

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ESTABLISHING SEWER FEES AND ESTABLISHING AN OPERATIVE DATE THEREFOR**

**Summary Statement:**

On June 22, 2007, the Victor Valley Waste Water Reclamation Authority (VWVRA) approved an increase in the sewer user charge for member agencies for the fiscal year 2007-2008 from \$7.93 to \$9.91 per equivalent dwelling unit (EDU) per month, an increase of \$1.98. The VWVRA increase was to off-set subsidies used to maintain the facility, and to further avoid depleting fund balance to operate and maintain the waste water facility. This is the first significant increase in sewer user fees implemented by VWVRA since 1995.

Currently the Town charges sewer users Sixteen Dollars (\$16.00) per EDU. The fee will now be increased to an amount of Seventeen Dollars and Ninety-Eight Cents (\$17.98). Passing through the VWVRA's \$1.98 increase will allow the Town to recapture its increased cost for waste water treatment and will result in no gain or loss to the town.

(continued)

**Recommended Action:**

1. Open the public hearing for Resolution 2008-04
2. Determine whether a majority protest exists, and
3. If no majority protest exists, adopt Resolution 2008-12, revising the sewer user fees for the use of Town sewers and rescinding Ordinance 135 in its entirety.

**Proposed by:** William Pattison, Finance Director/Treasurer Item Number \_\_\_\_\_

**T. M. Approval:** \_\_\_\_\_ Budgeted Item  Yes  No  N/A

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On January 8, 2008, the Town Council voted to approve Town Council Resolution 2008-04, titled "Resolution of the Town Council of the Town of Apple Valley setting the time and place for a public hearing on the sewer fee increase in an amount of one dollar – ninety eight cents (\$1.98) per equivalent dwelling unit per month and directing staff to proceed with the special notice required by law." Pursuant to Section 6, of Article XIII(D) (Proposition 218), on January 11, 2008, Six Thousand Eight Hundred and Eleven (6,811) written notices were sent out to property owners notifying them of this hearing and their right to protest the Proposed Fee Increase. On February 22, 2008 and on February 29, 2008, proper notice was placed in the Daily Press newspaper notifying them of this hearing. The Town has complied with the notice, protest and hearing requirements of Proposition 218 with respect to the Proposed Fee Increase.

If the protests submitted in opposition to the Proposed Fee Increase **are not** greater than the majority of the parcels subject to the Proposed Fee Increase, a majority protest does not exist and the Town Council may adopt Resolution 2008-11.

If the protests submitted in opposition to the Proposed Fee Increase **are** greater than the majority of the parcels subject to the Proposed Fee Increase, a majority protest does exist and the Town Council must deny Resolution 2008-11.

## RESOLUTION NO. 2008-12

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ESTABLISHING SEWER FEES AND ESTABLISHING AN OPERATIVE DATE THEREFOR

The Town Council of the Town of Apple Valley does ordain as follows:

#### **Section 1: Sewer User Fees**

- (a) Each unit designed for single family occupancy, each residential unit within a multiple family development, and each mobile home unit will be assessed at the rate of \$17.98 per unit per month effective March 11, 2008.
- (b) Each commercial shop or office with individual restroom facilities will be assessed at the rate of \$17.98 per unit per month plus \$.90 per fixture unit in excess of twenty (20) fixture units effective March 11, 2008.
- (c) Commercial or industrial shops or office with public and/or centralized sewer use facilities will be assessed a minimum of \$17.98 per month plus \$.90 per fixture unit in excess of twenty (20) fixture units effective March 11, 2008.
- (d) Schools' monthly user fees will be calculated on the basis of total annual enrollment (including faculty) whereby twenty-three (23) students and/or faculty equals one (1) EDU, which is defined as twenty (20) fixture units which will be assessed at the rate of \$17.98 per EDU per month effective March 11, 2008.
- (e) The Sewer User Charge will be collected by the Town on a bimonthly basis for residential service and all others will be collected on a monthly basis.

#### **Section 2: Repeal of Ordinance No. 135**

Ordinance No. 135, adopted on May 24, 1994, which previously established miscellaneous water and sewer charges, is hereby repealed upon the adoption of Resolution 2008-11.

#### **Section 3: Effective Date**

This Resolution shall become effective March 11, 2008. Section 1 of this Resolution shall become operative on April 1, 2008.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley  
this 11<sup>th</sup> day of March, 2008.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
TOWN CLERK