

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

DEPT: Parks and Recreation

BOARD AGENDA # \*B-3

Urgent

Routine

AGENDA DATE March 15, 2011

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Set a Public Hearing on May 10, 2011, 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:

1. Set a Public Hearing on May 10, 2011, at 9:05 a.m., to introduce and waive the first reading of an ordinance to establish new and amend existing fees of the Department of Parks and Recreation.
2. Authorize the Clerk of the Board to publish notice pursuant to Government Code Section 6062A.

FISCAL IMPACT:

The proposed fee schedule will allow the Department of Parks and Recreation to recover the operations and maintenance costs of the regional park facilities. If a fee adjustment is approved, the increase in annual revenue is estimated at \$200,000. The anticipated additional revenue is part of the Department's budget balancing strategy, and is needed, in part, to fund a \$100,000 increase in costs associated with existing Sheriff patrol services. The remaining revenue will cover the additional costs in workers' compensation and retirement expenses.

BOARD ACTION AS FOLLOWS:

No. 2011-153

On motion of Supervisor DeMartini, Seconded by Supervisor Withrow

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-N-10 ✓

Approval to Set a Public Hearing on May 10, 2011, 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:

The Stanislaus County Department of Parks and Recreation (Department) operates four (4) regional parks which charge entrance, use, and privilege/service fees, as follows: Frank Raines, La Grange, Modesto Reservoir, and Woodward Reservoir. These regional parks collect approximately \$1,900,000 annually, which pays for the operations and maintenance of these facilities. In addition, the Frank Raines and La Grange Off-Highway Vehicle (OHV) 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. This 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 in their entirety. The evaluation prepared for the 2011-2012 Proposed Budget, indicates there is a need to increase revenue to cover the cost of providing the existing Sheriff's deputies to patrol on-site as well as the rising costs associated with workers' compensation insurance, retirement, and the loss of approximately \$800,000 in General Fund revenue for Fiscal Year 2011-2012. Fees associated with these facilities were last raised in 2004.

#### Proposition 26

As the Board of Supervisors is aware, Proposition 26 was approved by California voters on the November 2010 ballot. Its passage amends 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 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 the Department's 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.

#### New and Modified Fees

For the past several years, the Department's fee structure has included discounted, or in some cases free, entrance fees at the regional parks. The proposed fee schedule (Attachment A) eliminates free park entrance, but continues to offer discounted fees to 100% permanently disabled veterans and former prisoners of war, permanently disabled persons, and to seniors age 62 and over. New fees are also proposed which include the following: a) charging a premium for entrance on holidays and during the annual fireworks celebration; b) charging a group camping entrance fee; and c) charging for reservation changes or cancellations. Lastly,

Approval to Set a Public Hearing on May 10, 2011, 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

modifications to existing fees include increasing day use and camping fees, rental fees for the recreation building, waterfowl blind permit and deposit fees, and OHV annual pass fees.

Department staff conducted stakeholder meetings on February 23 and 24, 2011, to discuss the proposed fee schedule and some objections were raised. Minor adjustments were made to the proposed fees based on the public comments received. The Department also recently conducted a fee survey of similar facilities in surrounding areas and found the proposed fees to be comparable. The Parks Commission is scheduled to consider the proposed fees at their meeting on March 10, 2011. Since this meeting will have taken place after the submittal of this report, their input will be included in the staff report that is considered by the Board of Supervisors on May 10, 2011.

Public Hearing

Prior to levying a new fee or increasing an existing fee, the County is required by County Ordinance CS-880, to hold a public hearing as part of a regularly scheduled meeting of the Board of Supervisors. Staff recommends that the Board schedule a public hearing for May 10, 2011, at 9:05 a.m., to introduce and waive the first reading of a modification to Ordinance CS-880 to establish new and amend the existing fees of the Department of Parks and Recreation. If approved, these fee increases will become effective on June 10, 2011.

