

## **RULE 60 - FEES AND CHARGES**

### **A. PURPOSE**

MPWMD shall set administrative fees and charges to meet ongoing operating expenses, including but not limited to, employee wage rates and fringe benefits, and costs of supplies, equipment, materials and services. These fees and charges shall bear a positive correlation to the cost of providing each service, or activity by District staff and/or its agents. Fees and charges not time-based shall remain unchanged unless amended by future action of the Board.

### **B. FEE AND CHARGES CATEGORIES**

MPWMD shall set administrative fees and charges for each of the following services or activities: Action on Any Appeal/Variance, Action on Any Permit, Document Preparation, Processing, Review or Retrieval, Expanded Water Conservation and Standby Rationing Plan, Publication Fees, Rationing Liens, Rebate Processing, River Work Permits, Inspection Activities, Water Use Permit Fees, Water Use Credits and On-Site Credit Activity, Water Credit Transfer Activity, Water Waste Fees, and Well Monitoring Activity.

### **C. TABLE OF FEES AND CHARGES**

MPWMD shall maintain a Fees and Charges Table providing for all current administrative fees and charges for each Fee and Charge Category set by Paragraph B of this Rule. The Fees and Charges Table, referenced in this Rule and incorporated into this paragraph as if set forth in full, shall be amended from time to time by a Resolution duly adopted by the MPWMD Board of Directors. When hours of effort are referenced on the Fees and Charges Table, the General Manager shall cause each member of staff, and each consultant, to maintain a log of all effort expended for that matter. Effort shall be charged in increments of one-half hour.

### **D. CAPACITY FEES**

This Rule shall not amend or modify the Capacity Fee or the Water Supply Cost Component set by Rule 24.

### **E. IMPLEMENTATION GUIDELINES**

To apply this Rule in an orderly and consistent manner, the General Manager shall develop and promulgate Implementation Guidelines to guide the fair administration and collection of MPWMD Fees and Charges. These Implementation Guidelines may be modified from time to time, with notice to the Board.

**F. ADMINISTRATION OF FEES AND CHARGES**

Each fee or charge collected by MPWMD pursuant to the Fees and Charges Table created by this Rule shall be non-refundable, unless the Implementation Guidelines clearly state that a specific fee is refundable. Where the fee set for any matter calls for an hourly rate, or where the fee is set to reimburse the District for costs and expenses it shall incur, the General Manager shall provide to the Applicant an estimate of the full fee to be incurred, and the Applicant shall deposit that sum with the District, in advance. This estimate may be corrected from time to time, and the deposit shall be replenished as necessary to fully fund the anticipated fee and costs to be incurred by the District. As for fees or charges that are deemed refundable by the Implementation Guidelines, the fee or charge shall be considered a deposit against which time, effort and materials relate to that activity shall be charged, and the amount subject to refund shall be limited to the unexpended and/or unencumbered increment of the deposit. As to that portion only, the remaining fee deposit shall be refunded to the Applicant, upon written request.

**G. NOTIFICATION OF UNPAID FEES AND CHARGES**

The General Manager shall provide written notification to the Applicant and/or landowner that required fees and/or deposits have not been paid to the District. Notice shall have been given when the written notification has been deposited in the U.S. mail, postpaid, addressed to the responsible party, or when personally delivered. The Applicant and/or landowner shall deposit the fee, in full, within sixty (60) days of notification, and during such time, the District shall suspend all actions relating to that Applicant or property, including efforts to process any application for Permit, appeal and/or variance.

**H. COLLECTION OF UNPAID FEES AND CHARGES**

Failure to tender the final fee or charge within the sixty (60) day period set forth above shall result in the automatic revocation of the related Permit, or denial of the request for appeal or variance. The District shall also remove any water meter installed in relation to the unpaid fee or charge upon revocation of the Permit. As to the unpaid fee or charge, the General Manager shall record a Notice of Non-Compliance against the affected property, which Notice shall be removed upon payment.

