

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Parks and Recreation

BOARD AGENDA # *B-5(a)

Urgent Routine

AGENDA DATE March 26, 2013

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on April 23, 2013, at 9:05 a.m. to Introduce and Waive the First Reading of an Ordinance to Establish New and Amend Existing Fees for the Department of Parks and Recreation

STAFF RECOMMENDATIONS:

Set a Public Hearing on April 23, 2013, at 9:05 a.m. to introduce and waive the first reading of an ordinance to establish new and amend existing fees for the Department of Parks and Recreation.

FISCAL IMPACT:

The Department of Parks and Recreation receives its revenue from entrance, use, and privilege/service fees along with various grants. The proposed fee schedule will allow the recovery of operations and maintenance costs of the regional park facilities. If the fee adjustments are approved, the anticipated revenue is minimal.

BOARD ACTION AS FOLLOWS:

No. 2013-132

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION: This Item was removed from the consent calendar for discussion and consideration.



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Approval to Set a Public Hearing on April 23, 2013, at 9:05 a.m. to Introduce and Waive the First Reading of an Ordinance to Establish New and Amend Existing Fees for the Department of Parks and Recreation

DISCUSSION:

Stanislaus County Department of Parks and Recreation (Department) operates four regional parks which charge entrance, use, and privilege/service fees: Frank Raines Off-Highway Vehicle Park, La Grange Off-Highway Vehicle Park, Modesto Reservoir, and Woodward Reservoir. The revenue collected from these fees, along with various grant funding, pays for the operations and maintenance of these facilities. In addition, the Frank Raines and La Grange Off-Highway Vehicle Parks receive State grants for operations and maintenance as well as special projects.

Annually, in preparation for the Proposed Budget, the Department evaluates the cost of services provided and the fees associated with these regional parks. The evaluation process includes the consideration of new or additional fees, where appropriate, as well as modifications to existing fees in order to cover the cost of operations and maintenance at these sites. The evaluation prepared for the Fiscal Year 2013-2014 Proposed Budget, indicates there is a need to increase revenue to cover the rising costs; however, the Department recently conducted a fee survey of similar facilities in surrounding areas and found the entrance fees are comparable to other parks; therefore, the department is not recommending increases to standard entrance fees.

The Department is recommending several changes to the fee schedule language for the purpose of clarifying areas which have caused customer confusion or misunderstanding. For example, in 2012, the Department combined the fee categories for Disabled Persons, Prisoners of War, and Senior citizens into one because they were similar and charged the same fee. However, due to concerns which have been raised, separate Veterans fee categories have been included this year along with the acceptable forms of identification which must be presented. In addition, clarifying language has been added to the Designated Group Campsite Fee and the Mooring Fee. The Designated Group Campsite Fee language notes that additional camping vehicle fees also apply. The Mooring Fee language indicates that a free annual pass is included with payment of three months mooring. Lastly, the holidays where a premium fee is charged are now specifically identified as Memorial Day, Independence Day, and Labor Day. These clarifications result in no changes to the fees or revenue.

The Department is also recommending the establishment of new fees/discounts and a special event fee that could provide the opportunity to increase revenue (Attachment A), as follows:

Free entrance on Veteran's Day: In an effort to honor veterans, all Veterans would receive free day use or camping on Veteran's Day, and also on May 1st each year in honor of Memorial Day.

Veteran Camping: Veterans would pay \$5 per night (a 75% discount as compared to the standard 50% discount, or \$10 per vehicle) to camp November 1 through November 14 as an additional recognition of Veteran's Day.

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Go-Kart Area Use: Historically, day use fees at the go-kart area at Woodward Reservoir have not been charged. Due to the cost to maintain this area, standard day use fees of \$10 per vehicle will be collected and signage will be posted accordingly.

Pool Rental and Deposit: Rental of the Regional Water Safety Training Center will be a rate of \$60 per hour unheated (two hours minimum), an additional \$60 per day for the number of days needed to bring the pool to a heated temperature, if the request is to have the pool heated, and a refundable deposit of \$250, not including any cost to provide a lifeguard(s). The unheated pool fee was determined by benchmarking with the pool facility fees charged by the City of Modesto for similar usage of their pools. The Department is currently looking at all possible options to realize revenue in order to continue to maintain the pool.

Event Entrance Fee at Off Highway Vehicle Parks: A new event entrance fee of \$5 would be assessed at Frank Raines and La Grange Off Highway Vehicle Parks for special events only.

On March 6, 2013, the Department held a workshop (Attachment B) to discuss the proposed fee changes with the public. Seven people attended the public meeting and a suggestion was received to charge an additional fee for usage of a heated pool. Other comments received were that attendees were present to ensure fishing and duck hunting fees were not raised, and a request was made to make storage available for duck blinds. The Department commits to reviewing the request for duck blind storage, potential areas for unsecured blind storage at both Modesto Reservoir and Woodward Reservoir, and, if storage is feasible, comparisons to determine potential fees to bring back to the Board in 2014.

Information about the workshop was disseminated through the Department's normal dissemination process via e-mail to parties affected by the fees including waterfowl hunters, off-highway vehicle enthusiasts, regular users of the Exclusive Use process, the Stanislaus County Fish and Wildlife Committee and the Stanislaus County Parks and Recreation Commission. In addition, information regarding the proposed fees is posted on the Department's Internet site and at the Regional Parks Entrance Stations and attempts were made to distribute workshop notices to go-kart track users at the Woodward Reservoir.

On March 14, 2013, Stanislaus County Parks and Recreation Commission considered the proposed fees and supported the Department's recommendations.

The Department anticipates the opportunity to increase revenue by attracting additional special events to be held at County parks facilities. These special events proposals, which will be brought to the Board for approval, could result in \$100,000 of additional revenue in the coming year.

Proposition 26

Proposition 26 was approved by California voters on the November 2010 ballot. Its passage amended sections of the California Constitution to define many fees as taxes, stipulating that they can no longer be levied or increased unless passed by not less than a two-thirds majority

Approval to Set a Public Hearing on April 23, 2013, at 9:05 a.m. to Introduce and Waive the First Reading of an Ordinance to Establish New and Amend Existing Fees for the Department of Parks and Recreation

vote. The Proposition, however, exempts specific types of fees from this requirement as follows: 1) charges imposed for entrance to or use of local government property; and 2) charges for a specific benefit, privilege, or governmental service granted directly to the payor.

County Counsel has opined that Environmental Resources and Parks and Recreation fees are exempt from Proposition 26, but did clarify that benefit, privilege, and service fees such as hunting permits and reservation fees cannot be discounted. In these fee categories, all customers must be charged equally and the amounts charged cannot exceed the reasonable cost to provide the benefit/privilege/service. The Department is not proposing to discount any benefit/privilege/service fees and the fees within these categories reflect only the cost of providing these services.

Public Hearing

Prior to levying a new fee or modifying an existing fee, the County is required by County Ordinance CS-880 (Parks and Recreation) to hold a public hearing as part of a regularly scheduled meeting of the Board of Supervisors. Department staff recommends that the Board schedule a public hearing for April 23, 2013, at 9:05 a.m., to introduce and waive the first readings of modified Ordinances to establish new and amend the existing fees of the Department of Parks and Recreation. If approved, these fee changes will become effective on June 7, 2013.

POLICY ISSUE:

An ordinance of the Board of Supervisors is required to increase or establish fees for the Department of Parks and Recreation. This action is consistent with the Board's priorities of A Safe Community, A Healthy Community, A Well Planned Infrastructure System, and the Efficient Delivery of Public Services by making funds available to the Department of Parks and Recreation to continue to operate efficiently and effectively, and to assist in promoting a safe and healthy environment and improving the quality of life in Stanislaus County.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Jami Aggers, Director of Parks and Recreation
Telephone: 209-525-6770

PARKS AND RECREATION PROPOSED FEE CHANGES 2013

---ALL CHANGES ARE HIGHLIGHTED---

STANDARD FEES	RULES	OLD	NEW	
DAY USE				
Vehicle	Go-kart area day use fee to be assessed	\$10.00	no change	vehicle
Vessel		\$7.00	no change	vessel
Holiday Fee	Applies to Memorial Day, Independence Day, & Labor Day	\$5.00	no change	vehicle
ANNUAL PASSES				
Annual Pass-Vehicle		\$80.00	no change	vehicle
Annual Pass-2nd Vehicle		\$40.00	no change	vehicle
Annual Pass-Vessel		\$80.00	no change	vessel
Annual Pass-2nd Vessel		\$40.00	no change	vessel
CAMPING				
Vehicle at campsite		\$20.00	no change	vehicle
Vehicle at hookup campsite		\$25.00	no change	vehicle
2nd Vehicle at campsite	Max. veh. per campsite is 2, registered to same owner	\$10.00	no change	one allowed
Designated Group Campsite Fee	Additional camping vehicle fees apply	\$60.00	as noted	night
Holiday Weekend Fee	Applies to 3 weekend-nights during Memorial/Independence/ Labor Day Holiday	\$5.00	no change	night/vehicle
SPECIAL DISCOUNTS				
Rule: Only one discount is allowed per customer, see rules and regs for details				
DAY USE DISCOUNTS				
Senior/Disabled Vehicle	Seniors must be 62 years and over	\$5.00	no change	vehicle
Senior/Disabled Vessel	Seniors must be 62 years and over	\$5.00	no change	vessel
Veteran Vehicle*	Free on Veteran's Day and May 1st each year	\$5.00	as noted	vehicle
Veteran Vessel*		\$5.00	no change	vessel
ANNUAL PASS DISCOUNTS				
Senior/Disabled Vehicle	Seniors must be 62 years and over	\$40.00	no change	vehicle
Senior/Disabled Vessel	Seniors must be 62 years and over	\$40.00	no change	vessel
Veteran Vehicle*		\$40.00	no change	vehicle
Veteran Vessel*		\$40.00	no change	vessel
CAMPING DISCOUNTS				
Senior/Disabled Vehicle	Seniors must be 62 years and over	\$10.00	no change	vehicle
Senior/Disabled Vehicle (hookup)	Seniors must be 62 years and over	\$15.00	no change	vehicle
Veteran Vehicle*	\$5/night (Nov. 1st through 14th) for one vehicle	\$10.00	as noted	vehicle
Veteran Vehicle (hookup)*	\$5/night (Nov. 1st through 14th) for one vehicle	\$15.00	as noted	vehicle
HUNTING FEES				
NO CHANGES		OLD	NEW	
Deer/Wild Pig Hunting Permit		\$15.00	no change	day
Annual Deer/Wild Pig Hunting Permit		\$100.00	no change	
Waterfowl Draw Registration Fee		\$45.00	no change	registration
Waterfowl Blind Permit Fee		\$400.00	no change	permit
Waterfowl Blind Deposit (Refundable)		\$300.00	no change	registration
OHV FEES				
NO CHANGES			NEW	
OHV Day Use		\$5.00	no change	vehicle
OHV Annual Day Use Pass		\$80.00	no change	vehicle
OHV Camping		\$15.00	no change	vehicle
OHV Camping (hookup)		\$25.00	no change	vehicle
OHV 2nd Vehicle at Campsite	Max. veh. per campsite is 2, registered to same owner	\$10.00	no change	one allowed
OTHER FEES				
RULES		OLD	NEW	
Exclusive Use:		\$90.00	no change	day
Event Fee	Charged if OHV entrance station fees are collected	new	\$5.00	vehicle
Reservation Fee (nonrefundable)	Full fee required within 7 days	\$10.00	no change	day
Reservation Change/Cancellation		\$15.00	no change	change/canc
Pool Rental, unheated	Minimum 2 hours required; additional lifeguard costs apply	new	\$60.00	hour
Pool Rental, heated	Additional charge for each day it takes to bring pool to temp.	new	\$60.00	day
Pool Deposit (Refundable)		new	\$250.00	reservation
Late Exit Fee	Vehicles exiting after 10:00p.m.	\$10.00	no change	exit
Fireworks Show	All discounts will be void	\$20.00	no change	vehicle
Mooring Fee	Free annual pass w/ 3 mos (max boat length allowed 20 ft)	\$100.00	as noted	month
Dry Storage		\$35.00	no change	month
Picnic Shelter	Reservoirs Only	\$60.00	no change	day
Recreation Hall	Frank Raines Regional Park	\$75.00	no change	day
Recreation Hall Deposit (Refundable)		\$100.00	no change	use
Courthouse Lawn Use		\$35.00	no change	day
Field Trial Competition	(1-50) complete entry fee	\$200.00	no change	competition
Field Trial Competition	(51+) complete entry fee	\$300.00	no change	competition
Dog Field Trial Training-Commercial	Camping fees are extra	\$75.00	no change	training
Dog Field Trial Training-Private	Camping fees are extra	\$50.00	no change	training
Dog/Horse	Only at Woodward Reservoir	\$3.00	no change	dog/horse/day/night
Annual Pass-Horse		\$40.00	no change	horse
Annual Pass-Additional Horse		\$20.00	no change	horse
Annual Pass Replacement Fee		\$10.00	no change	replacement

*Veteran must be present and proof of veteran's status must be presented with a valid government issued photo ID if the proof itself has no photos.

Accepted forms of proof are: Distinguished Veteran Pass, DD-214 Certificate, valid Military ID, or Department of Veterans Affairs ID.



Department of Parks and Recreation
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9492
Phone: 209.525.6750 Fax: 209.525.6774

WORKSHOP
for
PROPOSED FEE CHANGES 2013

WEDNESDAY, MARCH 6TH, 2013
5:30 PM - 6:30 PM
AGRICULTURAL CENTER, Harvest Hall (ABC)
3800 CORNUCOPIA WAY
MODESTO, CA 95358

This notice is an invitation to attend a public meeting to discuss proposed revisions to the Stanislaus County Master Schedule of Fees for the Department of Parks and Recreation. To achieve and maintain an appropriate level of service, our department is recommending new fees and would like feedback from our customers. Your input and experience are valuable to help us in our decision-making process.

