

# Monterey County

*Monterey County Government Center  
Board of Supervisor Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901*



## Meeting Agenda - Final

**Tuesday, September 29, 2020**

**9:00 AM**

**<https://montereycty.zoom.us/j/224397747>**

**IMPORTANT COVID-19 NOTICE ON PAGES 2-4**

**AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINAS 2-4**

## **Board of Supervisors of the Monterey County Water Resources Agency**

*Chair Supervisor Chris Lopez - District 3  
Vice Chair Supervisor Jane Parker - District 4  
Supervisor Luis A. Alejo - District 1  
Supervisor John M. Phillips - District 2  
Supervisor Mary L. Adams - District 5*

### **Important Notice Regarding COVID 19**

**Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of the COVID 19 virus, please do the following:**

**1. While the Board chambers remain open, you are strongly encouraged to observe the live stream of the Board of Supervisors meetings at [http://monterey.granicus.com/ViewPublisher.php?view\\_id=19](http://monterey.granicus.com/ViewPublisher.php?view_id=19), <http://www.mgtvonline.com/>, [www.youtube.com/c/MontereyCountyTV](http://www.youtube.com/c/MontereyCountyTV) or <https://www.facebook.com/MontereyCoInfo/>**

**If you attend the Board of Supervisors meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals.**

**2. If you choose not to attend the Board of Supervisors meeting but desire to make general public comment, or comment on a specific item on the agenda, you may do so in three ways:**

**a. submit your comment via email by 5:00 p.m. on the Monday prior to the Board meeting. Please submit your comment to the Clerk of the Board at [cob@co.monterey.ca.us](mailto:cob@co.monterey.ca.us). In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.**

**b. if you are watching the live stream of the Board meeting, you may submit your comment, limited to 250 words or less, to the Clerk of the Board at [publiccomment@co.monterey.ca.us](mailto:publiccomment@co.monterey.ca.us). General public comment must be received during the General Public Comment item on the agenda, and comments on specific agenda items must be received as it is being heard. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.**

**c. you may participate through ZOOM. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/224397747>**

**OR to participate by phone call any of these numbers below:**

**+1 669 900 6833 US (San Jose)  
+1 346 248 7799 US (Houston)  
+1 312 626 6799 US (Chicago)  
+1 929 205 6099 US (New York)**

+1 253 215 8782 US

+1 301 715 8592 US

Enter this Meeting ID number: 224397747 when prompted. Please note there is no Participant Code, you will just hit # again after the recording prompts you.

You will be placed in the meeting as an attendee; when you are ready to make a public comment if joined by computer audio please Raise your Hand; and by phone please push \*9 on your keypad.

3. Additional seating with audio of the Board meeting will be available in the Monterey Room on the 2nd floor of the County Government Center.

#### **Aviso importante sobre COVID 19**

Basado en la guía del Departamento de Salud Pública de California y la Oficina del Gobernador de California, para minimizar la propagación del virus COVID 19, haga lo siguiente:

1. Mientras las cámaras de la Junta permanecen abiertas, le recomendamos que observe la transmisión en vivo de las reuniones de la Junta de Supervisores en [http://monterey.granicus.com/ViewPublisher.php?view\\_id=19](http://monterey.granicus.com/ViewPublisher.php?view_id=19), <http://www.mgtvonline.com/>, [www.youtube.com/c/MontereyCountyTV](http://www.youtube.com/c/MontereyCountyTV) o <https://www.facebook.com/MontereyCoInfo/>

Si asiste a la reunión de la Junta de Supervisores en persona, deberá mantener un distanciamiento social apropiado, es decir, mantener una distancia de 6 pies entre usted y otras personas.

