

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

- 1) Granting permission, for the purposes of)
enforcement of Penal Code sections 602(m) and)
647(e) only, and with conditions and subject to)
compliance with all other laws, for parking of)
certain vehicles, as defined in the California)
Vehicle Code, along Lapis Road between the)
hours of 6 p.m. and 10 a.m. until the earlier of 10)
a.m. on November 30, 2017, or the operational)
date of a Safe Parking program by Monterey)
County; and)
- 2) Authorizing and directing the Director of the)
Department of Social Services, with the)
assistance of the Monterey County Sheriff, the)
Monterey County Health Department, RMA, and)
County Counsel, to develop and implement)
appropriate guidelines and regulations to)
effectively implement the intent and purposes of)
the resolution.)

WHEREAS, Lapis Road, located in the unincorporated area of Monterey County just north of the City of Marina, and just west of Del Monte Boulevard and east of Highway 1, has experienced increased use as an overnight parking and lodging location by homeless individuals; and

WHEREAS, these individuals will park a variety of vehicles, including motor homes, cars, and trailers, on the shoulder of the road and use these vehicles to sleep and live in; and

WHEREAS, these circumstances have created a variety of health and safety concerns with the condition of the road and the County right-of-way; and

WHEREAS, the County has been attempting to develop a Safe Parking program whereby such individuals could seek to park the vehicles in a secure and safe location, and where appropriate services could be provided to address health and safety issues, but the program is not yet ready to implement; and

WHEREAS, the Monterey County Sheriff is tasked with enforcement of California law, including Penal Code section 602(m) and 647(e), which generally prohibit lodging and trespassing on public or private property without the permission of the owner; and

WHEREAS, in order to avoid violations of these statutes, it is necessary for the County to grant permission to park along Lapis Road for the purpose of lodging overnight; and

WHEREAS, the Director of the Department of Social Services has consulted with Supervisor Parker's Office, the CAO's Office, the Health Department, RMA, the Sheriff's Office, and the County Counsel's Office regarding the matter; and

WHEREAS, the Director is recommending that the Board of Supervisors adopt a resolution that grants permission to individuals to park certain vehicles as defined in California

Vehicle Code section 242 (camp trailers), 324 (“5th wheels”) and 415 (motor vehicles) along Lapis Road between the hours of 6 p.m. and 10 a.m. so that those individuals will not be subject to citation or arrest for violations of Penal Code sections 602(m) or 647(e); and

WHEREAS, the Director is also recommending that such permission be subject to compliance with all other laws, including those requiring valid registration, and prohibiting littering, the dumping of trash and refuse, and prohibiting the blockage or interference with the free passage of vehicles along Lapis Road, and be effective only until the earlier of 10 a.m. November 30, 2017, or the operational date of a County Safe Parking program; and

WHEREAS, it is also necessary and appropriate for the Director to develop guidelines and regulations for the effective implementation of this temporary program;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Monterey as follows:

1. Effective at 6 p.m. September 1, 2017, permission is hereby granted, for the purposes of enforcement of Penal Code sections 602(m) and 647(e) only, and with conditions as set out herein and to be developed, for parking of certain vehicles, as defined in California Vehicle Code sections 242 (camp trailers), 324 (“5th wheels”) and 415 (motor vehicles), along the shoulder of and within the public right-of-way for Lapis Road between its northerly intersection with Del Monte Boulevard and its southerly intersection also with Del Monte Boulevard, but not including any portion of the private road leading to the Cemex plant, between the hours of 6 p.m. and 10 a.m.
2. Such permission is granted subject to compliance with all other laws, including those requiring valid registration, prohibiting littering and dumping of trash and refuse, and prohibiting the blockage or interference with the free passage of vehicles along Lapis Road, and is effective only until the earlier of 10 a.m. on November 30, 2017, or the operational date of a Safe Parking program by Monterey County.
3. The Director of the Department of Social Services, with the assistance of the Monterey County Sheriff, the Monterey County Health Department, RMA, and County Counsel, is authorized and directed to develop and implement appropriate guidelines and regulations to effectively implement the intent and purposes of this resolution.

PASSED AND ADOPTED on this _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy