

**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 FEES FOR THE APPLE VALLEY GOLF CLUB

SUMMARY STATEMENT

The Town of Apple Valley began management of the Apple Valley Country Club (AVCC) December 10, 2008. The operations of the Golf Club are directed by Landmark LLC.

Promotional fees were adopted by Resolution 2008-67. After several months of operations staff is requesting a modification to the initial rate schedule. The existing and proposed rates are shown on the following page.

Currently there is an agreement in place between the Town and the AVCC Equity Members to pay the Town \$50 per month to use their personal golf carts on the course with the proper insurance certificates. Staff is recommending that this fee be suspended, there is a benefit to the Town in that the number of carts that are required to be leased are reduced creating a savings to the Town.

Staff is also recommending suspending the charge for carts as proposed in the attached rate schedule.

(continued)

Recommended Action:

Adopt Resolution 2009-12, a Resolution of the Town Council of the Town of Apple Valley, California, amending user fees for the Apple Valley Golf Club effective May 01, 2009.

Proposed by: William Pattison, Asst. Town Mgr Finance & Admin Item Number _____

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

EXISTING RATES				
RATE CATEGORY (fees include the use of a Club golf cart)	Weekday	Weekend	Weekday Twilight	Weekend Twilight
Resident	\$25	\$35	\$20	\$30
Non Resident	\$32	\$42	\$22	\$32
Resident Senior (55 +)	\$18	\$18	\$13	\$13
Non Resident Senior (55 +)	\$27	\$37	\$22	\$22

PROPOSED RATES (effective May 01, 2009)				
RATE CATEGORY	Weekday	Weekend	Weekday Twilight	Weekend Twilight
Resident	\$28	\$38	\$18	\$28
Non Resident	\$35	\$45	\$25	\$35
Resident Senior (55 +)	\$25	\$35	\$15	\$25
Non Resident Senior (55 +)	\$30	\$40	\$20	\$30
Cart Rental (all)	\$5	\$5	\$5	\$5

A notice of Public Hearing was advertised in the Apple Valley News on April 8, 2009 and April 15, 2009.

RESOLUTION No. 2009-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING SPECIFIED USER FEES FOR THE APPLE VALLEY COUNTRY CLUB

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 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 a thorough analysis of rates charged by other golf clubs in the high desert; 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 April 10, 2009 and April 17, 2009, 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, 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 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, 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 as provided, 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, 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 May 01, 2009.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley
this 28th day of April, 2009.

Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk