



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** June 24, 2014
From: Marc Puckett, Assistant Town Manager **Item No:** 12
Subject: ADOPT RESOLUTION NO. 2014-22 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING AND ESTABLISHING SEWER CONNECTION FEES AS SPECIFIED TO RECOVER THE COSTS TO THE TOWN AND THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY (VWRA) FOR FUTURE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AND IMPROVEMENTS

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

RECOMMENDED ACTION:

Adopt Resolution No. 2014-22 amending and establishing sewer connection fees as specified.

SUMMARY:

On May 26, 1983, the Victor Valley Wastewater Reclamation Authority (VWRA) established and imposed a schedule of fees for the connection of real property to the VWRA system ("Connection Fee Schedule"). The funds collected pursuant to the Connection Fee Schedule are used to pay for capital improvements to the VWRA sewerage system that are designed and constructed for the purpose of increasing the capacity of the VWRA sewerage system to meet growth.

For Building Permits issued within areas of the Town served by the sewer system, a connection fee per Equivalent Dwelling Unit (EDU) or Fixture Unit (FU) has been established by VWRA. The determination of EDU's is based on a uniform schedule furnished by VWRA. This connection fee is collected by the Town on behalf of VWRA and remitted to them to meet future capacity needs of the sewer system. This regional connection fee is subject to change by the VWRA Commission.

The Town as a member of VWRA, is required to collect the sewer connection fee and pass it through to the VWRA. Although VWRA has represented that they have complied with all requirements pursuant to Section 6 of Article XIII(D) of the California Constitution, otherwise known as Prop. 218, regarding notice, hearing and protest procedures, Town Council is still required to pass a resolution in order to authorize the Town to collect the connection fees and pass those fees through to VWRA. Should the Council choose not to adopt the resolution, the

Town is still legally obligated to pay VVWRA the higher connection fee but would not be authorized to collect the higher fee from its residents and ratepayers.

The Board of Commissioners of VVWRA amended and adopted Ordinance No. 002 at its meeting held on March 20, 2014 which established a revised sewer capacity or connection fee schedule effective July 1, 2014. This action increased the connection fee from \$3,750 to \$4,000 or from \$187.50 to \$200.00 per EDU. The sewer connection fee is calculated based upon 20 EDUs.

The attached Resolution 2014-22 authorizes the Town to collect the revised connection fee from residents and ratepayers. If Town Council adopts the resolution, the proposed connection fees would become effective on July 1, 2014. The last sewer connection fee increase adopted by Town Council was on September 8, 2009.

CONCLUSION:

Staff recommends approval and adoption of the attached Resolution 2014-22 establishing sewer connection fees as specified to recover the costs to the Town and VVWRA for future construction of public infrastructure and improvements effective on and after July 1, 2014.

ATTACHMENTS:

1. Resolution Number 2014-22
2. VVWRA Notice of Public Hearing

RESOLUTION 2014-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING SEWER CONNECTION FEES AS SPECIFIED TO RECOVER THE COSTS TO THE TOWN AND THE VICTOR VALLEY WATER RECLAMATION AUTHORITY (VWRA) FOR FUTURE CONSTRUCTION OF PUBLIC INFRASTRUCTURE FACILITIES AND IMPROVEMENTS

WHEREAS, The Town of Apple Valley is a member of the Victor Valley Wastewater Reclamation Authority (VWRA), and;

WHEREAS, The Town of Apple Valley collects and passes-through Sewer Connection Fees to the Victor Valley Wastewater Reclamation Authority (VWRA), and;

WHEREAS, Ordinance No. 002, first adopted May 26, 1983 by the Board of Commissioners (Commission) of the Victor Valley Wastewater Reclamation Authority (VWRA), establishes and imposes a schedule of fees for the connection of real property to the VWRA sewerage system ("Connection Fee Schedule"), and;

