

AMERICAN RIVER FLOOD CONTROL DISTRICT

RESOLUTION NO. 2022-15

**AUTHORIZING THE ENFORCEMENT OF CHAPTER 8.140 OF THE
SACRAMENTO CITY CODE UPON AMERICAN RIVER FLOOD CONTROL
DISTRICT PROPERTY AND FACILITIES**

WHEREAS, the AMERICAN RIVER FLOOD CONTROL DISTRICT has experienced an increasing number of incidents caused by activities of unauthorized campers who have placed their encampments along its levees and other areas defined by the City as “critical infrastructure”; and

WHEREAS, the presence of encampments on District-owned and maintained property has in various locations resulted in the interruption of maintenance and operations and the destruction of property, thereby creating a significant risk to the safety of the flood control system, District employees, and residents; and

WHEREAS, the city council of a charter city has broad powers in enacting ordinances to maintain the public health, safety, and welfare within its jurisdiction and may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not specifically preempted by State law; and

WHEREAS, on February 25, 2020, the Sacramento City Council adopted Ordinance No. 2020-0009, which added Chapter 8.140 to the Sacramento City Code for the protection of critical infrastructure and wildfire risk areas in the interests of public health, safety, and welfare; and

WHEREAS, on July 20, 2021, the Sacramento City Council adopted a Resolution Approving the City Manager’s Designation of Specified Locations as Critical Infrastructure for Purposes of Chapter 8.140 of the City Code, which included District-maintained or operated facilities such as levees, rivers and creeks, dewatering stations, and drainage canals; and

WHEREAS, the enforcement of Chapter 8.140 of the Sacramento City Code upon District property and facilities is consistent with the mission of the District to construct, maintain, repair and operate all levees, pumps, channels, conduits, pipes, ditches, canals, and all other necessary improvements that may be required to repair, maintain and complete the same as set forth in the District’s authorizing statute, subsection 37-2(g) of the American River Flood Control District Act.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE AMERICAN RIVER FLOOD CONTROL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: Enforcement of Chapter 8.140 of the Sacramento City Code upon District property and facilities will advance the mission of the District to operate and maintain its levees and associated improvements to control and dispose of storm and flood waters.

SECTION 2: City of Sacramento personnel are authorized to enforce Chapter 8.140 upon eligible District property and facilities located within the City of Sacramento designated as critical infrastructure by the City Manager and approved as such by resolution of the City Council.

PASSED AND ADOPTED this 8th day of July, 2022.

ATTEST:

President
Board of Trustees

Secretary
Board of Trustees