



County of Monterey

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

Board Report

File #: 18-590, Version: 2

- a. Consider updates to the Park fees for recovering costs related to the use of County parks; and
- b. Provide a recommendation to the Board of Supervisors regarding updates to Park fees in Article V of the of the Monterey County Fee Resolution.

..Report

RECOMMENDATION:

It is recommended that the Parks Commission:

- a. Receive a report on recommended updates to the Park fees for recovering costs related to the use of County parks; and
- b. Recommend that the Board of Supervisors approve updates to Park fees in Article V of the of the Monterey County Fee Resolution.

SUMMARY:

RMA has identified the need to reorganize and update the current Fee Article V - Parks User Fees that have not been updated since September 30, 2014. Staff proposes changes to both the organization and content of the current fee schedule:

1. **Organization.** Fees are organized by park, leading to inconsistencies and duplication of fees creating confusion and making it difficult for staff to implement. For instance, there are currently 10 different day use vehicle entry fees on the fee schedule ranging from \$5 to \$15. Removing reference to specific parks allows staff to apply fees when new parks are added like the County-owned open spaces lands and Travel Camp in the former Fort Ord area.
2. **Content.** In working with the current fee schedule, RMA identified several park activities for which there is no fee established, such as walk-in or bike-in entry for day use. Also, some fee units are difficult to implement and erosive of fee value, such as vehicle entry included in the price for group picnic areas. These content issues are contributing to a troubling state of park finances. Staff is proposing changes that create opportunities to recover overlooked costs.
3. **Inconsistencies.** Upon review of the current fee schedule, staff uncovered several inconsistencies between policy set by ordinance and policy language included in the fee schedule. This resolution seeks to strip all policy items from the fee schedule and to clarify any inconsistencies. Concurrently, staff is updating Chapter 14.12 so all fee policies align.

This reorganization is designed to make Article V easier to navigate, consolidate the same fees associated with multiple Parks, and provide flexibility for adding new park/open space lands.

Staff prepared amendments and updates that reorganizes the current fee Article V, as well as adds and deletes fees to Article V (RMA-Parks) of the Monterey County Fee Resolution to recover costs related to the use of County parks. While Laguna Seca Recreation Area, Lake Nacimiento and Lake San Antonio are currently

managed under a management agreement with a third party, the fees associated with their operations have been incorporated in the proposed recommended attached draft revision.

Data related to the costs of operations, maintenance, overhead, and capital improvements of County parks is currently under development and not yet available. However, where we have counts associated with Park utilization, we have identified what the current fees recover compared to what the proposed recommended fees are anticipated to recover. To ensure fees proposed are reasonable, staff compiled a comparative analysis of fees established in comparable jurisdictions. RMA recommends that proposed fees are based on all of these factors and a blended hourly rate for staff.

Staff requests Parks Commission recommendations to the Board of Supervisors relative to park fees. The revised fee schedule is tentatively scheduled to be presented to the Board on June 12, 2018 for the fees to become effective as early as possible in the new fiscal year. Fee amendments become effective 30 days after adoption.

DISCUSSION:

The discussion below describes the proposed changes to the fee schedule.

To better organize and clarify the structure of the fee schedule, staff recommends eliminating the per park organizational structure and consolidating like fees where possible, adding new fees, eliminating certain fees, and redefining fees.

Staff recommends several modifications to specific line items in the current fee schedule. The modifications to the existing line items are as follows:

- **General Provisions:** Recommend renaming to this section to Administrative Fees as the items covered in this Section are not specific to a Park facility rather apply in general. The modifications to the Administrative Fees section are as follows:

“Reservation Fee” - staff is recommending this term be replaced with “processing fee” to be more descriptive of the types of services this charge applies to, making it clear that the charge can apply to staff time related to customer service such as processing reservations, annual passes, permits, or special events.

“Cancellation Fee” - applicable to the cost of time to research the reservation, review the transaction, complete a refund request, route for signature and process a refund. The cancellation fees were reorganized per input from parks staff regarding implementation hurdles.

“Penalty Fee” - applicable for non-payment of day use, camping or boating fees. Line item “C” in the proposed schedule was increased from \$25 to \$35 and assumes the cost of time verify amount due, accumulate information from non-paying individual, prepare an invoice and accompanying memo (if after the fact), tracking status, recording receipt, removing delinquent transaction out of system, and processing payment.

“Returned Check Fee” - applicable for returned checks with nonsufficient funds. Line item “D” was increased from \$25 to \$35 to be consistent with what is charged by the Treasury Tax Collector.

