ORDER 21-2

ORDER OF THE DIRECTOR OF EMERGENCY SERVICES (MONTEREY CITY MANAGER)
REOPENING ALL PARKS AND PLAYGROUNDS UNDER CERTAIN CONDITIONS

WHEREAS, pursuant to Government Code section 38791, the City Council may provide for a chief executive who, during period of great public calamity such as an epidemic, has complete authority over the City and the right to exercise all police power vested in the city by the Constitution and general laws;

WHEREAS, Section 11-4(b)(4) of the Monterey City Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session;

WHEREAS, Monterey City Code section 11-4(b)(9) states that the Director of Emergency Services shall have the power during a proclaimed emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property which are or may be affected by the emergency, including the temporary suspension of local ordinances and regulations, provided that such actions shall be confirmed at the earliest practical time by the City Council;

WHEREAS, on March 4, 2020, the State of California proclaimed a state of emergency related to the COVID-19 pandemic;

WHEREAS, on March 10, 2020 the County of Monterey declared a local emergency related to the COVID-19 pandemic;

WHEREAS, on March 13, 2020, the City Manager as the Director of Emergency Services of the City of Monterey, proclaimed the existence of a local emergency related to the COVID-19 pandemic;

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 20-033 ratifying said emergency Proclamation;

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence, except as outlined by the California Department of Public Health (CDPH), during the
COVID-19 pandemic for the preservation of public health and safety throughout California and to ensure that the healthcare delivery systems is capable of serving all, including those at higher risk and the most vulnerable. Executive Order N-33-20 requires all Californians to heed the state public health directives;

WHEREAS, on April 29, 2020, the City Manager as the Director of Emergency Services of the City of Monterey, issued an order closing City parks and beaches. This order was amended on May 8, 2020, and was ratified by the City Council with its adoption of Resolution 20-065. Beach closure orders terminated on or before September 22, 2020;

WHEREAS, on November 6, 2020, the City Manager as the Director of Emergency Services of the City of Monterey, issued an order opening parks with some exceptions and closing certain park facilities, and was ratified by the City Council with its adoption of Resolution 20-176. This order was amended on December 4, 2020, and was ratified by the City Council with its adoption of Resolution 20-194;

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20, requiring all residents to continue to obey State public health directives. On August 28, 2020, the State of California’s Acting Public Health Officer issued an order known as California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe (“Order”). The Monterey County Public Health Officer’s Order of May 26, 2020 incorporates all orders of the State Public Health Officer;

WHEREAS, pursuant to CDPH guidance, campgrounds, outdoor recreation, skateparks, and outdoor playgrounds can open with modifications;

WHEREAS, on February 19, 2021, CDPH issued a document titled “Outdoor and Indoor Youth and Recreational Adult Sports,” providing guidance effective February 26, 2021 for outdoor and indoor youth and recreational adult sports activities to support a safe environment, which was updated on March 5, 2021 and April 6, 2021;

WHEREAS, on March 5, 2021, the City Manager as the Director of Emergency Services of the City of Monterey, issued Order 21-01 reopening sports fields and playgrounds with some exceptions, and was ratified by the City Council with its adoption of Resolution 21-031;

WHEREAS, on April 2, 2021, CDPH issued an update to “Activity and Business Tiers” under the “Blueprint for a Safer Economy,” which allows social, informal gatherings without testing or vaccinations in an outdoor environment for groups of up to 50 people in the Moderate (Orange) Tier and groups of up to 100 people in the Minimal (Yellow) Tier;

WHEREAS, the Dennis the Menace Playground Parking Lot has been continuously used every Monday from 8:00 a.m. to 1:00 p.m. for produce and food distribution since June 2020 under
a partnership between the City of Monterey’s Recreation Division and Food Bank for Monterey County, and volunteers from the California National Guard since March 29, 2021;

WHEREAS, according to the Monterey County Daily Situation Report dated April 8, 2021, there were 43,063 confirmed cases of COVID-19, 16 cases of current hospitalizations, 344 fatalities, and 42,954 released from isolation in the County;

WHEREAS, as of April 8, 2021, the California Department of Public Health is listed on the COVID-19 County Data Monitoring List categorized as “Moderate,” since Monterey County has an adjusted case rate of 3.5 new COVID-19 cases per day per 100,000 population, a positivity rate of 1.5% (7-day average), and health equity quartile positivity rate of 2.4%; and

WHEREAS, the City recognizes the benefits of exercise and the importance of maintaining access to parks for mental, physical, and emotional health, however, this Order is necessary to reduce crowding, public gatherings, and the risk of transmission of COVID-19. The use of certain park amenities impedes community efforts to stem the local transmission of COVID-19.

NOW, THEREFORE, IT IS HEREBY ORDERED:

SECTION 1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this Order.

SECTION 2. Parks.
(a) Open Parks. Except where limited or prohibited by Sections (b), (c), and (d) below, all parks are open to the public during the opening hours posted pursuant to City Code section 23-5.
(b) Open Ballfields for Permitted Users Only. The following ballparks are open to organized youth sports and adult recreation users who strictly adhere to the CDPH’s February 19, 2021 “Outdoor and Indoor Youth and Recreational Adult Sports” guidance, as updated on March 5, 2021 and April 6, 2021, and as may be further amended or superseded, and have received a permit from the Parks and Recreation Department:
   1. Frank E. Sollecito, Jr. Ballpark
   2. Jacks Ballpark
   3. Peter J. Ferrante Ballpark
   4. Peter J. Aldrete Ballfield (at Via Paraiso Park)
(c) Open Park Facilities for Permitted Users Only. The following park facilities are open to organized youth sports and adult recreation users who strictly adhere to the CDPH’s February 19, 2021 “Outdoor and Indoor Youth and Recreational Adult Sports” guidance, as updated on March 5, 2021 and April 6, 2021, and as may be further amended or superseded, and have received a permit from the Parks and Recreation Department:
   1. Laguna Grande Soccer Field (at Laguna Grande Park)
2. Beach volleyball courts (at Monterey Bay Park)
3. Artificial turf volleyball courts at Montecito and Laguna Grande Parks

(d) Reopened Park Facilities. The following park facilities will reopen:
   1. basketball courts will reopen effective April 9, 2021.
   2. picnic tables will reopen by permit only effective April 15, 2021.
   3. group barbeque areas will reopen by permit only effective April 15, 2021.

SECTION 3. Playgrounds.
(a) Open Playgrounds. All playgrounds are open to the public during the opening hours posted pursuant to City Code section 23-5, except Dennis the Menace Playground, which starting on April 20, 2021 shall be open from 10 a.m. to Sunset Tuesday through Sunday, and 1 p.m. to Sunset on Mondays. For purposes of this section, Sunset means as defined by the National Oceanic & Atmospheric Administration’s Global Monitoring Laboratory:

(b) It is unlawful for any person to enter or remain on the premises of any closed City playground.

SECTION 4. Campgrounds. Veteran’s Memorial Park Campground was reopened to the public on January 29, 2021, following the Governor’s Limited Stay Home Order which began November 21, 2020 and ended January 25, 2021.

SECTION 5. Enforcement. Any person who violates this Order shall be subject to administrative citation under City Code section 1-9 through 1-9.12. The fine amount for the first violation is $100, the second violation is $150, and the third violation is $200.

SECTION 6. Effective Date. This Order shall be effective at 5:00 p.m. on April 9, 2021, unless otherwise specified, and it may be suspended or amended as circumstances dictate, unless terminated sooner by the City Manager.

SECTION 7. Severability. If any section, subsection, clause or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Order.

SECTION 8. This order supersedes and terminates Order 21-01.

SECTION 9. This order takes precedence over ordinances and resolutions in conflict herewith.

IT IS FURTHER ORDERED that the Director of Emergency Services shall request that the City Council confirm this Order at the earliest practical time.
April 9, 2021 at 4:50 p.m.

Nat Rojanasathira, Assistant City Manager