

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING SPECIFIED USER FEES FOR THE APPLE VALLEY GOLF CLUB

SUMMARY STATEMENT

The Town of Apple Valley will begin management of the Apple Valley Country Club December 10, 2008. The operations of the Golf Club will be directed by Landmark LLC.

It is assumed that Apple Valley Golf Club will continue to be an 18-hole golf course, now open to the general public year round. Due to the transition of Apple Valley Golf Club from a Private Country Club to a Daily Fee Golf Club adequate historical data does not exist to project a firm, accurate Annual Budget at this time.

(continued)

Recommended Action:

Adopt Resolution 2008-67, a Resolution of the Town Council of the Town of Apple Valley, California, adopting user fees for the Apple Valley Golf Club effective December 10, 2008.

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

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

In order to establish a rate schedule for the Golf Club, Town staff surveyed rates from other high desert golf clubs. Rates recommended by staff are as follows:

RATE CATEGORY (fees include the use of a Club golf cart)	Weekday	Weekend	Weekday Twilight	Weekend Twilight
Outside Guest	\$32	\$42	\$22	\$32
Resident	\$25	\$35	\$20	\$30
Non Resident Senior (55 +)	\$27	\$37	\$22	\$32
AVCC Equity 1/3 ¹	\$22	\$28	\$15	\$22
AVCC Equity 2/3 ²	\$11	\$14	\$8	\$11

A notice of Public Hearing was advertised in the Apple Valley News on November 28, 2008 and December 05, 2008.

¹ Apple Valley Country Club Single Equity Members (1/3 discount)

² Apple Valley Country Club Double Equity Members (2/3 discount)

RESOLUTION No. 2008-67

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING 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 November 28, 2008 and December 05, 2008, 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 December 10, 2008.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 9th day of December, 2008.

Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk