

Attachment D

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

Resolution No. 21- _____

Adopt a Resolution to:

a. Amend Article V of the Monterey County Master Fee Resolution relating to the Parks User Fees for park use, enforcement, and rentals, effective April 8, 2021; and)
b. Authorize the Public Works, Facilities, & Parks Director or his/her designee to make nonsubstantive modifications as to formatting only.)

Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

RECITALS

WHEREAS, Section 1.40.010 of Chapter 1.40 of Monterey County Code provides that all fees, penalties, refunds, reimbursements, and charges of any kind by the County may be specified in the Monterey County Master Fee Resolution (Master Fee Resolution);

WHEREAS, the County of Monterey Department of Public Works, Facilities & Parks (PWFP) is proposing fee adjustments and establishment of new fees to Article V-Parks User Fees (Article V) of the Master Fee Resolution for park use, special events, and rentals;

WHEREAS, Article V was last updated, and became effective January 10, 2019;

WHEREAS, PWFP staff evaluated current park operations and reviewed the fee article as it pertains to use of facilities and access to parks and the proposed and new fees delineated in Attachment A (incorporated by reference and attached hereto) will address operational issues identified related to 1) customer and staff concerns, 2) reduction in annual revenues, 3) Basecamp and Laguna Seca management requests, and will appropriately align County Parks fees with fees of comparable facilities and like agencies, both public and private, geographically proximal to Monterey County;

WHEREAS, any and all adjustments to fees for services reflect no more than the actual and reasonable cost of the service or benefit received by the payor and burdened on the County and arise from the use of County Park property, and any discount applicable to these surcharges have a de minimis impact on the departmental budget and implementation of that discount does not result in increased fees or costs for other patrons;

WHEREAS, by definition, these user fees are not a 'tax' and are exempt from voter approval pursuant to Article XIII C, section 1(e), subpars. 1, 2, 3, 4, and 5 of the California Constitution (charges arising from benefit received by payor, burden on government to provide services, administrative enforcement, use/admission costs to enter/use government property, and/or enforcement penalties);

WHEREAS, this action to add and modify fees and other charges to meet operational expenses is statutorily exempt from environmental review [Pub. Res. Code § 21080(b)(8)].

WHEREAS, the proposed and new fees aligning Article V fees with those of other similar facilities and like agencies, will recover without exceeding actual and reasonable costs of services and benefits provided to the public;

WHEREAS, said amendments to Article V shall take effect no sooner than thirty (30) days following final action on the adoption of the amendment(s); and

WHEREAS, the recommended action supports the Board of Supervisors Economic Development, Administration, Health & Human Services, Infrastructure, and Public Safety Strategic Initiatives.

DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors does hereby adopt a resolution to:

- I. Find that the foregoing recitals are true and correct.
- II. Article V of the Monterey County Master Fee Resolution is amended, as set forth in the attached Attachment A, incorporated herein by reference, and the Parks User Fees for park use, enforcement, and rentals set forth in the attachment hereto are hereby adopted.
- III. Authorize the Public Works, Facilities, & Parks Director or his/her designee to make nonsubstantive modifications as to formatting only.
- IV. All prior resolutions regarding such fees are hereby repealed.
- V. The effective date of the fees approved in this Resolution is April 8, 2021.

PASSED AND ADOPTED this 9th day of March 2021, by roll call vote:

AYES: Supervisors

NOES:

ABSENT:

(Government Code 54943)

I, Valerie Ralph, 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 resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on March 9, 2021.

Dated: March , 2021 File
ID: RES 21-
Agenda Item:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy