

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ESTABLISHING SEWER FEES AND ESTABLISHING AN OPERATIVE DATE THEREFOR**

**Summary Statement:**

On June 22, 2007, the Victor Valley Waste Water Reclamation Authority (VWVRA) approved an increase in the sewer user charge for member agencies for the fiscal year 2007-2008 from \$7.93 to \$9.91 per equivalent dwelling unit (EDU) per month, an increase of \$1.98. The VWVRA increase was to off-set subsidies used to maintain the facility, and to further avoid depleting fund balance to operate and maintain the waste water facility. This is the first significant increase in sewer user fees implemented by VWVRA since 1995.

Currently the Town charges sewer users Sixteen Dollars (\$16.00) per EDU. The fee will now be increased to an amount of Seventeen Dollars and Ninety-Eight Cents (\$17.98). Passing through the VWVRA's \$1.98 increase will allow the Town to recapture its increased cost for waste water treatment and will result in no gain or loss to the town.

(continued)

**Recommended Action:**

1. Open the public hearing for Resolution 2008-04
2. Determine whether a majority protest exists, and
3. If no majority protest exists, adopt Resolution 2008-12, revising the sewer user fees for the use of Town sewers and rescinding Ordinance 135 in its entirety.

**Proposed by:** William Pattison, Finance Director/Treasurer Item Number \_\_\_\_\_

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

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On January 8, 2008, the Town Council voted to approve Town Council Resolution 2008-04, titled "Resolution of the Town Council of the Town of Apple Valley setting the time and place for a public hearing on the sewer fee increase in an amount of one dollar – ninety eight cents (\$1.98) per equivalent dwelling unit per month and directing staff to proceed with the special notice required by law." Pursuant to Section 6, of Article XIII(D) (Proposition 218), on January 11, 2008, Six Thousand Eight Hundred and Eleven (6,811) written notices were sent out to property owners notifying them of this hearing and their right to protest the Proposed Fee Increase. On February 22, 2008 and on February 29, 2008, proper notice was placed in the Daily Press newspaper notifying them of this hearing. The Town has complied with the notice, protest and hearing requirements of Proposition 218 with respect to the Proposed Fee Increase.

If the protests submitted in opposition to the Proposed Fee Increase **are not** greater than the majority of the parcels subject to the Proposed Fee Increase, a majority protest does not exist and the Town Council may adopt Resolution 2008-11.

If the protests submitted in opposition to the Proposed Fee Increase **are** greater than the majority of the parcels subject to the Proposed Fee Increase, a majority protest does exist and the Town Council must deny Resolution 2008-11.

**RESOLUTION NO. 2008-12**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY INCREASING SEWER USER FEES IN AN AMOUNT OF \$1.98 PER EQUIVALENT DWELLING UNIT PER MONTH AS A MEMBER ENTITY OF THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY, WHICH AUTHORITY APPROVED SAID INCREASE FOR ITS MEMBER ENTITIES**

WHEREAS, the Town Council of the Town of Apple Valley is a member entity of the Victor Valley Wastewater Reclamation Authority (VWVRA), a Joint Powers Authority, duly formed under the laws of the State of California; and

WHEREAS, on June 22, 2007, the VWVRA approved an increase in the sewer user fees for member agencies for fiscal year 2007-2008 from Seven Dollars Ninety-Three cents (\$7.93) to Nine Dollars Ninety-One Cents(\$9.91) per equivalent dwelling unit per month (EDU), a difference of One Dollar Ninety-Eight Cents (\$1.98) per EDU; and

WHEREAS, the Town as a member entity of the VWVRA, is being charged an additional One Dollar Ninety-Eight Cents (\$1.98) sewer user fee increase per EDU, and it is necessary to recapture that additional sum charged by VWVRA by increasing the Town's current Sewer User Fee of Sixteen Dollars (\$16.00) to Seventeen Dollars Ninety-Eight Cents (\$17.98) plus comparable proportional increases per fixture unit for applicable commercial shops or office and per annual enrollment EDU calculations for Schools; and

WHEREAS, the revenues derived from the fees and charges, as amended, will not exceed the cost reasonably borne in providing the services, and will not be used for any purposes other than that for which the fees and charges are imposed, and the fees and charges are not being imposed for general governmental services; and

WHEREAS, notice of the time and place of the Public Hearing for the proposed fee increase was published and special notice proceeding on the proposed fee increase was mailed to property owners pursuant to Section 6, of Article XIII(D) of the California Constitution, and as directed by Town Council Resolution No. 2008-04; and

WHEREAS, Public hearing to consider the proposed increase was held on March 11, 2008, wherein the Council considered all protests against the proposed fee increase, and hereby finds and determines that a majority protest did not occur; and

WHEREAS, the proposed fee increase is not defined or considered as a project under the California Environmental Quality Act (CEQA) or the CEQA Guidelines, and is hereby found and determined to be exempt from further environmental review.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED by the Town Council of the Town of Apple Valley as follows:

### **Section 1. Sewer User Fees**

The Sewer User Fees, consisting of (1) the existing monthly fees heretofore adopted by the Town plus (2) the increases hereby adopted by the Town described in the above recitals, shall be as follows:

- (a) Each unit designed for single family occupancy, each residential unit within a multiple family development, and each mobile home unit will be assessed at the rate of \$17.98 per unit per month.
- (b) Each commercial shop or office with individual restroom facilities will be assessed at the rate of \$17.98 per unit per month plus \$.90 per fixture unit in excess of twenty (20) fixture units.
- (c) Commercial or industrial shops or office with public and/or centralized sewer use facilities will be assessed a minimum of \$17.98 per month plus \$.90 per fixture unit in excess of twenty (20) fixture units.
- (d) Schools' monthly user fees will be calculated on the basis of total annual enrollment (including faculty) whereby twenty-three (23) students and/or faculty equals one (1) EDU, which is defined as twenty (20) fixture units which will be assessed at the rate of \$17.98 per EDU per month.

The Sewer User Fees will be collected by the Town on a bimonthly basis for residential service and all others will be collected on a monthly basis.

### **Section 2. Prior Enactments**

The additional fees established hereby are intended to add to the prior enactments adopted by the Town; said prior enactments, subject to the fees added by this Resolution, shall remain in effect.

### **Section 3. Effective Date**

This Resolution shall become effective March 11, 2008. Section 1 of this Resolution shall become operative on April 1, 2008.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 11<sup>th</sup> day of March, 2008.

\_\_\_\_\_  
MAYOR

Attest:

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TOWN CLERK