

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ESTABLISHING AND MODIFYING SPECIFIED PROGRAM FEES FOR CERTAIN PARK AND RECREATION SERVICES FOR 2010-2011 FISCAL YEAR**

**SUMMARY STATEMENT**

The Recreation Department is recommending modified fees related to Park and Recreation programs. The Park and Recreation Commission approved these fees with a 3-0-0-1 vote at their meeting on February 4, 2010. Exhibit A is a worksheet that identifies the proposed program fees.

The fees included represent increases in Aquatic Program fees for the Guard Start and Apple Valley WAVE swim program. These increases are a direct result of increased costs of operations.

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

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

A notice of Public Hearing was advertised in the Apple Valley news on February 19, 2010 and February 26, 2010.

**Recommended Action:**

Adopt Resolution 2010-13, A Resolution of the Town Council of the Town of Apple Valley, California, Establishing and Modifying Specified Park and Recreation Program Fees for Certain Park and Recreation Services for 2010-2011 Fiscal Year.

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

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

## RESOLUTION No. 2010-13

### **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 February 19<sup>th</sup> and February 26<sup>th</sup>, 2010, 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 March 9, 2010, 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 June 1, 2010.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 9th day of March, 2010.

\_\_\_\_\_  
Peter Allan, Mayor

ATTEST:

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

**EXHIBIT A**  
**New and Amended Park  
and Recreation Program  
Fees**

New proposed fees for 10/11  
fiscal year

Program Fees*	Proposed Fee	Yearly Anticipated Participation
Guard Start	34.00	24
WAVE – Beginner	52.00	200
WAVE – Intermediate	62.00	180
WAVE - Advanced	72.00	100

Program fees are per month or session unless otherwise noted.