“Specialty Fee” - applicable for Mills Action Application Processing Fee for Historic Resources Review Board (HRRB) review. Line item “E” from the current schedule was removed from the fee article. This review has been moved under Planning within the Land Use and Community Development Division of the Resource Management Agency.

“Supervision” - applicable as needed for use of Facilities during non-peak operating hours. Line item “F” in the current schedule was modified to “On-Site After Hours Support” to be more descriptive of the types of services this charge applies to, making it clear that the charge applies to any use of parks that occurs outside normal business hours. Rates charged will be based on actual County costs, including staff time and materials needed to support the use of parks outside normal business hours not to exceed \$150 per hour. As such, this will vary according to the available staff member’s fully burdened labor rate, including overtime rates or if we need to contract outside services.

“Jump House/Inflatables Use Permit Fee” - previously identified under Section 6 - Toro & Royal Oaks Park, Line item “C”. This item was moved and renamed to clarify that it applies to any special activity or equipment including but not limited to: air bungee jumpers, bounce houses, human hamster balls, rock climbing walls and other special park facility uses as defined in the Ordinance. RMA has seen an increase in other types of activities that we identified requiring permits to address risk and liability to the County, as well as being used in most park facilities.

“Annual Day Use Pass” - Line item “G” in the current schedule was modified to correct an inconsistency between the fee schedule, which specified that the passes are valid for 12 months from the date of purchase, and County ordinance 14.12.050(A.) which established that annual passes are issued for the calendar year, January to December. As proposed, the unit of issuance is consistent with the ordinance and reflects the January to December calendar year. This item was moved to Section 2 - Day Use Fees as part of the schedule reorganization. The ordinance also was modified to allow for the proration of the annual pass fees based on the time of purchase.

“Annual Dog Pass” - Line item “H” in the current schedule was renamed to “Annual Household Pet Pass” and was modified to raise the fee from \$20 to \$35. This pass, while not purchased often, traditionally it is purchased at the same time annual day use passes are purchased. These passes are predominantly sold at Lake Nacimiento. The unit was clarified to the calendar year, January to December, prorated at the time of purchase. This item was moved to Section 2 - Day Use Fees as part of the schedule reorganization.

“Boating” - applicable only to Lake San Antonio and Lake Nacimiento. Line item “I” in the current schedule was updated the annual Houseboat fee to \$1,600 and late fee of 10% per month to reflect the County’s Management Company’s current fee schedule. This item was moved to Section 4 - Boating as part of the schedule reorganization.

“Discounts for Camping” - Line item “J” in the current schedule was modified to delete the discounts for off-season camping, due to an inconsistency between the off-season dates listed in the ordinance. The discount for military personnel was expanded to include both active and retired personnel.

“Distinguished Veterans” - requires CA State Department of Parks Distinguished Veterans pass. Line item “K” in the current schedule was modified and moved into the sections on day use and camping to remove the off season and was condensed with all fees waived, except during special events. There is a limit of five (5) days per month for the camping discount.

“Gift Card Service Fee” - amount of ‘gift’ value is additional. Line item “L” was removed from the fee article as this fee is obsolete.

“Firewood” - administrative fee includes handling and delivery costs. Line item “M” was modified to remove administrative fee. Added flat rate of \$10 per bundle for purchase of firewood.

The following are additions to General Provisions:

“Security” - is a new line item that pertains to day use park facilities (Toro, Royal Oaks, Manzanita, Jacks Peak) that ban alcohol except in designated areas, as well as San Lorenzo Park. The need for requiring Security is to augment County resources. The ordinance addresses the minimum thresholds and rates charged will be based on current negotiated contractual agreements for Security Guard services.

“Sports Equipment Rental” - is a new line item under the fee article. This line item will be used for renting out sports equipment such as soccer balls, volleyballs, horseshoes, volleyball nets, etc. within the day use parks.

“Wedding Fee” - is a new line item that includes a 1 day photography permit, 3-hour rehearsal but does not include daily entry fees.

“Convenience Fees” are two new line items added to facilitate online payments.

- **Day Use Fees:** The most significant change in the proposed fee schedule is a shift from a vehicle based day use entry fees to a per person entry fee for most parks (Toro, Jacks Peak, Royal Oaks, San Lorenzo). The \$2 per person entry fee, charged regardless of how a patron enters the park (e.g. walk, bike or drive) is meant to address patterns of fee nonpayment that have been noticed by park staff. In particular, this is meant to address the pattern of patrons parking outside the park boundaries and then walking in to avoid paying the vehicle entry fee. This will also address gamesmanship noticed on special event weekends wherein several carloads of visitors are brought into the park under the payment recipe of a single paid vehicle entry. Staff feels this change will ensure that costs for every patron using the park will be recovered. It should be noted that Laguna Seca Recreation Area will still be covered by a vehicle entry fee. This fee item does not apply to Manzanita Park, as entry is managed by the North County Youth Recreation Association, as this park is used mostly for organized sports.