2. Si elige no asistir a la reunión de la Junta de Supervisores pero desea hacer un comentario público general o comentar un tema específico de la agenda, puede hacerlo de tres maneras:

a. envíe su comentario por correo electrónico antes de las 5:00 p.m. el lunes anterior a la reunión de la Junta. Envíe su comentario al Secretario de la Junta a [cob@co.monterey.ca.us](mailto:cob@co.monterey.ca.us). En un esfuerzo por ayudar al Secretario a identificar el ítem de la agenda relacionado con su comentario público, indique en la línea de asunto, el cuerpo de la reunión (es decir, la agenda de la Junta de Supervisores) y el número de ítem (es decir, el ítem No. 10). Su comentario se colocará en el registro en la reunión de la Junta.

b. Si está viendo la transmisión en vivo de la reunión de la Junta, puede enviar su comentario, limitado a 250 palabras o menos, al Secretario de la Junta en [publiccomment@co.monterey.ca.us](mailto:publiccomment@co.monterey.ca.us). Los comentarios del público en general deben recibirse durante el elemento de Comentarios del público en general en la agenda, y los comentarios sobre los elementos específicos de la agenda deben recibirse mientras se escuchan. En un esfuerzo por ayudar al Secretario a identificar el ítem

de la agenda relacionado con su comentario público, indique en la línea de asunto, el cuerpo de la reunión (es decir, la agenda de la Junta de Supervisores) y el número de ítem (es decir, el ítem No. 10). Se hará todo lo posible para leer su comentario en el registro, pero algunos comentarios pueden no leerse debido a limitaciones de tiempo. Los comentarios recibidos después de un ítem de la agenda serán parte del registro si se reciben antes del final de la reunión.

c. Puedes participar a través de ZOOM. Para participar en ZOOM, únase por audio de computadora en: <https://montereycty.zoom.us/j/224397747>

O para participar por teléfono, llame a cualquiera de estos números a continuación:

+1 669 900 6833 EE. UU. (San José)  
+1346248 7799 EE. UU. (Houston)  
+1312626 6799 EE. UU. (Chicago)  
+1929205 6099 EE. UU. (Nueva York)  
+1 253 215 8782 EE. UU.  
+1301715 8592 EE. UU.

Ingrese este número de ID de reunión: 224397747 cuando se le solicite. Tenga en cuenta que no hay un Código de participante, simplemente presionará # nuevamente después de que la grabación lo solicite.

Se lo colocará en la reunión como asistente; cuando esté listo para hacer un comentario público si se une al audio de la computadora, levante la mano; y por teléfono presione \* 9 en su teclado.

3. Los asientos adicionales con audio de la reunión de la Junta estarán disponibles en la Sala de Monterey en el segundo piso del Centro de Gobierno del Condado.

**NOTE:** All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to the corresponding Board Report.

**PUBLIC COMMENT:** Members of the public may address comments to the Board concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

**Please refer to the separate agenda for the Board of Supervisors**

Pursuant to Governor Newsom's Executive Order No. N-29-20, some or all Supervisors may participate in the meeting by telephone or video conference.

**9:00 A.M. - Call to Order**

**Roll Call**

**Additions and Corrections for Closed Session by County Counsel**

*County Counsel will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board's recess to Closed Session.*

**Closed Session**

1. Closed Session under Government Code section 54950, relating to the following items:
  - a. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Monterey County Water Resources General Manager.

**Public Comment**

**The Board Recesses for Closed Session Agenda Items**

*Closed Session may be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting, before or after the scheduled time, announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.*

**10:30 A.M. - Reconvene on Public Agenda Items**

**Roll Call**

**Pledge of Allegiance**

### **Additions and Corrections by Clerk**

*The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

### **General Public Comments**

*This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board at a future meeting.*

### **Consent Calendar**

2. Introduce, waive reading, and set for adoption on October 13, 2020 an ordinance amending Ordinance No. 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

**Attachments:**    [Board Report](#)  
[Ordinance No. 4065 clean version \(signed\)](#)  
[Ordinance No. 4065 redline version](#)  
[Current Ordinance 4065](#)

### **Adjournment**



# Monterey County

## Item No.1

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

**Legistar File Number: CS 20-047**

**September 29, 2020**

**Introduced:** 9/23/2020

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

Closed Session under Government Code section 54950, relating to the following items:

- a. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Monterey County Water Resources General Manager.



