

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

DEPT: Parks and Recreation

BOARD AGENDA # *B-5

Urgent

Routine

AGENDA DATE March 4, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on March 25, 2014, 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 March 25, 2014, 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 proposed fee adjustments would consist of new fees for Concessions, a change in free days for Veterans at regional parks, and discounts for Veterans, Seniors and Disabled Persons at the Off-Highway Vehicle parks. If the fee adjustments are approved, the anticipated revenue from the new Concessions fees is unknown. The decrease in revenue due to the free day and discounts is anticipated to be minimal.

(Continued on next page)

BOARD ACTION AS FOLLOWS:

No. 2014-102

On motion of Supervisor Withrow, Seconded by Supervisor Monteith

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Chiesa

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-S-6

Approval to Set a Public Hearing on March 25, 2014, 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 (Continued):

The Department anticipates the opportunity to increase revenue by attracting additional special events to be held at County parks facilities. These special event proposals, which will be brought to the Board individually for approval, could result in \$175,000 of additional revenue in the 2014-2015 Fiscal Year.

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 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 the 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 recently conducted fee survey of similar facilities in the surrounding areas found that entrance fees are comparable to other parks; therefore, the Department is not recommending increases to standard entrance fees. As the economy continues to slowly recover, the Department will continue to review proposals for small fee increases while remaining competitive and a low cost recreational alternative to our local community. At this time, the Department is looking at other ways to increase revenue by using an advertising campaign and by attracting special events to our parks.

On March 26, 2013, a comment was received during the public comment period of the Board of Supervisors meeting requesting that the Department review whether the existing Exclusive Use fee category could be used to allow mobile concessions. The Department reviewed that request and the Board approved implementing a pilot program that licensed food concessions vendors to operate at Woodward Reservoir during the 2013 park season. At this time, the Department is recommending two new fees to establish a fee specifically for concessions vendors and expanding the program to allow additional items to be sold in the park such as various marina items, firewood, jet ski rentals, etc., as follows:

Concession Registration/Application Fee – An annual fee of \$100 to cover the cost of reviewing the application(s) and working with the vendors to meet all the requirements including insurance provisions, scheduling of reserved days, and coordination between vendors and park staff to ensure regulations are met.

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Concession License Fee - \$25 per day (scheduled in advance) for each day a vendor is scheduled to be at the park.

In 2013, the Department recommended free entrance on Veteran's Day and May 1st each year in honor of our Veterans. At the public hearing held on April 23, 2013, a request was made for the Department to consider changing the May 1st free day to the actual Memorial Day holiday. The Department is recommending that change this year. In addition, based on comments received from the public, the Department is recommending adding a \$1 discount for Veterans, Seniors and Disabled Persons at the two Off-Highway Vehicle parks (Attachment A).

On November 25, 2013, the Department discussed the proposed fees and discounts for the Veterans with the Veterans' Advisory Commission. On January 27, 2014, the Veterans' Advisory Commission voted to support the proposed fees.

In a regularly scheduled meeting on January 9, 2014, the Parks Commission discussed parks fees. At the request of the Department, the proposed fees were scheduled to be an agenda item at the February 13, 2014 meeting, which was subsequently cancelled due to the lack of a quorum. The next opportunity to discuss the proposed fees at a Park Commission meeting is at the regularly scheduled March 13, 2014, meeting. However, one comment was received noting that as maintenance, operations, and staffing costs increase it would be wise to consider increasing fees to cover some of these costs and that while keeping fees at a minimum is a priority, the Department needs to have an efficient cost recovery process so that departmental revenue can keep pace with expenditures. In addition, it was suggested that an out-of-County fee be established for non-county residents. At this time, the Department does not have a tracking mechanism in place to determine whether a visitor comes from within or outside the County. One consideration is the large amount of traffic that can quickly back up at the entrance stations that prevent staff from spending much time on data collection and the need for a verification process which would further delay entrance to the park. The Department will continue to review processes that may allow for this suggestion in the future. Other comments received at the March meeting will be addressed at the public hearing on March 25, 2014.

On February 12, 2014, the Department held a workshop (Attachment B) to discuss the proposed fee changes with the public. One person attended the public meeting and commented that he was happy to see the per day charge lowered for concessions. No other suggestions were received regarding the proposed fees. However, the attendee had some comments regarding the Department's procedures for licensing concession vendors in 2014 and after the public hearing he followed up with an email outlining his concerns. Specifically, he reviewed the 2013 concession procedures and asked that the following be considered:

- Removal of the provision that barred alcohol sales;
- Review of the County's required insurance limits;
- Removal of the provision restricting vending activity from 7am-9pm;

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- Removal of the provision restricting advertising within the park;
- Removal of the provision prohibiting vendors playing music; and
- Removal of the provision limiting concession vendors to one location.

