



Legislation Details (With Board Report)

File #: ORD 19-017 **Name:** 1st Reading Set Public Hearing to Amend Parks Chapter 14.12 of County Code

Type: Ordinance **Status:** RMA Administration - Consent

File created: 5/29/2019 **In control:** Board of Supervisors

On agenda: 6/11/2019 **Final action:** 6/11/2019

Title: a. Introduce, waive reading, and consider an ordinance of the County of Monterey, State of California, repealing Chapter 14.12 of the Monterey County Code (County Parks) and adopting a replacement Chapter 14.12 (County Parks and Open Space), relating to lands and facilities owned, operated or managed by the County, or where the Board of Supervisors acts as the governing body, for the purpose of recreation, habitat management, or open space; and
 b. Set June 25, 2019, at 10:30 a.m. as the date and time for adoption of the ordinance.
 Proposed CEQA action: Categorically exempt from environmental review pursuant to Sections 15301 (REVISED VIA SUPPLEMENTAL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Revised Board Report, 2. Board Report, 3. Attachment A - Discussion, 4. Attachment B - Draft Ordinance, 5. 57. Completed Board Order

Date	Ver.	Action By	Action	Result
6/11/2019	1	Board of Supervisors	approved - rma administration	Pass

a. Introduce, waive reading, and consider an ordinance of the County of Monterey, State of California, repealing Chapter 14.12 of the Monterey County Code (County Parks) and adopting a replacement Chapter 14.12 (County Parks and Open Space), relating to lands and facilities owned, operated or managed by the County, or where the Board of Supervisors acts as the governing body, for the purpose of recreation, habitat management, or open space; and
 b. Set June 25, 2019, at 1:30 p.m. as the date and time for adoption of the ordinance.
 Proposed CEQA action: Categorically exempt from environmental review pursuant to Sections 15301 (REVISED VIA SUPPLEMENTAL)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that the repealing and replacing Chapter 14.12 of the Monterey County Code is Categorically Exempt per Section 15031 of the CEQA Guidelines.
- b. Introduce, waive reading, and consider an ordinance of the County of Monterey, State of California, repealing Chapter 14.12 of the Monterey County Code (County Parks) and adopting a replacement Chapter 14.12 (County Parks and Open Space), relating to lands and facilities owned, operated or managed by the County, or where the Board of Supervisors acts as the governing body, for the purpose of recreation, habitat management, or open space; and
- c. Set June 25, 2019, at 1:30 p.m. as the date and time for adoption of the ordinance.

SUMMARY

Chapter 14.12 of the Monterey County Code was originally codified in 1970 to establish regulations for County Parks. This Chapter has been revised over the years, and the last update was in 2008. Changes in State laws, as well as organizational changes placing parks under the Resource Management Agency (RMA) initiated this effort to update current Parks policies and practices.

RMA prepared a revision of the entire Chapter 14.12 reorganizing and clarifying the Chapter's authority and scope. The revisions specifically reflect organizational changes placing Parks into the RMA, incorporate new smoking regulations, establish an invasive species inspection process for Lake San Antonio, and address park fees and permitted uses.

DISCUSSION:

RMA presented suggested changes to stakeholders over the past year, including options for smoking regulations in County parks. On November 2, 2017, staff provided a workshop for the Parks Commission to allow input and direction on Chapter 14.12 amendments. The Parks Commission recommended staff reorganize the Chapter structure in a style easier to read and understand similar to San Luis Obispo County, and ensure that fees are controlled by the Board of Supervisors or other approval mechanism.

Typically, staff would present a redline version of the ordinance to illustrate changes being made to Chapter 14.12. However, due to the complete Chapter reorganization, staff determined that the best approach would be to repeal and replace the entire Chapter, rather than update each section individually. Comments on changes made throughout the ordinance are included at the end of this discussion.

Most of the current ordinance language remains in the new version, although some sections will be moved into other documents such as the Fee Schedule. The update primarily consists of non-substantive changes, such as revising references to the "Parks Director" to read "Director," as multiple County departments are responsible for oversight, and organizing the code by topic to make locating information easier. New topics addressed in the ordinance include the use of drones, scattering of remains, metal detecting, and a process for review and approval of special events.

Attachment A provides a detailed discussion of the proposed revisions.

OTHER AGENCY INVOLVEMENT:

RMA has worked with the Parks Commission, Health Department, County Administrative Office and County Counsel to develop this ordinance since late 2017 (see Discussion-Attachment A). On October 4, 2018, the Parks Commission recommended the Monterey County Code Chapter 14.12 to the Board of Supervisors for final review and approval. Review by County Counsel led to additional clean up edits, and staff reported these changes to the Parks Commission on June 6, 2019. County Counsel has reviewed the ordinance as to form.

FINANCING:

Chapter 14.12 removes specific fees for park services, and instead refers to a fee schedule that is adopted by resolution. A new fee schedule was adopted by the Board of Supervisor on December 11, 2018 and went into effect on January 11, 2019. These fees are designed to recover costs for services related to implementing Chapter 14.12.

Financial impact of smoking restrictions will vary depending on the extent of the ban and the type of enforcement provided. Enforcement is typically reactive as opposed to proactive. Staff recommends starting with public education and "self-enforcement" of the smoking ban. A discussion of enforcement is included in Attachment A - Discussion. More proactive enforcement would impact existing resources, diverting rangers from other duties.

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
 Administration
 Health & Human Services
 Infrastructure
 Public Safety

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

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

Attachments:

Attachment A - Discussion

Attachment B - Draft Ordinance

(Attachments on file with the Clerk of the Board)