



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** September 25, 2012

From: Ralph Wright **Item No:** 14
Parks and Recreation Manager

Subject: 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

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Resolution No. 2012-49, 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.

SUMMARY:

The Park and Recreation Department is recommending the re-establishment of the multi-use lap-swim passes for the Town's lap swim program. Attached, as part of Exhibit A, are the proposed fees for both summer and winter lap-swim programming. The fees for each multi-use pass are based on a percentage discount off the established single use fee for each particular season. The proposed fees for the seasonal 5, 15 and 30 pass fees are consistent with the percentage discounts that were provided with multi-use passes in the past.

The five (5) use fees were calculated based on 90% of the established daily fee; the fifteen (15) use fees were calculated based on 80% of the established daily fee; and the thirty (30) use fees were calculated based on 76.6% of the established daily fee. These percentage discounts provide the user with an advantageous rate for multiple use and still ensure the revenue generated by the program is sufficient to recover direct program expenditures. The multi-use passes will be seasonal and expire at the end of the season rather than at the end of each month. Table 1, included in Exhibit A, provides the per visit cost for each particular multi use pass.

A notice of Public Hearing was advertised in the Apple Valley News on September 14, 2012 and September 21, 2012.

BACKGROUND:

At the meeting of the Town Council on February 14, 2012, the Town Council reviewed and approved the implementation of the recommendations of the Parks and Recreation Ad Hoc Committee. The approved recommendations included increases in fees charged by the Parks and Recreation Department for all programs and services and at the meeting of the Town Council on April 24, 2012, the Town Council unanimously adopted the recommended fee increases.

Included in the Ad-Hoc Committee recommendations were fee increases to the lap swim program for both summer and winter programming. After review of this program, the increase in the daily fee for the summer program and an additional increase for the winter program were recommended to ensure the program revenues, at a minimum, recover all of the direct program costs; the previously adopted fee no longer did so.

In addition to the fee increase for daily use, staff recommended the elimination of the multi-use pass for lap-swim. In place of the multi-use pass used previously, a monthly unlimited use pass was established. It was thought that this pass would sufficiently provide the same value to the customers as the multi-use passes. After reviewing the pass usage since the implementation of the recommended fee increases, it has become apparent that the unlimited pass option does not provide the same value and the re-establishment of the multi-pass system will better serve the Aquatic Center users.

The re-establishment of the multi-use pass does not negatively affect the intent of the Ad-Hoc Committee's recommended fee increases as the multi-use pass will be based on the adopted summer and winter single use lap-swim fee.

FISCAL IMPACT:

With the re-establishment of the multi-use passes, it is anticipated that the total program revenue will still be consistent with the adopted FY 12/13 Budget.

RESOLUTION NO. 2012-49

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 September 14, 2012 and September 21, 2012, 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 September 25th, 2012 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 October 1st of each future year the fees contained herein may 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 on October 1, 2012.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley this 25th day of September, 2012.

Barb Stanton, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

EXHIBIT A

Multi Use Lap swim Fees				
	Old fee prior to implementation of Ad-Hoc Recommendations		Summer Season rates (May - August)	Winter Season rates (Sept -April)
Daily Fee *	\$3.00		\$4.00	\$5.00
Unlimited monthly pass	N/A		\$68.00	\$78.00
5 - visit pass ^	\$15.00		\$18.00	\$23.00
15 - visit pass ^	\$36.00		\$48.00	\$60.00
30 - visit pass ^	\$69.00		\$92.00	\$115.00

*Adopted April 24, 2012

^ Proposed multi use pass rates

Table 1 Breakdown of per - visit costs to patrons

Multi Use Lap swim Fees				
	Old fee prior to implementation of Ad-Hoc Recommendations		Summer Season rates (May - August)	Winter Season rates (Sept -April)
Daily Fee	\$3.00		\$4.00	\$5.00
5 - visit pass	\$2.70		\$3.60	\$4.60
15 - visit pass	\$2.40		\$3.20	\$4.00
30 - visit pass	\$2.30		\$3.07	\$3.83