**I. ENFORCEMENT**

If the water meter has not been removed, or if the fee or charge remains unpaid after the Notice of Non-Compliance has been recorded for a period of ninety (90) days, the General Manager is authorized to file suit in Monterey County Superior Court to compel compliance with any and all Permit requirements, including and not limited to removal of the water meter serving the property. The General Manager is also authorized record a lien against the property for unpaid fees and charges. Any lien authorized by this section shall not require Board approval in accord with the procedure required for other liens pursuant to District Rule 113.

**J. FEES RELATING TO CHALLENGES TO PERMITS**

1. An Administrative Fee based on MPWMD staff time shall be imposed and collected at a rate of \$70.00 per hour for all activity associated with any challenge to the issuance, validity or denial of any Permit under the District Rules and Regulations, including, but not be limited to, efforts expended by District staff pursuant to any indemnification agreement.
2. A Legal Defense Fee shall be imposed and collected for any legal work performed by MPWMD Counsel associated with responding to any challenge to the issuance, validity or denial of any Permit under the District Rules and Regulations, to the imposition or validity of any condition imposed on such a Permit, or to any defect in process relating to the review and action on the Permit or Permit conditions. This fee shall be charged at actual cost, based on the hourly rate of retained MPWMD legal counsel at the time services are rendered. This fee shall include, but not be limited to, efforts expended by District Counsel pursuant to any indemnification agreement.

**K. FEES RELATING TO PERMIT MODIFICATION OR ENFORCEMENT**

1. An Administrative Fee based on MPWMD staff time shall be imposed and collected at a rate of \$70.00 per hour for any Permit violation, condition compliance, Water Distribution System or Expansion Capacity Limit modification, or other enforcement activity.
2. A Legal Enforcement Fee shall be imposed and collected for any legal work performed by MPWMD Counsel associated with any Permit violation, condition compliance, Water Distribution System or Expansion Capacity Limit modification, or other enforcement activity. This fee shall be charged at actual cost, based on the hourly rate of retained MPWMD legal counsel at the time services are rendered. This fee shall include, but not be limited to, efforts expended by District Counsel pursuant to any indemnification agreement.

**L. UNPAID FEES AND CHAGES**

The General Manager shall collect all fees required by this Rule 60. For any Permit that has been issued, but for which outstanding fees have not been paid, the General Manager shall record a lien against that property affected by the Permit if the unpaid fee or charge is not paid in full within ninety (90) days of invoice mailed to the owner, provided the property upon which a lien is to be filed has received a copy of that invoice. Any lien authorized by this section shall not require prior Board approval as may be required for other liens pursuant to District Rule 113.

## **M. REFUNDS OF FEES AND CHARGES**

Fees and charges pursuant to Regulation VI are paid to or due the District in consideration of, and as reimbursement for, District incurred costs and expenses relating to the administration and processing of applications, Permits, variances, appeals, notices, investigations, and District enforcement activities. These include, but are not limited to, costs and expenses incurred by the District in planning for, acquiring, reserving, protecting, and maintaining Capacity in present or future water distribution facilities, water resources, and conservation activities. At the conclusion of any activity (e.g. issuance or cancellation of a Permit, conclusion of an enforcement action, or any other final action on a matter) the General Manager may refund remaining fees or charges paid by the Applicant to the extent the remainder exceeds costs or expenses incurred by the District for that matter. Requests for refunds shall be in writing, include a clear reference to the Water Permit number or otherwise identify the matter, and state clearly the reason a refund has been requested. This provision authorizes the General Manager to calculate and issue a refund to the extent that the remainder exceeds costs or expenses incurred by the District for that matter, but shall not confer a right upon any Applicant to receive a refund. Any refund shall be determined as a delegated exercise of the General Manager's discretion. Any refund shall be made solely to the party who initially paid the fee or charge.

*Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 3 (7/11/80); Ordinance No. 4 (2/11/81); Ordinance No. 5 (4/13/81); Ordinance No. 6 (5/11/81); Ordinance No. 8 (1/14/81); Ordinance No. 26 (9/8/86); Ordinance No. 63 (6/15/92); Ordinance No. 71 (12/20/93); Ordinance No. 80 (11/20/95); Ordinance No. 96 (3/19/2001); Ordinance No. 105 (12/16/2002); Ordinance No. 115 (05/17/2004); Ordinance No. 118 (12/13/04); Ordinance No. 120 (3/21/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 128 (6/18/2007)*

## Fees and Charges Table (Effective July 22, 2014)

Action		Fee
<i>Action on any Appeal/Variance</i>		
1	Appeal	\$700 plus \$70/hour for more than 10 hours
2	Short-Term Variance (Rule 91)	\$125
3	Variance for Site with Water Use Capacity less than one-half (0.5) Acre-Foot annually (Rule 90)	\$250 plus \$70/hour for more than 10 hours
4	Variance for Site with Water Use Capacity greater than one-half (0.5) Acre-Foot but not more than one (1.0) Acre-Foot (Rule 90)	\$500 plus \$70/hour for more than 10 hours
5	Variance for Site with Water Use Capacity greater than one (1.0) Acre-Foot annually (Rule 90)	\$750 plus \$70/hour for more than 10 hours
<i>Action on any Permit</i>		
6	Administrative fee to monitor, review and enforce applications and/or Permits for Special Circumstances (Rule 24)	\$1400 plus \$70/hour for more than 20 hours
7	Amendment to a Non-Residential Water Permit (Rule 23)	\$140 per amendment plus \$70/hour for more than 2 hours
8	Amendment to a Residential Water Permit (Rule 23)	\$105 per amendment plus \$70/hour for more than 1.5 hours
9	Application for Conditional Water Permit (Rule 23)	\$350 per structure plus \$70/hour for more than 5 hours
10	Application Fee Deposit for Confirmation of Exemption (Rule 21)	\$1,000 per application. If needed, additional staff hours are charged at a rate of \$95/hour; recovery for other MPWMD actual direct costs will be additional if not covered by the initial \$1,000 fee; unused funds will be refunded
11	Application Fee Deposit to Create/Establish or Amend a WDS, Level 1 Permit (Rules 21 and 22)	\$1,200 per application. If needed, additional staff hours are charged at a rate of \$95/hour; recovery for other MPWMD actual direct costs will be additional if not covered by the initial \$1,200 fee; unused funds will be refunded
12	Application Fee Deposit to Create/Establish or Amend a WDS, Level 2 Permit (Rules 21 and 22)	\$1,200 per application. If needed, additional staff hours are charged at a rate of \$95/hour; recovery for other MPWMD actual direct costs will be additional if not covered by the initial \$1,200 fee; unused funds will be refunded
13	Application Fee Deposit to Create/Establish or Amend a WDS, Level 3 Permit (Rules 21 and 22)	\$3,000 per application. If needed, additional staff hours are charged at a rate of \$95/hour; recovery of other MPWMD actual direct costs will be additional if not covered by the initial \$3,000 fee; unused funds will be refunded
14	WDS Permit Pre-Application Consultation (Rule 22)	There shall be no charge for the first hour of consultation with MPWMD staff regarding the WDS Permit process. An Application Form and associated fee must be submitted after the first hour unless otherwise determined by the General Manager due to unusual circumstances

