

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REVISING CERTAIN RECREATION SERVICES FEES

WHEREAS, pursuant to Milpitas Municipal Code Section IV-3-2.00, the City Manager is required to calculate and propose adjustments to fees and charges imposed by various City of Milpitas departments to assure recovery of all or part of costs “reasonably borne” in providing the facilities, products or services provided by said City departments; and

WHEREAS, pursuant to this directive, certain Recreation Services Department rental charges for the use of certain facilities, ticket prices for attendance at certain recreational events and other fees must be updated; and

WHEREAS, such rental charges and other Recreation Services Department fees are not land use, application, or other fees subject to the procedural requirements of Government Code Section 66016 *et seq.*, but nevertheless, the City has complied with the requirements of Government Code Section 66018 specific to fees where no other statutory notice applies, including providing public notice and scheduling a public hearing; and

WHEREAS, the proposed rental charges and fees do not constitute a new imposed “tax” and are not subject to the provisions of Proposition 26, since they are being charged for entirely voluntary entrance to or use of City property and/or are being charged for specific government services or products for which there are meaningful private market alternatives and provided directly to a willing payor; and

WHEREAS, to the extent required by Government Code Section 50402 and other provisions of law, the City has ensured that the charges or fees listed herein do not exceed the reasonable cost of providing the service, taking into account the personnel costs, utility charges, maintenance costs and other expenses associated with delivering access to the listed City properties and/or services; and

WHEREAS, the proposed fees and cost recovery schedule also complies with the percentage limitations of Milpitas Municipal Code Section IV-3-4.00 (Listing Percentage of “Costs Reasonably Borne” to Be Recovered for Various Service Centers); and

WHEREAS, the proposed update to the Recreation Services Department fees and cost recovery schedules shall ensure that general fund monies are not unfairly and inequitably used to subsidize certain services and facilities usage to the detriment of other vital and important public needs; and

WHEREAS, the proposed fee update is supported by detailed records, calculations based upon years of professional training, education and experience, and measurements of cost and resource allocations; and

WHEREAS, specifically, the total labor cost of providing any particular service shall include a calculation of the “fully loaded” hourly cost of each category of City employee under a methodology that measures both the direct cost and indirect cost components associated with providing a particular service (“Cost Allocation Methodology”), as set forth in the February 2007 Cost Allocation Study. Under the Cost Allocation Methodology, direct costs shall include payroll and benefits, supplies, contractual services and capital outlay. Indirect costs shall include City department administrative costs, central service costs, building occupancy costs, and facility and equipment costs. Such indirect costs are also known as administrative and overhead costs; and

WHEREAS, the 2007 Cost Allocation Methodology is hereby made an official part of the record and justification for the fees proposed in this Resolution; and

WHEREAS, with the exception of those fees for services or facilities specifically listed in Exhibit A attached hereto, the City Council does not wish to repeal or amend fees set by previous resolution.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The Recreation Services Fees listed in Exhibit A are hereby updated and adopted.
3. All fees and facilities use charges shall be subject to an annual automatic cost of living adjustment based on the San Francisco - Oakland - San Jose Consumer Price Index - All Urban Consumers (U.S. Department of Labor). Staff shall take ministerial notice of such increases from official U.S. Department of Labor publications and incorporate them into the fee schedule for each year, absent City Council direction to the contrary in a particular year.
4. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

PASSED AND ADOPTED this _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM

Christopher J. Diaz, City Attorney

EXHIBIT A

AMENDMENT AND RESTATEMENT OF CERTAIN PARKS AND RECREATION FEES AND CHARGES

<u>Facilities Use, Events and Services</u>	<u>Fee</u>
• Rainbow Theatre	
- Audience Ticket Prices:	
- School Program Children	
(0-12 years)	\$6.00/child
(13-17 years)	\$12.00/child
- Adult (18+ years of age)	\$12.00/adult
- Participant Fees	
- Resident	\$100.00 each
- Non-resident	\$150.00 each
• Season Ticket Holder	\$100.00 (3 shows + reserved
- For Rainbow Theater	seating + acknowledgement)
• Special Events	
- July 4 th Fireworks	\$2.00/Per person age 12 and older Free/Per person under age 12
• Youth Programs	
- After the Bell Fee	\$7.00/day
- Summer Camp Fee	\$175.00/week
- Summer Camp Extended Care	\$40.00/ week
• Senior Center Program	
-Classes	\$2.00-\$4.00/hr (Depending upon class instruction costs)
- Non Resident Fee	\$10.00 Fee per class
• Senior Trips Administration Fee	\$5.00 - \$10.00 Fee per class (Depending upon trip costs)
• Milpitas Sports Center	
- Youth Sports User Fee	\$10.00/player
- Swim Lessons	\$69.00 per session for residents \$89.00 per session for non-residents
- Adult Sports League (per team)	\$500.00+ (depending upon City costs for field or athletic space preparation and maintenance, referee costs, etc.)
- Tidal Waves Swim Team (MTW)	\$68.00 per month for junior swimmers \$78.00 per month for Intermediate swimmers \$88.00 per month for Senior swimmers
- Non-Residents Sports Center User Fee	\$50.00/annually
• Small Parks (with restrooms)	
- Residents	
Peak Hours (Friday-Sunday)	\$60.00/day

Non Peak Hours (Monday-Thursday)	\$40.00/day
-Non-residents	
Peak Hours (Friday-Sunday)	\$90.00/day
Non Peak Hours (Monday-Thursday)	\$70.00/day
• Large Parks	
-Residents	
Peak Hours (Friday-Sunday)	\$120.00/day
Non Peak Hours (Monday-Thursday)	\$80.00/day
-Non-residents	
Peak Hours (Friday-Sunday)	\$160.00/day
Non Peak Hours (Monday-Thursday)	\$120.00/day
• General Room Rentals (Capacity up to 100 persons)	
-Residents	\$60/hr
-Non-residents	\$90/hr
• General Room Rentals (Capacity between 101 to 200 persons, with kitchen)	
-Residents	\$100/hr
-Non-residents	\$150/hr
• General Room Rentals (Capacity between 201 to 300 persons, with kitchen)	
-Residents	\$160/hr
-Non-residents	\$220/hr
• Barbara Lee Senior Center Room Rental	
-Residents	\$220/hr
-Non-residents	\$320/hr