# Monterey County

## Item No.2

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: WRAG 20-400

September 29, 2020

Introduced: 9/17/2020

Current Status: Consent Agenda

Version: 1

Matter Type: WR General Agenda

Introduce, waive reading, and set for adoption on October 13, 2020 an ordinance amending Ordinance No. 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

#### RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Supervisors:

Introduce, waive reading, and set for adoption on October 13, 2020 an ordinance amending Ordinance No. 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

#### SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency (Agency) has identified the need to amend Ordinance 4065 Regulating the Licensing of Docks at Nacimiento Lake and Establishing Dock Licensing Fees enacted on May 30, 2000. The proposed simple amendment will allow all license and other fees charges under the provision of the Ordinance and fines, penalties and enforcements costs associated with any violations, to be established by the Agency Board of Supervisors and set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code.

Concurrently, Agency staff is scheduling consideration of a Boat Dock Program Fee Study and Resolution to update fees and levy new fees and service charges for the Agency's Boat Dock Licensing and Inspection Program. The scheduling to update fees will consist of the September 2020 meeting of Reservoir Operations Advisory Committee, the October 2020 meeting of the Agency Board of Directors, and the November 2020 meeting of the Agency Board of Supervisors. This close tracking will allow these future updates to be contained in Article XI Monterey County Water Resources Agency Fees instead of in Ordinance No. 4065. This will allow for ease in amending from time to time, as necessary.

#### OTHER AGENCY INVOLVEMENT:

The Monterey County Water Resources Agency worked with the Office of County Counsel as to form of the ordinance. On September 21, 2020, the Monterey County Water Resources Agency's Board of Directors will be considering a recommendation that the Monterey County Water Resources Agency Board of Supervisors approve the proposed amendments to Ordinance 4065.

FINANCING:

There is no financial impact for amending Ordinance 4065. Ensuing completion of the fee study, agency staff will provide the projected impact to boat dock licensing fee revenue.

Prepared by: Jennifer Bodensteiner, Associate Hydrologist, (831) 755-4970

Approved by: \_\_\_\_\_  
Brent Buche, General Manager, (831) 755-4860

Attachments:

1. Proposed Amendments to Ordinance No. 4065 (clean)
2. Proposed Amendments to Ordinance No. 4065 (redline)
3. Current Ordinance No. 4065



# Monterey County

Item No.

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: WRAG 20-400

September 29, 2020

Introduced: 9/17/2020

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Introduce, waive reading, and set for adoption on October 13, 2020 an ordinance amending Ordinance No. 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

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### OTHER AGENCY INVOLVEMENT:

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FINANCING:

There is no financial impact for amending Ordinance 4065. Ensuing completion of the fee study, agency staff will provide the projected impact to boat dock licensing fee revenue.

Prepared by: Jennifer Bodensteiner, Associate Hydrologist, (831) 755-4970

Approved by:



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Brent Buche, General Manager, (831) 755-4860

Attachments:

1. Proposed Amendments to Ordinance No. 4065 (clean)
2. Proposed Amendments to Ordinance No. 4065 (redline)
3. Current Ordinance No. 4065

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY  
AMENDING ORDINANCE NO. 04065 CONCERNING BOCK DOCK FEES AND  
PENALTIES**

**County Counsel Summary**

*This ordinance amends Ordinance No. 04065 (adopted May 30, 2000) to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts. Moving the fee amounts from the Ordinance to the Fee Article will enable the Monterey County Water Resources Agency to more easily update the fees.*

The Board of Supervisors of the Monterey County Water Resources Agency hereby ordains as follows:

SECTION 1. Section 5 of Ordinance No. 04065 is hereby amended to read as follows:

License and other fees charged under the provisions of this Ordinance and fines, penalties and enforcement costs associated with violations of this Ordinance not otherwise set forth herein, shall be established by the Agency Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time.