The Department is reviewing these requests and will include a recommendation in the Board presentation at the public hearing.

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, as well as members of the public who requested to be placed on a notification list. In addition, information regarding the proposed fees is posted on the Department's Internet site.

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 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 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. At that time the Board may introduce and waive the first reading of an ordinance to establish new and amend the existing fees of the Department of Parks and Recreation. If approved, these fee changes will become effective on May 8, 2014.

POLICY ISSUE:

An ordinance of the Board of Supervisors is required to establish new or amend 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

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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 FEES 2014

STANDARD FEES		FEES	PER	PROPOSED
DAY USE	6:00AM TO 10:00PM			
Vehicle		\$10.00	vehicle	No Change
Vessel		\$7.00	vessel	No Change
Holiday Day Use Fee	Applies to Memorial Day, Independence Day, & Labor Day	\$5.00	vehicle	No Change
CAMPING	PER NIGHT			
Vehicle at campsite		\$20.00	vehicle	No Change
Vehicle at hookup campsite		\$25.00	vehicle	No Change
2nd Vehicle at campsite	Max. veh. per campsite is 2, registered to same owner	\$10.00	one allowed	No Change
Designated Group Campsite Fee	Additional camping vehicle fees apply (Modesto Reservoir Only)	\$60.00	night	No Change
Holiday Weekend Fee	Applies to 3 weekend-nights during Memorial/Independence/Labor Day Holiday	\$5.00	night/vehicle	No Change
ANNUAL PASS	APPLIES TO DAY USE ONLY			
Annual Pass-Vehicle		\$80.00	vehicle	No Change
Annual Pass-2nd Vehicle		\$40.00	vehicle	No Change
Annual Pass-Vessel		\$80.00	vessel	No Change
Annual Pass-2nd Vessel		\$40.00	vessel	No Change
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	vehicle	No Change
Senior/Disabled Vessel	Seniors must be 62 years and over	\$5.00	vessel	No Change
Veteran Vehicle	Free on Veteran's Day and Memorial Day each year	\$5.00	vehicle	No Change
Veteran Vessel	Free on Veteran's Day and Memorial Day each year	\$5.00	vessel	No Change
ANNUAL PASS	APPLIES TO DAY USE ONLY			
Senior/Disabled Vehicle	Seniors must be 62 years and over	\$40.00	vehicle	No Change
Senior/Disabled Vessel	Seniors must be 62 years and over	\$40.00	vessel	No Change
Veteran Vehicle*		\$40.00	vehicle	No Change
Veteran Vessel*		\$40.00	vessel	No Change
SPECIAL CAMPING FEES	PER NIGHT			
Senior/Disabled Vehicle	Seniors must be 62 years and over	\$10.00	vehicle	No Change
Senior/Disabled Vehicle (hookup)	Seniors must be 62 years and over	\$15.00	vehicle	No Change
Veteran Vehicle* camping	From Nov. 1st through 14th, \$5/night for one vehicle ONLY	\$10.00	vehicle	No Change
Veteran Vehicle (hookup)	From Nov. 1st through 14th, \$5/night for one vehicle ONLY	\$15.00	vehicle	No Change
HUNTING FEES				
Deer/Wild/Rabbit Pig Hunting Permit		\$15.00	week/weekend	No Change
Annual Deer/Wild/Rabbit Pig Hunting Permit (valid July through June per rules and regulations)		\$100.00	fiscal year	No Change
Waterfowl Draw Registration Fee		\$45.00	registration	No Change
Waterfowl Blind Permit Fee		\$400.00	permit	No Change
Waterfowl Blind Deposit (Refundable)		\$300.00	registration	No Change
OHV FEES				
OHV Day Use		\$5.00	vehicle	No Change
OHV Veteran Day Use	\$1.00 net discount	\$4.00	vehicle	NEW
OHV Senior/Disabled Day Use	\$1.00 net discount	\$4.00	vehicle	NEW
OHV Annual Day Use Pass		\$80.00	vehicle	No Change
OHV Camping		\$15.00	vehicle	No Change
OHV Camping (hookup)		\$25.00	vehicle	No Change
OHV 2nd Vehicle at Campsite	Max. veh. per campsite is 2, registered to same owner	\$10.00	one allowed	No Change
ANNUAL PASS	APPLIES TO DAY USE ONLY			
Senior/Disabled Vehicle	Seniors must be 62 years and over	\$40.00	vehicle	No Change
Senior/Disabled Vessel	Seniors must be 62 years and over	\$40.00	vessel	No Change
Veteran Vehicle		\$40.00	vehicle	No Change
Veteran Vessel		\$40.00	vessel	No Change
SPECIAL CAMPING FEES	PER NIGHT			
Senior/Disabled Vehicle	Seniors must be 62 years and over	\$10.00	vehicle	No Change
Senior/Disabled Vehicle (hookup)	Seniors must be 62 years and over	\$15.00	vehicle	No Change
Veteran Vehicle	From Nov. 1st through 14th, \$5/night for one vehicle ONLY	\$10.00	vehicle	No Change
Veteran Vehicle (hookup)	From Nov. 1st through 14th, \$5/night for one vehicle ONLY	\$15.00	vehicle	No Change
OTHER FEES	RULES (See complete Rules and Regulations)			
Exclusive Use		\$90.00	day	No Change
Event Fee	Charged if OHV entrance station fees are collected	\$5.00	vehicle	No Change
Key Deposit	Refundable	\$30.00	event	No Change
Reservation Fee (nonrefundable)	Full fee required within 7 days	\$10.00	day	No Change
Reservation Change/Cancellation		\$15.00	change/canc	No Change
Concession Registration/App. Fee	Once annually (Change fees are additional)	NEW	application	\$100
Concession License Fee	Day use fees apply	NEW	day	\$25
Pool Rental, unheated	Minimum 2 hours required; additional lifeguard costs apply	\$60.00	hour	No Change
Pool Rental, heated	Additional charge for each day it takes to bring pool to temp.	\$60.00	day	No Change

