



County of Monterey

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

Board Report

File #: 18-110, Version: 1

Public workshop to consider amendments to Monterey County Code Chapter 14.12 (County Parks).

RECOMMENDATION:

It is recommended that the Parks Commission recommend that the Board of Supervisors amend Monterey County Code Chapter 14.12.

SUMMARY:

Monterey County Code Chapter 14.12 establishes regulations for County Parks. The Chapter was created in 1970 and last updated in 2008. Amendments to Chapter 14.12 are needed to reflect Parks now being within the Resource Management Agency (RMA), to incorporate new smoking regulations, and to address fees. RMA has also proposed amendments to better organize and clarify the Chapter's authority and scope.

DISCUSSION:

Chapter 14.12 covers specific requirements for the operation of County Parks. The Chapter was originally codified in 1970, and many sections have not been updated since 2008. The overall age of the Chapter, along with past ad hoc interpretation and enforcement of the Chapter, has led to inconsistent application in the past.

On November 2, 2017, staff provided a workshop for the Parks Commission to allow input and direction on Chapter 14.12 amendments. Some of the comments provided to staff included:

- Reorganize the Chapter structure in a style similar to San Luis Obispo County, which is easier to read and understand;
- Ensure that fees are controlled by the Board or other approval mechanism, rather than leaving it up to RMA-Parks staff to decide; and
- Follow up with future review of a draft Chapter 14.12 for additional comment.

Staff has prepared an initial draft ordinance to bring the Chapter up to date and meet current organizational needs. Generally, the County Code (adopted by ordinance) should provide a high-level outline for regulations with specific program information and fees adopted by resolution. Typically, staff would present a redline version of the ordinance to illustrate changes being made to Chapter 14.12. However, due to the large number of changes being made, staff determined that the best approach would be to revise the entire Chapter, rather than update each section individually. Attachment A is a first draft of Chapter 14.12 that would replace the existing Chapter. This is a

working document and may undergo significant changes based on Counsel review, Staff recommendations and public comment. The intent is to address public comments and areas of improvement identified by RMA.

This draft also includes a non-smoking section based on the direction provided by the Parks Commission, and in consultation with the Health Department. Chapter 14.12 would only address smoking as it relates to County Parks. RMA is working with the Health Department to also update Chapter 10.70 of the County Code, which addresses smoking prohibitions for the entire County. Lastly, County Counsel still needs to review the ordinance as to legal form and as such, there may be numerous changes to the attached draft.

Although most of the current Chapter 14.12 language remains in the revised version, there are a number of sections that were removed. Attachment B is a list of the current sections and language that was removed, along with the rationale behind the change. Some sections will be moved into other non-ordinance documents such as Park Rules or the Fee Schedule. Others were outdated or no longer fit the needs of the County.

OTHER AGENCY INVOLVEMENT:

RMA is working with County Counsel throughout the update process. As stated above, County Counsel still needs to review the ordinance as to legal form. Additionally, we are contacting similar jurisdictions to assess their ordinances. RMA and Health Department are collaborating to implement the updated smoking prohibitions.

FINANCING:

This work has been completed by staff without need or use for outside services. Therefore, there is no impact to the General Fund by receiving this report.

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: Carl P. Holm, AICP, RMA Director

Dated: March 27, 2018

Attachments:

Attachment A - Draft Chapter 14.12

Attachment B - Removed Clauses Table