SECTION 2. Section 16 of Ordinance No. 04065 is hereby amended to read as follows:

(a) It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Ordinance. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

(b) Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

(c) If licensee fails to comply with the standards and requirements in this ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.

(d) Agency shall have the right to remove, at the property owner's and/or licensee's expense, all licensed or unlicensed, tethered or untethered, boat docks and log-booms not complying with the licensing conditions set forth herein.

### 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 this \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:


ABSENT:

\_\_\_\_\_  
Christopher M. Lopez, Chair,  
Monterey County Board of Supervisors

A T T E S T :

VALERIE RALPH  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
  
KELLY L. DONLON  
Deputy County Counsel

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY  
AMENDING ORDINANCE NO. 04065 CONCERNING BOCK DOCK FEES AND  
PENALTIES**

**County Counsel Summary**

*This ordinance amends Ordinance No. 04065 (adopted May 30, 2000) to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts. Moving the fee amounts from the Ordinance to the Fee Article will enable the Monterey County Water Resources Agency to more easily update the fees.*

The Board of Supervisors of the Monterey County Water Resources Agency hereby ordains as follows:

SECTION 1. Section 5 of Ordinance No. 04065 is hereby amended to read as follows:

~~License and other fees charged under the provisions of this Ordinance and fines, penalties and enforcement costs associated with violations of this Ordinance not otherwise set forth herein, shall be established by the Agency Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time. Prior to issuance of an initial or renewal license, the licensee shall pay to the Agency an annual fee of \$60.00 per dock for all single slip docks, or \$60.00 for the first slip plus \$20.00 for each additional slip for all multiple docks. The General Manager shall determine the number of slips for which any particular dock is designed.~~

SECTION 2. Section 16 of Ordinance No. 04065 is hereby amended to read as follows:

(a) ~~It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Ordinance. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation. Any person violating any of the provisions of this ordinance shall be guilty of an infraction which is punishable by a fine not to exceed \$500.00 for each violation.~~

(b) Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

(c) If licensee fails to comply with the standards and requirements in this ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.

(d) Agency shall have the right to remove, at the property owner's and/or licensee's expense, all licensed or unlicensed, tethered or untethered, boat docks and log-booms not complying with the licensing conditions set forth herein.

### 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 this \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Christopher M. Lopez, Chair,  
Monterey County Board of Supervisors

A T T E S T :

VALERIE RALPH  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON  
Deputy County Counsel

ORDINANCE NO. 04065

AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY  
REPEALING ORDINANCE NO. 3672 AND ENACTING IN ITS PLACE, THIS ORDINANCE  
REGULATING THE LICENSING OF DOCKS AT NACIMIENTO LAKE AND  
ESTABLISHING DOCK LICENSING FEES

**County Counsel Summary**

*This ordinance repeals Ordinance No. 3672 and enacts in its place, this ordinance, pertaining to licensing of docks at Lake Nacimiento, to provide (1) for an increase in dock fees from \$40 to \$60, (2) for an increase in additional slip fee from \$15 to \$20, (3) that a dock use commercially acceptable flotation material and specified dock anchorage, (4) that applicant show proof of property ownership, such as a copy of tax bill or deed, where the dock is to be moored, or, in the alternative, provide a letter from a property owner granting permission for mooring, (5) that a dock constructed prior to the effective date of this ordinance be accepted for licensure if it meets the provisions of this ordinance, (6) that a disposal fee shall be charged to the property owner and/or licensee for any dock determined to be a nuisance, with such a fee being \$300 for single slip docks and \$125 for each additional slip, and (7) that the Agency has the right to remove moored docks not in compliance with this ordinance.*

The Board of Supervisors of the Monterey County Water Resources Agency repeals Ordinance No. 3672 and enacts, in its stead, this ordinance, to read as follows:

SECTION 1. REPEAL OF PRIOR ORDINANCE

Ordinance No. 3672 is hereby repealed.

