

Office of the County Auditor

Auditor's Analysis

Council Bill No. 49-2021

Introduced: June 7, 2021

Auditor: Owen Clark

Fiscal Impact:

Our Office cannot determine the fiscal impact of this legislation because we are unable to estimate if the future revenues generated from the resulting permit fees and penalties will be sufficient to cover, or exceed, the costs of administering the associated activities.

The Department of Recreation and Parks (DRP) has informed our Office that permit fee revenues resulting from this legislation are intended to cover the cost of administering the permitted activity. However, permit fees are set based on the market value (which is determined by comparing to other jurisdictions), and non-profit entities are charged a reduced permit fee.

The DRP has also indicated that:

- Permit fee and enforcement revenues will be collected in the Recreation and Parks Fund.
- There is no estimate of future enforcement revenues. However, civil citations related to Title 19 in FY 2019 and FY 2020 resulted in \$1,000 each year.

Purpose:

This legislation revises “Title 19 - Recreation and Parks” of the County Code so it is up to date with current recreational trends and changes in technology. Per the Administration, revisions were made after a comprehensive review of the Subtitle with the Office of Law. Notable revisions include:

- Referencing the County’s public policy on equal opportunity and anti-discrimination.
- Updating the list of activities requiring a business permit.
- Regulating the use of technological advancements on park property, including electric bikes and scooters, drones, off-road vehicles, and vaping.
- Enhanced regulations of cultural and historic resources and domesticated animals.
- Strengthened enforcement provisions that include the right to temporarily ban individuals from park land, add penalties for new permitted activities, and increase certain penalties.

Other Comments:

As noted above, the revenues and expenditures that may result from this legislation will be recognized in the Recreation and Parks Fund. This fund experienced an excess (or deficiency) of

revenues over expenditures in Fiscal Years 2019 and 2020 of \$1,103,461 and (\$1,642,721) respectively.

Per the DRP, the revisions to add or amend the permitted activities in “Section 19.205 – Permits” are being made to simply codify the current practice.

Revisions to the existing civil penalties in “Section 19.210 – Enforcement” were made for the following reasons, according to the DRP:

- 19.205(b) – Permits, Reserved Use of Park Property - This is being changed because the existing fine was less than the permit fee.
- 19.205(c) (3) – Permits, Businesses - This is being changed because of the increased frequency of unpermitted vendors operating in the park system.
- 19.207(I) – Recreational Activities, Wading - This is being added to clarify the discrepancy between wading and swimming.
- 19.208(g) – Conduct on Park Property, Interference with Duties of County Personnel - This is being changed because of the increased incidents involving staff obtaining peace orders.
- 19.208(h) – Conduct on Park Property, Interference with Other Individuals - This is being changed because of the increase of patron vs patron issues.