

Item 11Z
12-10-19
(R-2020-213)

RESOLUTION NUMBER R- 312770

DATE OF FINAL PASSAGE DEC 12 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPROVE A TUITION FEE INCREASE TO THE JUNIOR LIFEGUARD PROGRAM AND REFUND POLICY.

WHEREAS, the San Diego Junior Lifeguard Program (JLGP) offers San Diego youths an opportunity to learn and train with professional lifeguards; and

WHEREAS, the JLGP consists of a team of lifeguard professionals who provide aquatic education to San Diego youth while developing confidence, mental and physical fitness, and respect for one another and the coastal environment; and

WHEREAS, during two separate rigorous four-week long sessions, and a week-long introduction class to ocean awareness, junior lifeguards gain a wide variety of skills and knowledge; and

WHEREAS, activities include ocean safety and awareness education, how to enjoy the beach safely, water rescue techniques, familiarity with local beaches, maintaining mental and physical fitness, environmental awareness, healthy habits, first aid skills, open water swimming, surfing, paddling, snorkeling, CPR training, cliff rescue, SCUBA familiarization, visiting San Diego's local beaches, and other skills to prepare them for life; and

WHEREAS, each summer the program enrolls approximately 1000 paying students and provides over 50 scholarships; and

WHEREAS, youth ranging from ages 7 to 17 can enroll in the program; and

WHEREAS, the program is cost recoverable as stated in Resolution R-307343; and

WHEREAS, due to increases in hourly salaries for labor costs and an increase in fringe costs within the City of San Diego, the cost of running the JLGP has increased; and

WHEREAS, in order to maintain the program's target of cost recovery, the San Diego Fire-Rescue Department (SDFD) is requesting a tuition fee increase; and

WHEREAS, revenues will continue to be collected through JLGP tuition and be expended in that program with no impact to the General Fund; and

WHEREAS, approved by voters in 2010, California Proposition 26 amended articles XIII A and XIII C of the California Constitution to provide that a levy, charge, or exaction of any kind of fee imposed, increased, or extended by a local government is a tax, requiring two-thirds voter approval, unless an exception applies; and

WHEREAS, exceptions to Proposition 26 include user fees for government services to specific payors who request the benefit or service and the fee does not exceed the reasonable cost of providing the service; and

WHEREAS, permissible user fees for government services are government-provided recreational, cultural, educational, and similar programs; and

WHEREAS, it is the policy of the City to establish fees to recover the costs of providing services in accordance with the City of San Diego Administrative Regulation 95.25 and Council Policy 100-05; and

WHEREAS, it is the policy of the City to review fees to ensure that all reasonable costs incurred in providing these services are being recovered; however, it is also the policy that fees are generally less than 100 percent cost recovery in cases where the purpose of the fee is not to generate revenue but rather provide benefits to the recipients (e.g. recreational activities); and

WHEREAS, the tuition fee adjustment for FY 2020 does not exceed the reasonable costs of providing the Junior Lifeguard Program and the Junior Lifeguard Program is not 100 percent cost recoverable; and

WHEREAS, a City staff report from SDFD substantiates the validity of the proposed increase in the Junior Lifeguard Program tuition fee for FY 2020 by explaining the link between the costs and the program provided; and

WHEREAS, pursuant to City of San Diego, Council Policy No. 100-05, "User Fee Policy," the City Council shall approve any revised user fees; and

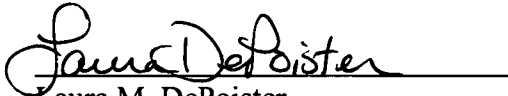
WHEREAS, in addition to the increase of tuition fee, the SDFD is also requesting to update the refund policy associated with the program; NOW, THEREFORE,

BE IT RESOLVED, that the City Council of the City of San Diego authorizes an increase in the tuition cost of the San Diego Junior Lifeguard Program from \$525 per student to \$573 per student.

BE IT FURTHER RESOLVED, that the City Clerk is authorized to amend the City Clerk's fee rate book to reflect this tuition cost increase.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to implement the refund policy attached to this resolution as "Exhibit One."

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Laura M. DePoister
Deputy City Attorney

LMD:hm
November 13, 2019
Or.Dept:PSE
Doc. No.: 2225732

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 10 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12/12/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

EXHIBIT ONE

San Diego Junior Lifeguard Program Tuition Refund Policy

Registration Fee Refunded	Timeline
100%	For written notice of cancellation received at least 60 calendar days prior to the start date of the Program.
0%	No refund for written notice of cancellation received less than 60 calendar days prior to the start date of the Program.

The above refund policy will be imposed on all requested cancellations. Exceptions to the refund policy may be made by San Diego Junior Lifeguard Management on a case-by-case basis.

The applicant must always provide a written notice of cancellation via email to sdjuniorguards@sandiego.gov.

If you have any questions about our refund policy, please email us at sdjuniorguards@sandiego.gov.

Passed by the Council of The City of San Diego on DEC 10 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 12 2019.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Stacy Reed*, Deputy

Office of the City Clerk, San Diego, California

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