

**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 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.

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.

(continued)

Recommended Action:

1. Open the public hearing for Resolution 2009-40
2. Determine whether a majority protest exists, and
3. If no majority protest exists, adopt Resolution 2009-40, revising the sewer user fees for the use of Town sewers.

Proposed by: William Pattison, Asst. Town Mgr. **Item Number** _____

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

Summary Statement
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On June 23, 2009, the Town Council voted to approve Town Council Resolution 2009-24, titled "Resolution of the Town Council of the Town of Apple Valley setting the time and place for a public hearing on sewer user fees 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 proceeding as required by law." Pursuant to Section 6, of Article XIII(D) (Proposition 218), on June 24, 2009, Seven Thousand Four Hundred and Eighty-Eight (7,488) written notices were sent out to property owners notifying them of this hearing and their right to protest the Proposed Fee Increase. 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 2009-.

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 2009-.

RESOLUTION NO. 2009-40

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

The Town Council of the Town of Apple Valley does ordain as follows:

Section 1: Sewer User Fees

- (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 \$23.72 per unit per month effective September 01, 2009.
- (b) Each commercial shop or office with individual restroom facilities will be assessed at the rate of \$23.72 per unit per month plus \$1.186 per fixture unit in excess of twenty (20) fixture units effective September 01, 2009.
- (c) Commercial or industrial shops or office with public and/or centralized sewer use facilities will be assessed a minimum of \$23.72 per month plus \$1.186 per fixture unit in excess of twenty (20) fixture units effective September 01, 2009.
- (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 \$23.72 per EDU per month effective September 01, 2009.
- (e) The Sewer User Charge 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: Effective Date

This Resolution shall become effective September 01, 2009. Section 1 of this Resolution shall become operative on September 01, 2009.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley
this 11th day of August, 2009.

MAYOR

Attest:

TOWN CLERK