

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

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

**SUMMARY STATEMENT**

The Recreation Department is recommending new and modified fees related to Park and Recreation programs as well as park use. The Park and Recreation Commission approved these fees with a 4-0-0-1 vote at their meetings on April 2 and April 21, 2009. Exhibit A is a worksheet that identifies the proposed park rental and program fees.

The fees included represent increases in Day Camp and party package fees. This increase is a direct result to increased costs of operations. Also included is an establishment of a face painting fee for parties. Additionally, the Recreation Department continues to offer seasonal youth and adult events. Rather than adopt individual program event fees, staff is recommending the adoption of a tiered Recreation Special Event Fee. The adoption of these fees will allow the department to charge a fee to the user based on the participation and expenditures associated with each event.

As per budgeting policy, all new programs are developed as follows:

Youth programming – All program fees are based on covering all expenditures plus 10%.

Adult programming – All program fees are based on covering all expenditures plus 20%.

Lastly, park use fees for Horsemen's Center and other parks need to be established. These fees are structured to be consistent with previously established fees for Corwin Park and Lion's Park.

A notice of Public Hearing was advertised in the Apple Valley news on July 3 and July 10, 2009.

**Recommended Action:**

Adopt Resolution 2009-28, A Resolution of the Town Council of the Town of Apple Valley, California, Establishing Specified Park and Recreation User and Program Fees for Certain Park and Recreation Services for 2009-2010 Fiscal Year.

**Proposed by:**     Ralph Wright, Parks and Recreation Manager                     **Item Number**     \_\_\_\_\_

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

Council Meeting Date: 07/14/09

## **RESOLUTION No. 2009-28**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ESTABLISHING SPECIFIED USER AND 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 July 3 and July 10, 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**, on July 14, 2009 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 September 1<sup>st</sup> 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 1<sup>st</sup> 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 on July 14, 2009.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 14th day of July, 2009.

\_\_\_\_\_  
Rick Roelle, Mayor

ATTEST:

\_\_\_\_\_  
La Vonda M-Pearson, Town Clerk

# EXHIBIT A

## New and Amended Park and Recreation Fees

New proposed fees for 09/10 fiscal  
year

Program Fees*	Proposed Fee	Yearly Anticipated Participation
Special Apples	\$3.00	240
Birthday Party Package With Food	\$135.00	10
Facepainting for Birthday Party Packages	\$15.00	10
Day Camp / Cave -- 1/2 day rate	\$45.00	195
Day Camp / Cave -- 3 days a week rate	\$56.00	168
Day Camp / Cave -- Full Time	\$88.00	360
Recreation Special Event Fee	\$2.00	100
Recreation Special Event Fee	\$3.00	100
Recreation Special Event Fee	\$4.00	100
Recreation Special Event Fee	\$5.00	100

\* All program fees are per event or session and upon approval, will be effective September 1, 2009.

Park Use Fees: (Events reserved gatherings using some or all of the grass area)

Events with ...	Standard Fees	Non-Profit Fees
over 99 people	\$83.90 / Day	\$67.12 / Day
between 50-99 people	\$61.35 / Day	\$50.50 / Day
between 26-49 people	\$44.00 / Day	\$33.15 / Day
Not more than 25 people	\$27.95 / Day	\$22.00 / Day