SECTION 2. DEFINITIONS

The following definitions apply in this ordinance:

- (a) "Agency" is the Monterey County Water Resources Agency.
- (b) "Lake Nacimiento" or "lake" is the reservoir impounded by Nacimiento Dam in the County of San Luis Obispo.
- (c) "General Manager" is the General Manager of the Agency, or an employee of the Agency authorized to act on behalf of the General Manager.
- (d) "Dock" is any structure, raft, or vessel designed to float on water and not designed primarily for transport.
- (e) "Supervisors" is the Board of Supervisors of the Agency.

(f) "Licensing year" is the period from April 1 of any year to March 31 of the succeeding year.

(g) "Highwater mark" means the elevation or contour line that would be reached by the water in Lake Nacimiento when the lake is at the top of the dam spillway, elevation 800 feet. The lake is considered full when it is at the highwater mark.

(h) "Licensee" is the person who applies for a dock license and the person to whom the license is issued.

### SECTION 3. DOCK LICENSE REQUIRED

It shall be unlawful for any person to construct, moor, maintain, own, operate or use any dock on or in the waters of Lake Nacimiento unless said dock is first licensed by the Agency in conformity with this ordinance.

### SECTION 4. INITIAL AND RENEWAL LICENSES

(a) A dock license must be obtained from the Agency for each dock initially proposed to be constructed or placed within the highwater mark at Lake Nacimiento, in anticipation of floating such dock in the waters of Lake Nacimiento, before such dock is so constructed or placed. Such license shall be required, even though, at the time the dock is placed or constructed within the highwater mark, the lake bed is dry or partially dry. The license so issued shall expire on March 31 of the calendar year following the year in which the license is issued.

(b) Following the initial year of issuance, each dock license must be renewed on or before April 1 each licensing year during which the dock is left, reinstalled, or refloated on or in the waters of Lake Nacimiento. The renewal license shall expire on March 31 of the succeeding year. If a previously registered dock has been removed from the water or left high and dry and is not refloated until after April 1, the renewal of the license may be deferred, provided that the dock shall not be refloated until after issuance of the renewal license. Renewal is not required during any year in which the dock remains out of the water for the entire licensing year.

### SECTION 5. ANNUAL LICENSING FEE

Prior to issuance of an initial or renewal license, the licensee shall pay to the Agency an annual fee of \$60.00 per dock for all single-slip docks, or \$60.00 for the first slip plus \$20.00 for each additional slip for all multiple-slip docks. The General Manager shall determine the number of slips for which any particular dock is designed.

### SECTION 6. INDEMNITY AND INSURANCE

Before any initial license and any renewal license is issued by the General Manager, the licensee must file with the General Manager (a) a certificate of insurance issued by a company

authorized to do insurance business in the state of California, providing that the insurer will give to the Agency thirty days' notice of cancellation, and (b) an agreement executed by the applicant holding the Agency and Monterey County and their officers, agents, and employees harmless for any damage or injury resulting from the installation or use of the dock. The insurance shall have a combined single limit of not less than \$500,000 for public liability and property damage. The Supervisors may amend the required amount of insurance by resolution, and such amendment shall be effective for all initial and renewal licenses issued after the effective date of the resolution.

## SECTION 7. LICENSING CONDITIONS

(a) Each dock must be designed, constructed and maintained so that the dock or any of its parts will not capsize, break up, or slip its moorings and float at large on the surface of the lake.

(b) Styrofoam, poly-foam, or some other waterproof plastic foam material, or a commercially-constructed float manufactured specifically for dock flotation acceptable to the General Manager, shall be used for dock flotation. All foam material shall be encapsulated or enclosed by an outer layer sufficiently durable to withstand abrasion by normal contact with water and water-borne debris without damage to outer layer. Steel barrels may not be used for dock flotation. Plastic barrels, or barrel-like floats designed and manufactured specifically for flotation may be used but must meet all of the following conditions: (i) they must be completely filled with a waterproof plastic foam material, (ii) contain no toxic material, (iii) structurally designed to be attached securely to the dock in such a manner that they cannot become detached even if the dock is completely upset, and (iv) be approved by the Agency prior to being placed within the highwater mark of the Lake.