POLICY ISSUES:

An ordinance of the Board of Supervisors is required to increase or establish fees for the Department of Parks and Recreation. Approval of this agenda item to set a public hearing to introduce and waive the first reading of an ordinance to establish new and amend existing Departmental fees is consistent with the Board's priorities of A Healthy Community, A Well-planned Infrastructure System, and the Efficient Delivery of Public Services.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Sonya K. Harrigfeld, Director of Environmental Resources Telephone: 209-525-6770

**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, ORDAINS 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 the 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 thirty (30) days from and after the date of its passage 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 \_\_\_\_\_, 2011, by the following called vote:

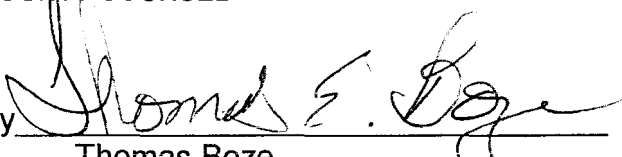
- AYES: Supervisors:
- NOES: Supervisors:
- ABSENT: Supervisors:

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

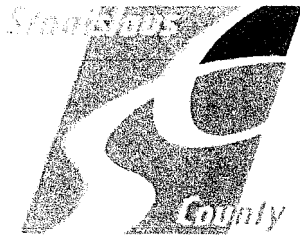
ATTEST:  
CHRISTINE FERRARO TALLMAN  
CLERK OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
John P. Doering  
COUNTY COUNSEL

By   
Thomas Boze  
Deputy County Counsel

Attachment A Fee Schedule for the Stanislaus County Dept. of Parks and Recreation - 2011	Stanislaus County Current Fees	Stanislaus County Proposed Fees
<b>Day Use - Vehicle</b>		
Day Use	\$ 8.00	\$ 10.00
Holiday Day Use (additional charge) - Except Fireworks Celebration		\$ 5.00
Fireworks Celebration (day use) per vehicle		\$ 20.00
Annual Permit	\$ 75.00	No change
Annual Permit/Second Vehicle	\$ 25.00	No change
Annual Permit Replacement	\$ 10.00	No change
Day Use - Bus (12-24 Passengers)	\$ 8.00	No change
Day Use - Bus (25 or more passengers)	\$ 10.00	No change
Walk in/Bicycle	\$ 2.00	Delete
<b>Day Use - Vessel</b>		
Day Use	\$ 7.00	No change
Annual Permit/Vessel	\$ 75.00	No change
Annual Permit/Second Vessel	\$ 25.00	No change
<b>Camping</b>		
Undeveloped Campsite	\$ 15.00	Delete
Camping	\$ 17.00	\$ 20.00
Camping w/hookup	\$ 23.00	\$ 25.00
Additional Vehicles (1 per site)	\$3 up to \$23	50% of fee
Holiday Weekends Add'l Charge / night	\$ 2.00	\$ 5.00
Group Camping		\$ 60.00
Reservation Change		\$ 15.00
Reservation Cancellation		\$ 15.00
<b>Veterans/Disabled Individuals</b>		
100% Permanently Disabled Veteran/P.O.W	No Cost	50% off
Permanently Disabled Individuals	50% off	No change
<b>Youth Groups/Foster Parents</b>		
Camping	\$ 7.00	\$ 10.00
<b>Senior Citizen - 62 or over</b>		
Day Use - Vehicle	\$ 3.00	\$ 5.00
Day Use - Vessel	\$ 3.00	\$ 5.00
Undeveloped Campsite	\$ 6.00	Delete
Camping	\$ 8.00	\$ 10.00
Camping w/hookup	\$ 10.00	\$ 15.00
Annual Permit/Vehicle	\$ 25.00	No change
Annual Permit/Vessel	\$ 25.00	No change
<b>Dogs/Horses</b>		
Dog (No fee for service dogs)	\$ 3.00	No change
Dog (Field Trial Trng-Commerical)	\$ 75.00	No change
Dog (Field Trial Trng-Private)	\$ 50.00	No change
Horse	\$ 2.00	No change
Annual Permit/Horse	\$ 40.00	No change
Annual Permit/Additional Horse	\$ 20.00	No change
<b>Fees for County Facilities:</b>		
Picnic Shelter (Reservoirs)	\$ 60.00	No change
Recreation Bldg (Regional Parks)	\$ 65.00	\$ 75.00
Courthouse Lawn Fee	\$ 35.00	No change
Exclusive Use Fee (Regional Parks)	\$ 90.00	No change
Reservation Fee (Full fee reqd w/in 7 days)	\$ 10.00	No change
<b>Hunting:</b>		
Deer/Wild Pig Hunting Permit	\$ 15.00	No change
Waterfowl Draw Registration Fee	\$ 45.00	No change
Waterfowl Blind Permit Fee	\$ 275.00	\$300.00
Refundable Waterfowl Blind Deposit	\$ 75.00	\$300.00
<b>OHV Fees</b>		
O.H.V Day Use	\$ 5.00	No change
O.H.V. Annual Pass		\$ 75.00
Camping	\$ 14.00	\$ 15.00
Camping w/hookup	\$ 20.00	\$ 25.00
Extra Vehicle at Campsite (1 per site)	\$ 5.00	50% of fee