PARKS AND RECREATION PROPOSED FEES 2014

Pool Deposit (Refundable)		\$250.00	reservation	No Change
Courthouse Lawn Use		\$35.00	day	No Change
Late Exit Fee	Vehicles exiting after 10:00p.m.	\$10.00	exit	No Change
Fireworks Show	All discounts will be void	\$20.00	vehicle	No Change
Mooring Fee	Free annual pass w/ 3 mos paid (max boat length allowed 20 ft)	\$100.00	month	No Change
Dry Storage		\$35.00	month	No Change
Picnic Shelter	Reservoirs Only	\$60.00	day	No Change
Recreation Hall	Frank Raines Regional Park	\$75.00	day	No Change
Recreation Hall Deposit (Refundable)		\$100.00	use	No Change
Field Trial Competition	(1-50) complete entry fee	\$200.00	competition	No Change
Field Trial Competition	(51+) complete entry fee	\$300.00	competition	No Change
Dog Field Trial Training-Commercial	Camping fees are extra	\$75.00	training	No Change
Dog Field Trial Training-Private	Camping fees are extra	\$50.00	training	No Change
Dog/Horse	Only at Woodward Reservoir	\$3.00	dog/horse/day	No Change
Annual Pass-Horse		\$40.00	horse	No Change
Annual Pass-Additional Horse		\$20.00	horse	No Change
Annual Pass Replacement Fee		\$10.00	replacement	No Change
OTHER FEES				

***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, and other IDs approved by Dept.**



Department of Parks and Recreation
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9492
Phone: 209.525.6750 Fax: 209.525.6773

WORKSHOP
for
PROPOSED FEE CHANGES 2014

WEDNESDAY, FEBRUARY 12TH, 2014
5:30 PM – 6:00 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 for concessions and changes in Veteran 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.

Your feedback is important to us. If you are not able to attend, you may submit any comments in writing to Stanislaus County Parks and Recreation-Fees at the above listed address, or by e-mail to msong@parksrec.org

The proposed fee changes are in red in the fee schedule attached.

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 May 8, 2014 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 _____, 2014, by the following called vote:

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

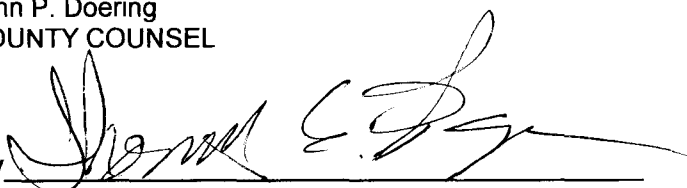
Chairman of the Board of Supervisors
County of Stanislaus, State of California

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 HEARING

NOTICE IS HEREBY GIVEN that on March 25, 2014, 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 an ordinance to establish new and amend existing fees for the Departments of Parks and Recreation.

ADDITIONAL NOTICE IS GIVEN that the 2014 Parks and Recreation Fee Schedules will be available for review on March 14, 2014, 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 4, 2014

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:

Mar 14, 2014, Mar 20, 2014

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Pub Dates Mar 14, 20, 2014

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

March 20th, 2014

(By Electronic Facsimile Signature)