



County of Monterey

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

Board Report

File #: ORD 19-020, **Version:** 1

Consider adoption of an ordinance repealing Chapter 14.12 of the Monterey County Code (County Parks) and adopting a replacement Chapter 14.12 (County Parks), 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.

Proposed CEQA action: Categorically exempt from environmental review pursuant to Section 15301

RECOMMENDATION:

It is recommended that the Board of Supervisors consider adoption of an ordinance repealing Chapter 14.12 of the Monterey County Code (County Parks) and adopting a replacement Chapter 14.12 (County Parks), 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.

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 last updated in 2008. Changes in State laws, as well as organizational changes placing County Parks (Parks) under the Resource Management Agency (RMA) initiated the current effort to update County 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 under the RMA, incorporate new smoking regulations, establish an invasive species inspection process for Lake San Antonio, and address park fees and permitted uses.

This ordinance was introduced on June 11, 2019 and scheduled for consideration by the Board of Supervisors for adoption on June 25, 2019.

DISCUSSION:

RMA presented suggested changes to stakeholders over the last 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, RMA staff determined that the best approach would be to repeal and replace the entire Chapter, rather than update each individual section.

Most of the current ordinance language remains in the new replacement ordinance, although some sections are 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 replacement ordinance include the use of drones, scattering of remains, metal detecting, and

process for review and approval of special events.

OTHER AGENCY INVOLVEMENT:

RMA has worked with the Parks Commission, Health Department, County Administrative Office, and Office of the County Counsel to develop this replacement ordinance since late 2017 (see Attachment A-Draft Ordinance, Discussion). On October 4, 2018, the Parks Commission recommended the Monterey County Code Chapter 14.12 replacement ordinance to the Board of Supervisors for final review and approval. Review by County Counsel led to additional clean-up edits, and RMA staff reported these changes to the Parks Commission on June 6, 2019. County Counsel has reviewed the replacement 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 became effective 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. More proactive enforcement would impact existing resources, diverting rangers from other duties.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The proposed Ordinance provides 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

Prepared by: John Snively, Management Analyst (831) 759-6617

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

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

Attachment:

Attachment A-Draft Ordinance adopting replacement of Chapter 14.12 (County Parks)
(Attachment on file with the Clerk of the Board)