This workshop is being conducted prior to the Board of Supervisors approval of the fee proposal.

Please join our staff to discuss the newly proposed fee schedule.

If you have questions, please feel free to call (209) 525-6750. Your feedback is important to us. If you are not able to attend, you may submit any comments in writing to the attention of Mae Song at the above listed address, or e-mail your comments to msong@parksrec.org.

Proposed fee revisions will be provided and discussed at the meeting.

ATTACHMENT B

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on April 23, 2013, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider ordinances to establish new and amend existing fees for the Departments of Parks and Recreation.

ADDITIONAL NOTICE IS GIVEN that the 2013 Parks and Recreation Fee Schedules will be available for review on April 12, 2013, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above ordinance is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors. For further information, contact Jami Aggers at (209) 525-6768, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 19, 2013

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY: _____
Elizabeth A. King, Assistant Clerk

ORDINANCE NO. C.S. _____

AN ORDINANCE TO ESTABLISH NEW AND AMEND EXISTING FEES COLLECTED BY THE DEPARTMENT OF PARKS AND RECREATION

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAIN AS FOLLOWS:

Section 1. Fees to be collected by the Department of Parks and Recreation are adopted and amended as set forth in the "Fee Schedule for Stanislaus County Department of Parks and Recreation" attached hereto as Attachment A and incorporated by reference, a copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect June 7, 2013 and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2013, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairman of the Board of Supervisors
County of Stanislaus, State of California

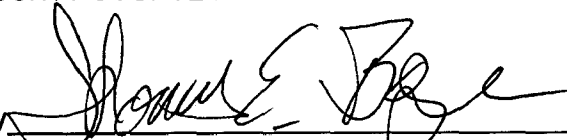
ATTEST:

CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By _____
Deputy

APPROVED AS TO FORM:

John P. Doering
COUNTY COUNSEL

By 
Thomas Boze
Deputy County Counsel

NOTICE OF PUBLIC HEARINGS

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- A. An ordinance to amend existing fees for the Department of Public Works (for further information, contact Diane Haugh, Assistant Director of Public Works, at (209) 525-4100 or at 1716 Morgan Road, Modesto, CA).
- B. An ordinance to amend existing fees for the Department of Environmental Resources to include two new fees for the implementation of the Body Art Program and the Cottage Food Program, eliminate the Recreational Health State surcharge fee, reduce the Hazardous Materials State surcharge fee, include the Milk & Dairy State surcharge fee, and increase the ash tipping fee (for further information, contact Jami Aggers, Director of Environmental Services, at (209) 525-6770, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).
- C. An ordinance to establish new and amend existing fees for the Department of Parks and Recreation related to Veterans fees, Go-Kart Area Use, Pool Rental, and Off Highway Vehicle Parks Special Events (for further information, contact Jami Aggers, Director of Parks and Recreation, at (209) 525-6768, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).
- D. An ordinance to amend the current Building Permit Fees relating to Solar Energy and other Renewable/Alternative Energy Systems for the Department of Planning and Community Development – Building Permits Division (for further information, contact Angela Freitas, Director of Planning and Community Development at (209) 525-6330 or Steve Treat, Chief Building Official, planning@stancounty.com or at 1010 10th Street, Suite 3400, Modesto, CA.)

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 12, 2013, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 26, 2013

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 12, 2013, Apr 18, 2013

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

April 18th, 2013

(By Electronic Facsimile Signature)

Marie Dickmann

NOTICE OF PUBLIC HEARINGS

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B. An ordinance to amend existing fees for the Department of Environmental Resources to include two new fees for the implementation of the Body Art Program and the Cottage Food Program, eliminate the Recreational Health State surcharge fee, reduce the Hazardous Materials State surcharge fee, include the Milk & Dairy State surcharge fee, and increase the ash tipping fee (for further information, contact Jami Aggers, Director of Environmental Services, at (209) 525-6770, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).

C. An ordinance to establish new and amend existing fees for the Department of Parks and Recreation related to Veterans fees, Go-Kart Area Use, Pool Rental, and Off Highway Vehicle Parks Special Events (for further information, contact Jami Aggers, Director of Parks and Recreation, at (209) 525-6768, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).

D. An ordinance to amend the current Building Permit Fees relating to Solar Energy and other Renewable/Alternative Energy Systems for the Department of Planning and Community Development - Building Permits Division (for further information, contact Angela Freitas, Director of Planning and Community Development at (209) 525-6330 or Steve Treat, Chief Building Official, planning@stancounty.com or at 1010 10th Street, Suite 3400, Modesto, CA.)

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NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: March 26, 2013. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk.

Pub Dates April 12, 18, 2013