

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING SPECIFIED USER AND PROGRAM FEES FOR CERTAIN PARK AND RECREATION SERVICES AS DESCRIBED IN THE PARK AND RECREATION FUND ANALYSIS

SUMMARY STATEMENT

These fees, as amended, were part of the Category A recommendations described in the Park and Recreation Fund Analysis that was approved by the Park and Recreation Commission at their May 1, 2008 meeting and by the Town Council at their May 13, 2008 meeting. Exhibit A is a worksheet that identifies the program and the amended fee.

A notice of Public Hearing was advertised in the Apple Valley News on June 6, 2008 and June 13, 2008.

Recommended Action:

Adopt Resolution 2008-29, A Resolution of the Town Council of the Town of Apple Valley, California, Amending Specified user and Program Fees for Certain Park and Recreation Services as Described in the Park and Recreation Fund Analysis.

Proposed by: Ralph Wright, Community Services Manager **Item Number** _____

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

RESOLUTION No. 2008-29

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING SPECIFIED USER AND PROGRAM FEES FOR CERTAIN PARK and RECREATION SERVICES AS DESCRIBED IN THE PARK and RECREATION FUND ANALYSIS

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, the Town of Apple Valley has conducted an extensive and exhaustive analysis of certain Park and Recreation Services, the costs reasonably borne of providing those services, the beneficiaries of those services, and the revenues produced by those paying fees, contained in a document prepared by Town Staff titled "Park and Recreation Fund Analysis" ; and

WHEREAS, the "Park and Recreation Fund Analysis" and the recommendations therein were approved by the Town Council of Apple Valley on May 13, 2008; 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 June 6, 2008 and June 13, 2008, 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 June 24, 2008 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on the proposed additions and/or revisions 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. 2005-21, 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 August 1, 2008.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 24th day of June, 2008.

Tim Jasper, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Neal Singer, Town Attorney

Jim Cox, Town Manager

EXHIBIT A (Resolution 2008-29)
Amended Park and Recreation Fees

Program Fees*	Proposed Fee
After School Activities Program-ASAP (Per week)	\$30.00
Day Camp -- Full Time (Per Week)	\$80.00
Day Camp -- 3 Days (Per Week)	\$53.00
Day Camp -- 1/2 Days (Per Week)	\$48.00
CAVE -- Full Time (Per Week)	\$80.00
CAVE -- 3 Days (Per Week)	\$53.00
CAVE -- 1/2 Days (Per Week)	\$48.00
Adult Softball	\$315.00 per team
Birthday Party Packages without food	\$100.00
Skate-Park Birthday Party Packages	\$100.00
Birthday Party Packages with food	\$130.00
Adult Basketball	\$300 per team
Youth Flag Football	\$40.00
Softball Tournament Fee	\$200.00
Lap Swim	\$3.00
Lap Swim Pass -- 5 Session	\$15.00
Lap Swim Pass -- 15 Session	\$36.00
Lap Swim Pass -- 30 Session	\$69.00
5k / 10k Runs pre-registration	\$15.00
5k / 10k Runs on-site registration	\$18.00
Mudfest	\$40.00 per team

All program fees are per event or session unless otherwise noted

Facility Rental Fees	Proposed Fee
Ballfield Light Fee for Adult Users	\$18 per hour

Council Meeting Date: 06/24/08