

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTION 14.12.130 OF THE MONTEREY COUNTY CODE RELATING
TO MISCELLANEOUS PROHIBITED ACTS AT COUNTY PARKS**

County Counsel Summary

This ordinance amends Subsection 14 of Subsection A of Section 14.12.130 of the Monterey County Code to remove the requirement that any fundraising activity or religious function held in a Monterey County park requires prior authorization by the Board of Supervisors. Prior authorization will now be required by the County Director of Parks or his or her designee.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. Subsection 14 of Subsection A of Section 14.12.130 of the Monterey County Code requires prior approval of the Board of Supervisors for any political rally or meeting, religious service or function, or any fundraising activity within a County park regardless of size.

C. The County Resource Management Agency ("RMA") permits numerous events in County parks, including a significant number of events held for fundraising purposes, or events held by religious organizations. The amount of staff time required to process the Board reports for approval of these events is significant. In addition, the lead-time required to process Board reports in time to meet agenda deadlines means that the public may be prevented from holding an event if the applicant gives too short a notice for an event.

D. This ordinance will remove the requirement in Section 14.12.130.A.14 for Board approval for any fundraising activity or religious service or function held in a County park. Such events will be processed and evaluated by the County Director of Parks, or his or her designee, in the same manner as all other special events within County parks. Specifically, the Director of Parks, or his or her designee, will evaluate whether the event will unreasonably interfere with or detract from the promotion of public health, welfare, safety, recreation, or the County park. Also, the Director of Parks, or his or her designee, will evaluate whether the event is reasonably anticipated to incite violence, crime or disorderly conduct, or whether the event will entail unusual, extraordinary or burdensome expense or security operation by the County. Lastly, the Director of Parks, or his or her designee, will evaluate whether the event will conflict with County park facilities that have been reserved for other uses. The criteria do not include an evaluation for content of the activity, service, or function. Further, the change in approving authority will not result in determinations based on the presence or absence of religious content.

SECTION 2. Subsection 14 of Subsection A of Section 14.12.130 of the Monterey County Code is amended to read as follows:

14. Perform or participate in any political rally or meeting, ~~religious service or function, or any fund raising activity,~~ without prior approval of the Board of Supervisors; ~~for the purposes of this Chapter a wedding service or reception shall not be considered a religious service or function, provided however a permit for a wedding service or reception shall be obtained from the Director of Parks who shall impose reasonable conditions on the granting of the permit;~~

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this day of _____, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Luis A. Alejo, Chair
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel