



Legislation Text

File #: 21-385, Version: 1

Memorandum

Date: May 11, 2021

To: The Honorable Bruno Sabatier, Chair, Lake County Board of Supervisors

From: Anita L. Grant, County Counsel

Subject: Discussion and Consideration of Board Action in Response to a Gate on a Public Roadway

Executive Summary: (include fiscal and staffing impact narrative):

In 2015, your Board became aware of the fact that Robinson Rancheria had erected a gate on Foothills Oak Drive in Upper Lake. The portion of the roadway at issue was accepted by the County as a public roadway, but not accepted for maintenance purposes.

During a regularly-scheduled meeting of your Board on December 15, 2015, you considered and approved the issuance of a letter to the Tribal Council of the Robinson Rancheria Band of Pomo Indians. In that letter, (a copy of which is attached here) your Board acknowledged the concerns of the Tribal Council which led to the construction of this gate, but also noted the concerns of area property owners that their ability to travel on a public roadway not be obstructed. The Board further indicated the intention of the County to initiate a dialogue with the Tribal Council with the goal of reaching a satisfactory resolution for all involved, but, in the meantime, the gate must be left open.

This matter did not come back to your Board. However, action by the County may yet be taken and the matter is before you today for a discussion and consideration of possible action which your Board may take.

Two statutes are of particular importance in the course of your discussion.

The first is Streets and Highways Code section 1486, which provides:

Gates shall not be allowed on any county highway except gates allowed by the board of supervisors in accordance with the provisions of section 966 . If the expense of the erection and maintenance of such allowed gates is not paid as required by section 966 , such gates shall be removed as an obstruction.

Any person who leaves any such gate open, or who willfully and unnecessarily rides over ground adjoining the highway on which the gate is erected, shall be liable to the injured party for treble

damages.

The second is Streets and Highways Code section 966, which provides:

- (a) The board of supervisors may provide for the erection and maintenance of gates on the county highways to avoid the necessity of building highway fences. The board may prescribe rules and regulations for closing such gates, and penalties for violating such rules and regulations.
- (b) The person, for whose immediate benefit the gates are erected or maintained, shall in all cases bear the expense of such erection and maintenance.

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 and/or Fiscal Crisis Management Plan (check all that apply):

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Not applicable |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Disaster Recovery | <input type="checkbox"/> County Workforce | <input type="checkbox"/> <i>Technology Upgrades</i> |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake | <input type="checkbox"/> <i>Revenue Generation</i> |
| | | | <input type="checkbox"/> <i>Cost Savings</i> |

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested?

How long has Agreement been in place?

When was purchase last rebid?

Reason for request to waive bid?

Recommended Action: Discussion and Consideration of Board Action in Response to a Gate on a Public Roadway