

Attachment A

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

Resolution No. _____

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 January 8, 2021; and
- b. Authorize the Public Works, Facilities, and Parks Director or his/her designee to make non-substantive modifications as to formatting only.

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.

WHEREAS, the County of Monterey Department of Public Works, Facilities & Parks is proposing fee adjustments and the establishment of new fees to Article V of the Monterey County Fee Resolution for park use, special events, and rentals which are appropriate to specify in the Monterey County Master Fee. The proposed fees bring Article V fees in line with other like agencies, while still not exceeding, the actual and reasonable costs of services and benefits provided to the public.

WHEREAS, the Monterey County Master Fee Resolution-Article V-Parks User Fees (“Article V”) was last updated on January 10, 2019. The Public Works, Facilities, and Parks (PWFP) staff evaluated its current park operations and reviewed the fee article as it pertains to use of facilities and access to parks.

WHEREAS, customers and staff raised concerns with delays at the entry gate due to changing the fees from vehicles to walk-in/Pedestrians in 2019. This issue was compounded during high use periods – weekends, special events and holidays.

WHEREAS, staff received customer comments that the County was not being transparent with our fees – the County had one fee for annual passes or reservable areas and then added a processing fee, a credit card fee, and charged for day use entry into the park.

WHEREAS, revenue was analyzed for the peak seasons of April – September 2018 and 2019. The comparison found an overall average reduction in day use revenue of 14% (\$234,467 vs \$202,383) from 2018 to 2019. The comparison showed a loss in revenue which was partially attributed the customer comments above, and several large RV groups no longer coming to the park. These groups expressed concerns that a building was no longer available for their use and other parks offered more amenities.

WHEREAS, Basecamp and Laguna Seca management requested fee changes.

WHEREAS, staff collected data and compared the data to the County for entry fees, vehicle fees, household pet fees, camping fees, and photography permit fees from local agencies/businesses and other California counties. After analyzing the data, adjustments are being requested.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- I. Find that the foregoing recitals are true and correct.
- II. Amend Article V of the Monterey County Master Fee Resolution relating to the Parks User Fees for park use, enforcement, and rentals, effective January 8, 2021; and
- III. Authorize the Public Works, Facilities, and Parks Director or his/her designee to make non-substantive 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 January 8, 2021.

PASSED AND ADOPTED on this _____ day of _____ 2020 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 order 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

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