(c) Main dock anchorage shall consist of at least ½ inch diameter galvanized steel cable attached to anchorage with a combined weight of 2,500 pounds minimum. The anchorage shall be in two locations, one at or above the highwater mark elevation (800 feet above sea level) and one at the lowest Lake elevation that the dock is expected to float. The steel cable shall be strung between the two anchorage weights and the dock attached to the cable with a steel cable sling at each end of the dock. A light anchor or shore stake shall hold the dock near shore. The cable size and anchorage listed above are suitable for a dock with a dimension of 6 by 10 feet. Larger cable and heavier anchorage shall be used for larger docks (e.g., a 15 by 20 foot dock would require a 7/8 inch diameter main cable and an anchorage weight of at least 9,000 pounds).

(d) An applicant shall submit proof of property ownership for the land on which his or her dock is to be moored. Proof must be in the form of a copy of a deed or a recent San Luis Obispo County Tax Assessor's bill showing the parcel number of the property on which the dock is to be moored. If permission is granted by a property owner, other than the applicant, allowing the applicant to moor the dock, a letter shall be submitted by the property owner stating that permission is so granted, listing the name, address and telephone number of the applicant.

(e) Any dock(s) constructed prior to the effective date of this ordinance shall be accepted for licensure provided it is in compliance with the provisions of this ordinance.

(f) The General Manager shall not issue a license if in the opinion of the General Manager the dock does not comply with paragraphs (b) through (e), or there is a substantial danger that the dock will not comply with paragraph (a).

#### SECTION 8. DOCK LICENSE NUMBER

Each license issued pursuant to this ordinance shall be given an identifying number. The licensee shall forthwith paint or affix in a permanent manner said number in three-inch high numerals on said dock such that the number is readily visible at a distance from a boat on the lake.

#### SECTION 9. DOCKS FLOATING AT LARGE.

No licensee shall cause, suffer or permit any dock licensed to such licensee, or any part of such dock, to float at large upon the lake, without being tethered securely to a fixed location.

#### SECTION 10. REVOCATION OF LICENSES

A license may be revoked for any of the following reasons:

- (a) the dock is used or maintained in violation of any of the requirements of this ordinance;
- (b) deterioration, damage, or inadequate maintenance renders the dock a hazard;
- (c) at any time during the licensing year the dock fails to meet any of the conditions required to be met at the time of licensure;
- (d) the insurance required to be maintained expires or is terminated without renewal during the licensing year;
- (e) the licensee transfers ownership or responsibility for the dock, without issuance of a new license for the new owner or responsible party; or
- (f) the dock, or any part of the dock, is found floating at large on the lake causing a hazard to other users of the lake, to the reservoir's outlet works, to any other Agency property, or to Agency personnel.

#### SECTION 11. DISPOSAL FEE

Upon notice being provided to the property owner and/or licensee pursuant to Section 13, a disposal fee shall be charged to the property owner and/or licensee for any dock determined to

be a nuisance pursuant to Section 15. The disposal fee for a single-slip dock is \$300 and \$125 for each additional slip for all multiple-slip docks.

#### SECTION 12. NON-TRANSFERABILITY OF LICENSES

Licenses issued under this ordinance are not transferable. If a dock is sold or if responsibility for the dock changes hands, a new license shall be applied for and issued for the dock. When such a transfer occurs before expiration of the license, there will be no new license fee for the licensing year in which the transfer occurs.

#### SECTION 13. APPEALS

(a) Any decision by the General Manager concerning the granting or revocation of a license under this ordinance may be appealed. Such appeal shall be in writing and shall be filed with the General Manager within ten days after the date on which the General Manager gives notice of the decision to the owner.

(b) At the time of the filing of the appeal, the appellant shall pay to the Agency a filing fee of twenty-five dollars.

(c) An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the General Manager.

