

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON SEWER USER FEES INCREASE IN AN AMOUNT OF THREE DOLLARS AND SEVENTY-SIX CENTS (\$3.76) PER EQUIVALENT DWELLING UNIT PER MONTH AND DIRECTING STAFF TO PROCEED WITH THE SPECIAL NOTICE PROCEEDING AS REQUIRED BY LAW

Summary Statement:

On May 21, 2009, the Victor Valley Waste Water Reclamation Authority (VWVRA) approved an increase in the sewer user charge for member agencies for the fiscal year 2009-2010 from \$11.89 to \$15.65 per equivalent dwelling unit (EDU) per month, an increase of \$3.76. 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.

Currently the Town charges sewer users Nineteen Dollars and Ninety-Six Cents (\$19.96) per EDU. The fee will now be increased to an amount of Twenty-Three Dollars and Seventy-Two Cents (\$23.72). Passing through the VWVRA's \$3.76 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.

In order to increase the sewer user fees the Town must comply with Proposition 218. This requires notification of the proposed fee increase be sent to the record owner of each identified parcel upon which any new or increased sewer rates or charges being proposed for adoption at least 45 days in advance of the Public Hearing. If the Town Council adopts Resolution 2009- , the notice will be mailed and distributed to the property owners of record. Each property owner will have the right to submit a written or oral protest against the proposed fee increase and may do so by mail or in person to the City Clerk no later than the conclusion of the Public Hearing on August 11, 2009. At the Public Hearing the Town will consider all protests against the proposed fee increase. If written protests against the proposed fee increase are presented by a majority of owners of identified parcels, the Town would not impose the fee. If there is no majority protest, the Town Council would then consider a resolution to adopt the proposed fee increase. If adopted, the increase would become effective September 1, 2009.

Recommended Action:

Town Council adopt Resolution 2009-24, stating its intention to hold a Public Hearing to increase sewer user fees in an amount of \$3.76 per equivalent dwelling unit per month and direct staff to proceed with the special notice as required by law.

Proposed by: William Pattison, Assistant Town Manager **Item Number** _____

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

Council Meeting Date: 06/23/09

RESOLUTION NO. 2009- 24

A 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 THREE DOLLARS SEVENTY-SIX CENTS (\$3.76) PER EQUIVALENT DWELLING UNIT PER MONTH AND DIRECTING STAFF TO PROCEED WITH THE SPECIAL NOTICE REQUIRED BY LAW

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 May 21, 2009, the VWVRA approved an increase in the sewer user fees for member agencies for fiscal year 2009-2010 from Eleven Dollars Eighty-Nine Cents (\$11.89) to Fifteen Dollars Sixty-Five Cents (\$15.65) per equivalent dwelling unit per month (EDU), a difference of Three Dollars Seventy-Six Cents (\$3.76) per EDU; and

WHEREAS the Town as a member entity of the VWVRA, is being charged an additional Three Dollars and Seventy-Six Cents (\$3.76) sewer user fee increase per EDU; and

WHEREAS the Town currently charges sewer users Nineteen Dollars Ninety-Six cents (\$19.96) per EDU (the current sewer user fee); and

WHEREAS the Town is requesting to increase the current sewer user fee by an amount of Three Dollars Seventy-Six Cents (\$3.76) in order to recapture the additional amount charged to it by the VWVRA; and

WHEREAS the current Sewer User Fee will be increased by Three Dollars Seventy-Six Cents (\$3.76) to Twenty-Three Dollars Seventy-Two Cents (\$23.72); 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.

WHEREAS the Town desires to comply with Section 6 of Article XIII(D) of the California Constitution regarding the notice, hearing and protest procedures.

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

- 1) The revenues derived from the proposed fee increase shall not exceed the funds required to provide the property related services.

- 2) The revenues derived from the proposed fee increase shall not be used for any purpose other than that for which the proposed fee is imposed.
- 3) The hearing on the proposed fee increase shall be held on the date of the Town Council's regularly scheduled meeting on

Date: August 11, 2009
Time: 6:30 p.m., or as soon thereafter as the matter may be heard
At: Town Council Chambers
14955 Dale Evans Parkway
Apple Valley Ca, 92307

- 4) The Town shall give notice of the time and place of the Public Hearing of the proposed fee increase to all property owners within the Town affected by the proposed fee increase by causing the publishing of this Resolution once in the local newspaper for two consecutive weeks not less than ten (10) days before the date of the Public Hearing, and by posting it on the sites customarily used by the Town Council for the posting of notices.
- 5) In addition to the published noticed provided in #4 above, the special notice proceeding on the proposed fee increase pursuant to Section 6, of Article XIII(D) of the California Constitution consists of a mailed notice, distributed to property owners of record within the Town as of the County's last equalized roll. The notice shall be in writing and shall state all of the following:
 - a. The amount of the proposed fee increase proposed to be imposed upon each parcel; and
 - b. The basis upon which the amount of the proposed fee increase was calculated; and
 - c. The reason for the proposed fee increase; and
 - d. The date, time, and location of the Public Hearing on the Proposed fee increase

Each property owner has the right to submit a protest against the proposed fee increase, either in writing or orally, to the Town Clerk no later than the conclusion of the Public Hearing on August 11, 2009. At the Public Hearing, the Town Council shall consider all protests against the proposed fee increase and if said protests are presented fairly by a majority of the owners of the identified parcels, the Town shall not impose the proposed fee.

PASSED. APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 23rd day of June, 2009.

MAYOR

Attest:

TOWN CLERK