“Household Pets” - previously identified under Sections 2-5 under camping at Lake San Antonio, Lake Nacimiento, Laguna Seca, and San Lorenzo. These line items regarding dogs were condensed. The definition for Household Pets has been added to the Ordinance. The fee unit was also modified to remove the reference to a \$10 maximum, and the policy reference regarding a limit of two dogs was removed.

“Horses” - previously identified under Section 2, Line item “J” North Shore Equestrian Area. The current fee article only identifies horse at the North Shore Equestrian Area, yet horses are allowed in day use and camping areas. The fee was raised from \$3 to \$5 to reflect the higher cost of cleanup associated with horses.

- **Camping Flat Rates:** The most significant change proposed in the new schedule is the shift from park specific camping fees to more general one based on campsite amenities. Several new line items pertaining to camping related rentals at Lake Nacimiento and Lake San Antonio were added

It should be noted that campsites for hikers/bikers were previously not addressed in the fee schedule and are being proposed in this resolution. See below for details.

- **Boating Fees:** Section 4 was added to the fee schedule in order to cover boat rentals available at Lakes Nacimiento and San Antonio. Several boating related items that are currently under general provisions section are moved to this section.
- **Lodging:** Section 5 was added to the fee schedule in order to cover lodging rentals available at Lakes Nacimiento and San Antonio.
- **Group Picnic Area Rentals:** This modification condenses the existing 18 line items pertaining to group picnic area rentals down to 8 items. Rental fees are organized by seating capacity into categories ranging from small (max 50 people) to XX-Large (max 500 people). Staff recommends this organization rather than site-specific fees because it will easily accommodate additions or deletions of County picnic areas without the need to amend the fee schedule.

The fee units pertaining to group picnic areas were also modified to remove the references to vehicle entry as

The line items pertaining to deposits were renamed “Damage Deposit” and were reorganized into three categories, based on the maximum occupancy of the picnic area.

- **Building Rentals:** This modification condenses the existing 5 line items pertaining to building rentals down to 3 items, excluding Laguna Seca and Lakes. Rental fees are organized by seating capacity into categories ranging from small (max 25 people) to Extra-Large (max 400 people). Staff recommends this organization rather than site-specific fees because it will easily accommodate additions or deletions of County parks buildings without the need to amend the fee schedule.
- **Laguna Seca Race Track Rentals:** In this section, the fees were raised slightly to account for inflation and rising upkeep and staffing costs.
- **Laguna Seca Rifle and Pistol Range:** In this section, the fee amounts are modified as follows:
 - First Hour → raised from \$11 to \$15
 - Test Fire - 10 minutes → raised from \$7.50 to \$8
 - Club Event → raised from \$10 to \$15 per person
- **Photography:** Section 9, Item A. of the current fee schedule was modified to raise the fee from \$100 to \$500. The unit was clarified to apply to the calendar year from January to December and the reference to an included vehicle was removed as the entry fee structure has changed to a per person, instead of per vehicle charge. The cost for the annual photography permit now will include an annual day use pass. Each existing line item in Section 9 was clarified to specify that the fee applies to commercial, or “for-profit”, photography as opposed to recreational or nonprofit. See below for details on new fees

established for nonprofit photography. It should be noted that this fee does not apply to drone photography. Per a pending update to the County Park ordinance, Chapter 14.12, use of unmanned aircraft systems (drones) of any size is not allowed without special written approval from the RMA Director.

This resolution seeks to establish new fees. The new fees established in this resolution are as follows:

- **Security:** This fee was added to recover costs when the nature of park use is such that additional security is necessary (e.g. alcohol permits, large parties). The rate and unit charged for this service is established by the County's current agreement with a private security company. The schedule of current rates is included as an attachment to this report.
- **Chemical Toilets and Handwashing Stations:** This fee was added to recover costs when portable sanitation facilities must be rented to accommodate crowds more than what can be serviced by existing park restroom facilities infrastructure. The rate and unit charged for this service will be negotiated per special event.
- **Annual Day Use Pass - Park Specific:** This fee was added to provide a new annual park pass option to the public. For the \$40 fee, a member of the public can choose one park (Toro, Royal Oaks, Jack's Peak or San Lorenzo) for unlimited visits from January to December. It should be noted that this fee was added in part due to the direction provided from the Board upon the adoption of the last update to the parks fee schedule in Resolution 14-093 on September 30, 2014.
- **Campsite -Hiker/Biker:** This fee is established to allow for a new type of camping in San Lorenzo Park and potentially at the Lakes. To meet demand for camping in peak times, RMA-Parks would like to offer camping outside the developed campsites, but within designated areas, to visitors entering the park on foot or by non-motorized bicycles. RMA intends to establish written procedures regarding Hiker/Biker camping and will not implement this fee until the procedures have been established. The \$15 fee would cover the costs of facility use by this type of visitor and would not include vehicle entry to the park.
- **Sports Equipment Rental:** This fee was added to recover costs associated with the rental and upkeep of sports equipment, such as soccer balls, volleyballs and horseshoes. Prior practice was the Parks Foundation administered sports equipment rental, however the sustainability of this arrangement is no longer feasible and as such the Department will be taking on this responsibility.
- **Volleyball Net Rental:** This fee was added separately from the above referenced sports equipment rental line item above due to the higher cost of volleyball nets in comparison to other sports equipment rented at County parks.
- **Nonprofit Photography:** Section 9 of the current fee schedule was expanded to include four new fee items related to nonprofit photography and filming. The current fee schedule does not distinguish between commercial and nonprofit photography. Under the proposed schedule, nonprofit portrait photography, still photography, television advertisements/videos or movie/television productions would be charged a fee that is 50% lower than that of commercial.

Parks fees are authorized by state law (Government Code section 66014). The proposed fee amendments are not a "tax" and are exempt from voter approval under section 1(e)(1)-(3), (5) and (6) of Article XIII C of the California Constitution (Proposition 26, excepting certain fees and charges from the definition of "tax".)

OTHER AGENCY INVOLVEMENT:

RMA-Parks worked with the Office of County Counsel, the Office of the County Administrative Office, the Parks Commission, in the preparation of the amendments to the fee articles and this report. However, County

Counsel did not complete their review of the report prior to publication.

To ensure fees proposed are reasonable, staff compiled a comparative analysis of fees established in comparable jurisdictions. These jurisdictions included Santa Clara County, Santa Cruz County, San Luis Obispo County, the City of Monterey, Point Lobos State Park, Salinas County Fairgrounds in King City, private RV parks, Shasta-Trinity State Park, and the City of Hollister. While none of the jurisdiction were able to provide comparable data for every line item in Article V, staff was able to gather three to four comparable data points for most line items from across all of these jurisdictions. It should be noted that staff did not research comparable data for Laguna Seca Track Rental Fees, Lodging, or Boating as these functions are not directly managed by the RMA.

FINANCING:

Staff acknowledges that user fees are established to offset some or all the cost of services. Staff is recommending the adoption of the proposed changes to the fee schedule while data collection is underway. Based on an analysis of current unmet financial obligations of parks services and a comparative analysis of comparable jurisdictions, staff is confident that the proposed fees are based on a reasonable estimate for providing parks services.

RMA intends to bring a future update to the fee schedule that will reflect Board of Supervisors' General Financial Policy number 7.4, User Fees, directing that *"all fees be reviewed as necessary and adjusted (as necessary). The full cost of providing a service is calculated to provide a basis for setting the charge or fee. Full cost incorporates direct and indirect costs, including operations and maintenance, overhead, charges for the use of capital facilities, as well as depreciation."*

EFFECTIVE DATE:

Park fees take effect 30 days after adoption of the Fee Article amendments.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Parks are intended to provide a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general. Parks require a certain level of financial stability to continue offering opportunities for outdoor recreation and green space, in support of healthy lifestyles and the environment. Establishing appropriate Park fees ensures that RMA can respond to customer preferences and recover costs for the use of parks infrastructure.

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

Attachments:

- A. Board Approved Parks Fee Article V September 30, 2014
- B. Proposed Parks Fee Article V
- C. Article V Current vs Proposed Comparison Matrix
- D. Fee schedules of comparable jurisdictions

E. Current Rate Sheets for Security Guards and Portable Sanitation Facilities

Cc list: Carl P. Holm, AICP, RMA Director, Nick Chiulos, Assistant CAO, Cam Sanchez, RMA-Parks Interim Chief, Lucila Sanchez, CAO Budget & Analysis, Kelly Donlon, Deputy County Counsel