

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

Resolution No. \_\_\_\_\_

Resolution of the Board of Supervisors to:

- a. Amending Article V of the Monterey County Master Fee Resolution, effective January 10, 2019, adjusting existing and establishing new fees for park use, enforcement, and rentals;
- b. Authorizing the Resource Management Agency Director to make non-substantive modifications as to formatting only;
- c. Directing Resource Management Agency (RMA) staff to work with a volunteer citizen committee to identify a process for establishing long-term subsidy such as an assessment district or some type of tax; and
- d. Approving the 1<sup>st</sup> Sunday of each month as days when there is “No Fee for Entry into County Day-Use Parks.”

**THE MONTEREY COUNTY BOARD OF SUPERVISORS FINDS:**

- A. 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.
- B. The County of Monterey Resource Management Agency (RMA-Parks) is proposing fee adjustments and establishment of new fees to Article V-Parks User Fees of the Monterey County Master Fee Resolution for park use, enforcement, and rentals which are appropriate to specify in the Monterey County Master Fee Resolution. The proposed fees more closely reflect, while still not exceeding, the actual and reasonable costs of services and benefits provided to the public by County RMA-Parks. In addition to these adjustments, and to more accurately capture the fees associated with services provided, the Article V Master Fee Resolution Schedule has been reformatted to make Article V easier to navigate, consolidate the same fees associated with multiple parks, and provide flexibility for adding new park/open space lands. The Director is additionally authorized to establish special adjustments of facility fees and/or discount programs for promotional purposes.
- C. 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, arising from the use of County Park property. Any discount applicable to these surcharges have a de minimus impact on the departmental budget and implementation of that discount does not result in increased fees or costs for other patrons.

- D. By definition, these user fees are not a ‘tax’ and are exempt from voter approval pursuant to Article XIIC, 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).
- E. This action to modify fees and establish other fees and charges to meet operational expenses is statutorily exempt from environmental review [Pub. Res. Code § 21080(b)(8)].

Said amendments to Article V shall take effect no sooner than 30 days following final action on the adoption of the amendment.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors does hereby find:

- I. The foregoing recitals are true and correct.
- II. a. Article V-Parks User Fees of the Monterey County Master Fee Resolution is amended, and the fees of RMA-Parks set forth in the attached Article V hereto, are hereby adopted.  
b. The RMA Director is authorized to make non-substantive modifications as to formatting only.  
c. The Resource Management Agency (RMA) staff is directed to work with a volunteer citizen committee to identify a process for establishing a long-term subsidy, such as an assessment district or some type of tax.  
d. The 1<sup>st</sup> Sunday of each month are hereby established as “No Fee for County Day-Use Park Entry” days.
- III. All prior resolutions regarding such fees are hereby repealed.
- IV. The effective date of the Parks User Fees approved in this Resolution and the “No Fee for Day-Use Park Entry” on the first Sunday of each month is January 10, 2019.

PASSED AND ADOPTED on this 11<sup>TH</sup> day of December 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

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 \_\_\_\_\_.

Dated:

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

By \_\_\_\_\_,  
Deputy