



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** February 11, 2014

From: Ralph Wright **Item No:** 8
Parks and Recreation Manager

Subject: **ADOPT RESOLUTION NO. 2014-05 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ESTABLISHING SPECIFIED PROGRAM FEES FOR CERTAIN PARK AND RECREATION SERVICES FOR THE 2013-14 FISCAL YEAR.**

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

RECOMMENDED ACTION:

**Move to open the public hearing and take testimony.
Close the public hearing. Then:**

Adopt Resolution No. 2014-05, A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified Program Fees for Certain Park and Recreation Services for 2013-2014 Fiscal Year.

SUMMARY:

The Recreation Department is recommending the modification of Parks and Recreation program fees within the aquatic's programming area for its lifeguard training class and its semi-private and private swim lessons program. The Park and Recreation Commission approved these fees with a 5-0-0-0 vote at their meeting on December 5, 2013. Attached as Exhibit A, is a worksheet that identifies the existing program fees, proposed new fees and anticipated participation numbers are for each program area.

For the **lifeguard training program**, additional requirements and training have been added to the program based on adopted State training requirements. This additional training significantly increases the training hours required affecting the overall cost of program implementation. Additionally, there are increases to the certification fees with the American Red Cross.

For the **semi-private** and **private swim lessons**, staff has evaluated the last six months of the completed lessons offered and is recommending a nominal increase to ensure the program fee covers the direct operating costs for the program.

A notice of Public Hearing was advertised in the Apple Valley News on January 24 and January 31, 2014.

BACKGROUND:

In accordance with the department's program offering budgeting policy, all youth programs fees are developed in a manner that ensures the adopted fee cover all of the direct costs of programming and an additional 10% to aid in the offset of indirect costs. The proposed increases to both programs are a direct result of increased cost of operations.

A notice of Public Hearing was advertised in the Apple Valley news on January 24 and January 31, 2014.

FISCAL IMPACT:

The proposed increase in the program fees will directly offset projected operational increases in the programs.

ATTACHMENTS:

EXHIBIT A – Existing and proposed fee table

RESOLUTION No. 2014-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ESTABLISHING SPECIFIED PROGRAM FEES FOR CERTAIN PARK and RECREATION SERVICES

WHEREAS, the Town Council of the Town of Apple Valley has previously adopted schedules for various services, materials and mitigations provided by the Town specifying that the cost of rendering such services, materials or mitigations should be borne by the beneficiaries of same; and

WHEREAS, the Town wishes to comply both with the letter and the spirit of Article XIII B of the California Constitution and limit the growth of taxes; and

WHEREAS, the Town desires to maintain a policy of recovering the full costs reasonably borne of providing park and recreation services of a voluntary and limited nature, and including costs of preparing for hearing and adoption and administering of fees, such that general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, pursuant to law, the specific fees to be charged for services may be adopted by a resolution, after providing notice and holding a public hearing; and

WHEREAS, on January 24 and January 31, 2014 notice of the public hearing, including notices of possible changes to the Town of Apple Valley Fee Schedule and a general explanation of the matter to be considered were duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed changes to the adopted Apple Valley Fee Schedule is not defined as a project and is, therefore, EXEMPT from further environmental review; and

WHEREAS, on February 11, 2014, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on the proposed additions to the Apple Valley Fee Schedule for such services, materials and mitigations, so as to fully compensate the Town for furnishing such services, materials and mitigations, receiving testimony from the public; and

WHEREAS, Beginning on July 1st of each future year the fees contained herein shall continue to be automatically adjusted by a percentage amount that is equal to or less than, as determined annually by the Town Council, the change to the Consumer Price Index, using the Los Angeles-Riverside-Orange County Consumer price Index for Urban Wage Earners and Clerical Earners for the previous twelve (12) month period (March to March). In compliance with State law, these fee increases shall only be implemented to the extent that a fee study justifies the actual Town cost in providing these services warrants these increases. Said fee study shall be filed with the Town Clerk at least (60) days prior to July 1st of each year; and

WHEREAS, amending the Apple Valley Fee Schedule is consistent with the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, it is the intention of the Town Council to develop certain revisions to its schedule of park and recreation fees and charges based on the Town's budgeted and projected costs for providing such programs reasonably borne for the ensuing fiscal year; and

WHEREAS, the Town has made available to the public data indicating the amount of cost, or estimated cost, required to provide the services for which the fees and service charges are levied and the revenue sources anticipated to provide the services; and

WHEREAS, all requirements of California law are hereby found to have been complied with in and for these proceedings;

NOW, THEREFORE, BE IT RESOLVED that, in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, finds, determines and orders as follows:

Section 1. That the changes proposed to the Apple Valley Fee Schedule are consistent with the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. That, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed changes to the adopted Apple Valley Fee Schedule are not defined as a project and are, therefore, EXEMPT from further environmental review.

Section 3. The amendments to the schedule of fees for various services, materials and mitigations provided by the Town of Apple Valley attached as "Exhibit A", hereto, which amend and add to a portion of the Schedule of Fees originally adopted by Council Resolution No. 2014-05, are hereby approved and adopted.

Section 4. Prior enactments of the Town Council establishing fees and charges for services, materials and mitigations, identified within Exhibit A", attached hereto, are hereby amended to the extent that such prior enactments duplicate or are inconsistent with fees and charges established hereby; except as so amended, fees and charges for services, materials or mitigations in effect prior to adoption of this resolution and not amended hereby shall remain in effect.

Section 5. Severability; If any provision of this Resolution or the application thereof to any person or circumstances held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Resolution are declared to be severable.

Section 6. Except where the minimum effective date is otherwise prescribed by law, unless otherwise prescribed in Exhibit A hereto, the fees approved, increased and established herein shall become effective on February 12, 2014.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 11th day of February, 2014.

Art Bishop, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

EXHIBIT A -

Aquatic's Fees			
Program	Current Fee	proposed new fee	Anticipated participation
Lifeguard Training	\$165.00	\$200.00	35
Swim Lessons			
Semi-private	\$50.00	\$55.00	130
Private	\$80.00	\$88.00	120