Department of Parks and Recreation  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358-9492  
Phone: 209.525.6700 Fax: 209.525.6774

**WORKSHOPS**  
for  
**PROPOSED FEE INCREASE**

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**WEDNESDAY, FEBRUARY 23<sup>RD</sup>, 2011**  
**5:30 PM - 7:30 PM**  
**STANISLAUS BUILDING, Suite H & I**  
**3800 CORNUCOPIA WAY**  
**MODESTO, CA 95358**

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**THURSDAY, FEBRUARY 24th, 2011**  
**6:30 PM - 8:30 PM**  
**AGRICULTURE CENTER, Harvest Hall**  
**3800 CORNUCOPIA WAY**  
**MODESTO, CA 95358**

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This notice is an invitation to attend a public meeting to discuss proposed revisions to the Stanislaus County Master Schedule of Fees for the Parks and Recreation department. To achieve and maintain an appropriate level of service, our department is recommending fee increases 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) 525-6783. Your feedback is important to us. If you are not able to attend, you may submit any comments in writing to the attention of Cathy Gomez at the above listed address, or e-mail your comments to [cgomez@parksrec.org](mailto:cgomez@parksrec.org).

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on April 26, 2011, 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 the introduction and waiving of the first reading of the following proposed ordinances:

- A. An ordinance to establish a new fee and amend existing fees for the Department of Public Works - Engineering Division (for further information, contact Diane Haugh at (209) 525-4100 between the hours of 8:00 a.m. and 5:00 p.m. or visit the offices at 1716 Morgan Road, Modesto, CA).
- B. An ordinance to establish a new fee for processing delayed claims for an exclusion from reassessment for transfers between parents-children and grandparents-grandchildren in the Stanislaus County Assessor's Office (for further information, contact Mercy Maya at (209) 525-6461, between the hours of 8:30 a.m. and 4:30 p.m., or visit the offices at 1010 10th Street, Suite 2400, Modesto, CA).

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 15, 2011, 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 22, 2011

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 29, 2011, May 05, 2011

**NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that on May 10, 2011, 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 the introduction and waiving of the first reading of the following proposed ordinances:

A. An ordinance to establish new and amend existing fees for the Department of Parks and Recreation (for further information, contact Sonya Harrigfeld, Director of Parks and Recreation, at (209) 525-6750, between the hours of 8:00 a.m. and 5:00 p.m. or visit the offices at 3800 Comucopia Way, Suite C, Modesto, CA).

B. An ordinance to establish a new fare for a Senior/Disabled bus card and to amend existing transit fares for Stanislaus Regional Transit (StaRT), the County's intercity public transportation system (for further information, contact Brad Christian, Stanislaus County Public Works Department, Transit Division at (209) 525-7538 between the hours of 8:00 a.m. and 5:00 p.m. or visit the offices at 1010 10th Street, Suite 4204, Modesto, CA).

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee/Fare Schedules will be available for review on April 29, 2011, 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 15, 2011.  
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 Apr. 29, May 5, 2011

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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**

May 5th, 2011

(By Electronic Facsimile Signature)

Marie Dieckmann