(d) The appeal shall be heard by the Appeals Board established by Ordinance No. 3539, or by any successor body established by the Agency by ordinance or resolution for the purpose of hearing administrative appeals. Upon receipt of the notice of appeal, the Appeals Board shall set a date for public hearing thereon, giving notice thereof to the appellant. The Appeals Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such order, requirement, decision or determination as should be made in light of the existing requirements set forth in this ordinance or any resolutions enacted pursuant to this ordinance. The decision of the Appeals Board shall be final.

(e) If no decision is made by the Appeals Board within sixty days after the date the appeal was filed with the General Manager, the appeal shall be deemed granted, except that this sixty-day period shall be extended by the length of all time extensions granted at the appellant's request in the appeal process.

#### SECTION 14. NOTICES

(a) Any notice required under this ordinance shall be in writing and shall be given as provided in this section.

(b) Except as otherwise provided in (c), below, notice shall be given by depositing the notice in the U.S. Mail, first class postage or better prepaid, addressed to the party to

be noticed at his or her address last known to the General Manager. In such event, the notice shall be deemed given three days after the date on which the notice is so deposited in the mail.

(c) If no address for the party to be noticed is known to the General Manager, then notice shall be given by affixing to the dock in question a copy of the notice and, if the dock in question is moored, then either before such posting or promptly thereafter, by depositing a copy of the notice in the U.S. Mail, first class postage or better prepaid, addressed to the owner of record of the land to which the dock is moored, at said owner's address shown on the tax assessor's records or other public documents. In such event, the notice shall be deemed given on the date the notice is posted on the dock.

#### SECTION 15. NUISANCES

(a) Any licensed or unlicensed dock or any part thereof is a public nuisance and may be summarily abated by the General Manager if such dock or part thereof is not properly maintained in accordance with the standards in this ordinance, tethered securely to a fixed location, and is (i) floating on the surface of the lake or (ii) aground within the highwater mark of the Lake and is subject to flotation on a rise of the Lake level.

(b) Summary abatement may include destruction of the dock. However, if the dock has been licensed, the dock shall not be destroyed until after (i) the General Manager gives notice to the licensee that the dock may be retrieved if the mooring facilities are brought into compliance with Agency regulations, and (ii) the licensee fails to bring the mooring into compliance within thirty days of said notice or within such further time as the General Manager may grant.

#### SECTION 16. PENALTIES

(a) Any person violating any of the provisions of this ordinance shall be guilty of an infraction which is punishable by a fine not to exceed \$100.00 for each violation.

(b) Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

(c) If licensee fails to comply with the standards and requirements in this ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.

(d) Agency shall have the right to remove, at the property owner's and/or licensee's expense, all licensed or unlicensed, tethered or untethered, boat docks not complying with the licensing conditions set forth herein.

SECTION 17. SEVERABILITY

If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the ordinance, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SECTION 18. EFFECTIVE DATE

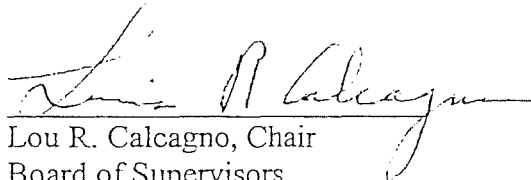
This Ordinance shall take effect on the thirty-first (31<sup>st</sup>) day after its adoption.

PASSED AND ADOPTED this 30 day of May, 2000, by the following vote:

AYES: Supervisors Salinas, Pennycook, Calcagno, Johnsen and Potter.

NOES: None.

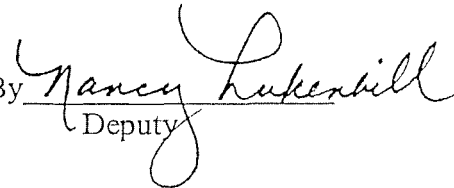
ABSENT: None.



Lou R. Calcagno, Chair  
Board of Supervisors  
Monterey County Water Resources Agency

ATTEST:

SALLY REED  
Clerk of the Board

By   
Deputy