



Monterey County

Parks Commission

Agenda Item #3

Legistar File Number: 18-591

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- a. Receive a report on the status of amendments to Monterey County Code Chapter 14.12 (County Parks).
- b. Consider an amendment to Monterey County Code Section 14.12.130.A.14 to allow the Resource Management Agency Director or designee to authorize religious and fundraising activities in County Parks.

RECOMMENDATION:

It is recommended that the Parks Commission:

- a. Receive a report on the status of amendments to Monterey County Code Chapter 14.12 (County Parks).
- b. Consider an amendment to Monterey County Code Section 14.12.130.A.14 to allow the Resource Management Agency Director or designee to authorize religious and fundraising activities in County Parks.

SUMMARY:

The Resource Management Agency (RMA) is in the process of updating Monterey County Code Chapter 14.12 (County Parks). This is a lengthy and complicated process with significant review required to implement. Included with this report is the latest draft Chapter 14.12 ordinance, and a list of the proposed policy changes the ordinance would affect. One of the proposed changes is to allow the RMA Director or designee to approve religious and fundraising events at County Parks. Under the current ordinance, these events must be approved by the Board of Supervisors. To save staff time in processing individual religious and fundraising event reports for Board, RMA intends to address this issue in the current ordinance, ahead of the major chapter restructure.

RMA requests that the Parks Commission support this effort to immediately address the religious and fundraising events.

DISCUSSION:

Chapter 14.12 covers specific requirements for the operation of County Parks. The Chapter was originally codified in 1970, and many sections have not been updated since 2008. Section 14.12.130.A.14 requires that a political rally, religious service or function or any fund-raising activity must have prior approval by the Board of Supervisors. The County hosts many events in its County parks, including a significant number of school sponsored athletic events. Often these events include some element of school fundraising. In addition, religious organizations hold picnics and other events in parks, all which require Board approval regardless of size. The amount of staff time required to

process these reports, including review by County Counsel is significant. In addition, the lead-time required to process board reports in time to meet agenda deadlines means that residents may be prevented from holding an event if there is a delay in processing, or if the County is given too short a notice.

RMA originally planned to address this issue in its update of Monterey County Code Chapter 14.12, however this major update process will likely continue through the end of 2018. RMA anticipates many school fundraising and other similar events in the remainder of the year, and so proposes addressing this issue ahead of the rest of the update to relieve the workload and public burden as soon as possible. County Counsel is in agreement with this proposal, and RMA will work closely with Counsel to finalize the language needed to amend the current Code.

Staff has prepared a draft ordinance to bring the Chapter up to date and meet current organizational needs. Generally, the County Code (adopted by ordinance) should provide a high-level outline for regulations with specific program information and fees adopted by resolution. Typically, staff would present a redline version of the ordinance to illustrate changes being made to Chapter 14.12. However, due to the large number of changes being made, staff determined that the best approach would be to revise the entire Chapter, rather than update each section individually. Attachment A is a draft of Chapter 14.12 that would replace the existing Chapter. This is a working document and may undergo significant changes based on Counsel review, Staff recommendations and public comment.

This draft also includes a non-smoking section based on the direction provided by the Parks Commission, and in consultation with the Health Department. Chapter 14.12 would only address smoking as it relates to County Parks. RMA is working with the Health Department to also update Chapter 10.70 of the County Code, which addresses smoking prohibitions for the entire County. Lastly, County Counsel still needs to review the ordinance as to legal form and as such, there may be numerous changes to the attached draft.

OTHER AGENCY INVOLVEMENT:

RMA is working with County Counsel throughout the update process. As stated above, County Counsel still needs to review the ordinance as to legal form. RMA and Health Department are collaborating to implement the updated smoking prohibitions.

FINANCING:

This work has been completed by staff without need or use for outside services. Therefore, there is no impact to the General Fund by receiving this report.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Proposed changes provide updates to the County Code that would address current needs including public safety, operations in the County parks, and rules and regulations.


 Economic Development
X Administration


X Health & Human Services

 Infrastructure

X Public Safety

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Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services 

Approved by: Carl P. Holm, AICP, RMA Director 

Dated: May 23, 2018

Attachments:

Attachment A - Draft Chapter 14.12

Attachment B - Summary of Policy Changes