WHEREAS, the funds collected pursuant to the Connection Fee Schedule as outlined in Table 1 of Ordinance No. 002 are used to pay for capital improvements to the VWRA sewerage system that are designed and constructed for the purpose of increasing the capacity of the VWRA sewerage system to meet growth, and;

WHEREAS, the Sewer Connection fees outlined in Table 1 were increased from \$3,750 to \$4,000 or from \$187.50 to \$200.00 based upon 20 equivalent dwelling units by the VWRA Board of Commissioners at a Public Hearing held on March 20, 2014 and Ordinance No. 002 was amended and adopted as revised, and;

WHEREAS, the effective date for such increase is July 1, 2014, and;

WHEREAS, the VWRA has represented it has complied with Section 6 of Article XIII(D) of the California Constitution regarding the notice, hearing and protest procedures, and;

WHEREAS, the Town also desires to comply with any actions that may be required pursuant to Section 6 of Article XIII(D) of the California Constitution regarding the notice, hearing and protest procedures.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Apple Valley, California does hereby ordain as follows:

SECTION 1. Effective June 25, 2014, Resolution 2014-22, is hereby adopted in its entirety with the language set forth below.

SECTION 2. This Resolution shall take effect on the day following its adoption. The Resolution or a summary of it was published in a newspaper of general circulation within the boundaries of the Town of Apple Valley on June 13 and June 27, 2014.

SECTION 3. The Mayor shall sign this Resolution and the Town Clerk shall attest and certify to the passage and adoption thereof.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley, this 24th day of June, 2014.

Art Bishop, Mayor

ATTEST:

LaVonda Pearson, Town Clerk

VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY

NOTICE OF PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that the Board of Commissioners of the Victor Valley Wastewater Reclamation Authority (VWVRA) will conduct public hearings in Room 146 at the VWVRA Administrative Offices located at 15776 Main Street, Hesperia, CA 92345, on Thursday, March 20, 2014 at 9:00 a.m. or thereafter upon the following:

- (1) Second Reading and Adoption of Ordinance No. 001 – Establishment of Rates and Charges for Operation and Maintenance of the Regional Wastewater System of the Victor Valley Wastewater Reclamation Authority (VWVRA). As presently proposed, the adoption of Ordinance No. 001F will increase the current VWVRA Sewer User Fee Schedule from Two Thousand Five Hundred Twenty-eight Dollars (\$2,528.00) per million gallons to Three Thousand Five Hundred and Three Dollars (\$3,503.00) per million gallons, effective July 1, 2014 through annual increments over a four-year period.**

- (2) Second Reading and Adoption of Ordinance No. 002 – The adoption of Ordinance No. 002 of the Victor Valley Wastewater Reclamation Authority (VWVRA) to increase the amount of the fees collected by VWVRA for real property that connects and discharges wastewater to the VWVRA sewerage system (Capacity Fee Schedule/Connection Fee Schedule). The adoption of Ordinance 002 will increase the current Capacity Fee/Connection Fee Schedule from \$3,750 (Thirty-seven hundred and fifty dollars and no cents) to \$4,000 (Four Thousand dollars and no cents) per EDU (Equivalent Dwelling Unit) effective July 1, 2014.**

This will be a public hearing and you are invited to attend and comment on the proposed actions described above. The study supporting the user fee increase is available at the front desk at the VWVRA Administrative Offices at the address set forth above. If you challenge any action related to the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing. If you have written comments that you wish to submit, please deliver them to Logan R. Olds, VWVRA General Manager, 15776 Main Street, Suite 3, Hesperia, CA 92345, on or before the date of the public hearing. If you have questions about this notice or the proposed actions, please call Mr. Olds at (760) 948-9849. Documentation supporting the proposed fees and charges will be available for public review, at least ten days prior to the public hearing, at the Victor Valley Wastewater Reclamation Authority Administrative Offices, 15776 Main Street, Suite 3, Hesperia, CA 92345.

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