

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

DEPT: Parks and Recreation

BOARD AGENDA # 9:05 a.m. (a)

Urgent  Routine

AGENDA DATE May 10, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing 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:

Public hearing to introduce and waive the first reading of an ordinance to establish new and amend existing fees of the Department of Parks and Recreation.

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 for the upcoming fiscal year, 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. 2011-287

On motion of Supervisor Chiesa, 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: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1100

ATTEST:

  
CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-N-10

## Public Hearing 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; c) charging for reservation changes or cancellations; and d) establishing an OHV annual pass fee. Lastly, modifications to existing fees include increasing

## Public Hearing to Introduce and Waive the First Reading of an Ordinance to Establish New and Amend Existing Fees for the Department of Parks and Recreation

day use and camping fees, rental fees for recreation buildings, and waterfowl blind permit and deposit fees.

Department staff conducted stakeholder meetings on February 23 and 24, 2011, to discuss the proposed fee schedule. To advertise the meetings, notices were printed in the Modesto Bee and placed on the Department's website. In addition, notices were mailed to local waterfowl and OHV organizations. During the meetings, some objections were raised and 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, for example: the current Day Use fee at Turlock Lake Recreation Area is \$10 which matches the Department's proposed fee, and the current Campsite and Full Hook-up Campsite fees are \$21 and \$26, respectively, at Lake Don Pedro which is slightly higher than the Department's proposed fees of \$20 and \$25.

The Stanislaus County Parks and Recreation Commission considered the proposed fees at their meeting on March 10, 2011, and moved to support the proposed fees as presented to the Board of Supervisors at their meeting on March 15, 2011, during the setting of the public hearing date. Public notices regarding the proposed fees were scheduled to be published in the Modesto Bee on April 29 and May 5, 2011. In addition, the Department posted the proposed fees on its website on April 26, 2011.

### Public Hearing

Prior to levying a new fee or increasing an existing fee, the County is required by County Ordinance, to hold a public hearing as part of a regularly scheduled meeting of the Board of Supervisors. At that time, the Board may introduce and waive the first reading of a modification to the Ordinance 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 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 and will allow the Department to maintain existing service levels in the regional parks.

### STAFFING IMPACTS:

There are no staffing impacts associated with this item.

### CONTACT PERSON:

Sonya K. Harrigfeld, Director of Parks and Recreation

Telephone: 209-525-6770

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, 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:

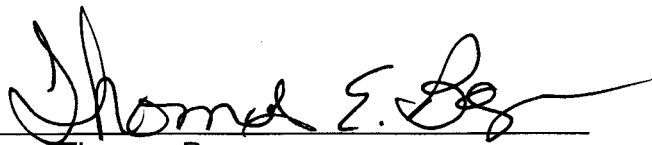
ABSENT: Supervisors:

\_\_\_\_\_  
Dick Monteith  
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)		\$ 5.00
- Except Fireworks Celebration		
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

<p style="text-align: center;"><b>Attachment A</b></p> <p style="text-align: center;"><b>Fee Schedule for the Stanislaus County Dept. of Parks and Recreation - 2011</b></p>	<b>Stanislaus County Current Fees</b>	<b>Stanislaus County Proposed Fees</b>
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

ORDINANCE C.S.

Ordinance C.S. is a Stanislaus County ordinance amending the existing Regional Park fees at Frank Raines, La Grange, Modesto Reservoir, and Woodward Reservoir to eliminate free entrance to specified individuals and to add new fees 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, modifications to existing fees include increasing day use and camping fees, rental fees for recreation buildings, waterfowl blind permit and deposit fees, and OHV annual pass fees. This ordinance will be considered for adoption by the Stanislaus County Board of Supervisors on May 10, 2011. A full copy is available for review at the Clerk of the Board's Office.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED:

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

BY: \_\_\_\_\_  
Elizabeth A. King, Assistant Clerk of the Board

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that on May 24, 2011, at 9:00 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 adoption and the waiving of the second reading of the following ordinances:

- A. Ordinance C.S. 1100 establishes new and amends 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 Cornucopia Way, Suite C, Modesto, CA).
- B. Ordinance C.S. 1099 establishes a new fare for a Senior/Disabled bus card and amends 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 Schedules are available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 10, 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 of the Board



**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:

May 17, 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 17th, 2011

(By Electronic Facsimile Signature)

*Marie Wickmann*

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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: May 10, 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 of the Board  
Pub Dates May 17, 2011

# **Department of Parks and Recreation:**

## **New and Amended Fees**

**PowerPoint Presentation**

# Proposed New and Amended Existing Fees

- Four Regional Parks: Frank Raines, La Grange, Modesto and Woodward Reservoirs
- Annually, revenue is approximately \$1.9M which pays for O&M
- In addition, Frank Raines and La Grange receive State OHV grants which off-set O&M costs and pay for special projects

# Proposed New and Amended Existing Fees, Cont'd.

- In preparation for Proposed Budget each year, the Dept. evaluates the cost of services provided and the associated fees
- The evaluation for the Proposed FY 2011-12 indicates a need to increase revenue by \$200,000 to maintain a balanced budget

# Proposed New and Amended Existing Fees, Cont'd.

- Due to:
- Rising cost of: existing Sheriff's patrol deputies, workers' compensation insurance, retirement, and the loss of approx. \$800,000 in General Fund revenue
- Fees were last raised in 2004

# Proposed New and Amended Existing Fees, Cont'd.

- For the past several years, the fee structure has included discounted, or in some cases free, Park entrance fees
- The proposed fee structure eliminates free entrance, but continues to offer discounted entrance fees as follows:

# Amended Existing Fees

- Current Fees

- 100% Perm. disabled veterans and P.O.W's.  
– Free
- Perm. disabled persons – 50% discount

- Proposed Fees

- 100% Perm. Disabled veterans and P.O.W's.  
– 50% discount
- Perm. disabled persons – No change

# Amended Existing Fees, Cont'd.

## ● Current Camping Fees

- Camping: \$17
- Camping w/ hook-up: \$23
- Add'l vehicles: \$3 up to \$23
- Holiday weekends: add'l \$2/night

## ● Proposed Camping Fees

- Camping: \$20
- Camping w/ hook-up: \$25
- Add'l vehicles: 50% of fee
- Holiday weekends: add'l \$5/night



# Amended Existing Fees, Cont'd.

- Current Fees

- Camping (Youth): \$7
- Camping (Srs): \$8
- Camping w/ hook-up (Srs): \$10
- Day use (Srs): \$3
- Vessel/day (Srs): \$3

- Proposed Fees

- Camping (Youth): \$10
- Camping (Srs): \$10
- Camping w/ hook-up (Srs): \$15
- Day use (Srs): \$5
- Vessel/day (Srs): \$5

# Amended Existing Fees, Cont'd.

- Current Fees

- Use of Rec bldg: \$65
- Waterfowl blind permit: \$275
- Refundable waterfowl blind permit: \$75

- Proposed Fees

- Use of Rec bldg: \$75
- Waterfowl blind permit: \$300
- Refundable waterfowl blind permit: \$300

# Amended Existing Fees, Cont'd.

- Current Fees

- OHV camping: \$14
- OHV camping w/  
hook-up: \$20
- Extra vehicle at OHV  
campsite: \$5

- Proposed Fees

- OHV camping: \$15
- OHV camping w/  
hook-up: \$25
- Extra vehicle at OHV  
campsite: 50% of fee

# Proposed New Fees

- Non-fireworks holiday day use (add'l charge): \$5
- Fireworks celebration (day use) per vehicle: \$20
- Group camping: \$60
- Reservation change: \$15
- Reservation cancellation: \$15
- OHV Park annual pass: \$75

# Proposed Deleted Fees

- Walk-in/bicycle: \$2
- Undeveloped campsite: \$15
- Undeveloped campsite (Srs): \$6
- No change to remaining fees

# Proposed New and Amended Existing Fees, Cont'd.

- Stakeholder meetings conducted on Feb. 23 & 24, 2011
- Minor adjustments were made based on comments received
- Stanislaus County Parks & Recreation Commission moved to support the proposed fees at their meeting on March 10, 2011

# Proposed New and Amended Existing Fees, Cont'd.

- Public notices were printed in the Modesto Bee on April 29 and May 5, 2011
- Proposed fees were also posted on the Dept's website on April 26, 2011

# Staff Recommendation:

- Introduce and Waive the First Reading of an Ordinance to Establish New and Amend Existing Fees for the Dept. of Parks and Recreation
- If approved: Effective June 10, 2011



Questions?