standing any vehicle within the area marked by the signs are erected at least twenty-four hours prior to any enforcement thereof.

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SECTION II. Section 10.12.460 is hereby added to Chapter 10.12 of the Amador County Code as follows:

**“10.12.460 No Parking-- Coal Mine Road, County Road No. 92.**

No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon either side of Coal Mine Road.”

SECTION III. This ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the      day of              2019, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Pat Crew  
Vice-Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County, California

\_\_\_\_\_  
Deputy