## Fees and Charges Table (Effective July 22, 2014)

Action		Fee
15	Application to Create/Establish a Water Distribution System or Amend a Water Distribution System Creation Permit -- Deposit for Unusually Complex Projects: "Unusually complex projects" are defined as projects requiring MPWMD staff time substantially in excess of the hours stated in the Application Fee to Create a Water Distribution System. In these situations, staff will review the cumulative total of hours and expenses accrued each quarter (January, April, July and October). The applicant will be billed if the quarterly unpaid total is more than \$500 over the initial fee. The applicant must pay the overage within 30 days of the invoice for staff to continue processing the application. The Confirmation of Exemption or WDS Permit is not signed and recorded until all fees are paid (Rules 21 and 22)	Determined on a case-by-case basis by the General Manager based on staff hours and legal review needed
16	Application to Create/Establish a Water Distribution System or Amend a Water Distribution System Creation Permit – Legal Fees: Any legal work performed by MPWMD Counsel associated with the Application is charged to the Applicant at actual cost, based on the hourly rate of retained MPWMD legal counsel at the time services are rendered (Rule 22)	Actual cost, based on the hourly rate of retained MPWMD legal counsel at the time services are rendered
17	Application to Create/Establish a Water Distribution System or Amend a Water Distribution System Creation Permit – Unused Funds (Rule 22)	Unused deposits or application fee will result in a refund of unused funds to the Applicant
18	Water Permit to Reinstall Meter (Former use documented under Rule 25.5)	No Fee
19	Application to Split an Existing Meter	No Fee
20	Application for Temporary Water Permit (Rule 23)	\$350 per structure plus \$70/hour for more than 5 hours
21	Application for Non-Residential Water Permit (Rule 23)	\$350 per structure plus \$70/hour for more than 5 hours
22	Plan Check for Non-Residential Waivers	\$105 per structure
23	Application for Residential Water Permit (Rule 23)	\$210 per Dwelling Unit plus \$70/hour for more than 3 hours
24	Plan Check for Residential Waivers	\$105 per Dwelling Unit
25	Capacity Fees (Moderate Income Housing) (Rule 24.5)	50% of Capacity Fees set pursuant to Rule 24
26	Capacity Fees -- (Low-Income Housing) (Rule 24.5)	Exempt from Capacity Fees set pursuant to Rule 24
27	Capacity Fees - Residential and Non-Residential Water Permits	See Rule 24
28	Recalculation of Final Capacity Fees (Rule 23)	\$70 per hour of staff time for all necessary efforts in excess of five hours per Site
29	Direct Costs - Publication Expenses, Filing Fees, Etc. (Rule 60)	Actual cost incurred by District - Applies to Water Distribution System Permits only
30	Permit Fee Payment Plans (Limited to California Non-Profit Public Benefit Corporations and requires Board approval and finding of substantial financial hardship) (Rule 24)	Deferred interest rate set by the Board
31	Pre-Application Consulting relating to Water Permits (First 30 minutes free) (Rule 20)	\$210 plus \$70 per hour for more than 3 hours

## Fees and Charges Table (Effective July 22, 2014)

Action		Fee
32	Refund of Capacity Fees (Rule 24)	\$70 processing fee
33	River Work Permits (see separate list below)	
34	Water Entitlement Related Activity - (see separate list below)	
35	Water Use Credits - On-Site Credits (see separate list below)	
36	Water Use Credits – Transfers (see separate list below)	
<b><i>Document Preparation, Processing, Review or Retrieval (Rule 60)</i></b>		
37	Deed Preparation and Review by Staff	\$105 per transaction. Included in Standard Water Permit processing fees
38	Direct Costs -- Publication Expenses, Etc.	Actual cost incurred by District
39	Direct Costs for Deed Restrictions -- Courier Charge, Federal Express	Actual cost incurred by District when less than three deed restrictions are being transported
40	Direct Costs for Deed Restrictions - Courier Charge, Expedited Service	\$110 per occurrence. Charged the hourly rate of \$70 per hour for MPWMD staff time, including direct costs incurred from courier service
41	Document Recordation (if separate from review or preparation)	Actual cost incurred by District (document lengths vary)
42	Legal Review performed by MPMWD Counsel on Deed Restrictions Related to Appeals, Permits, Variances, Water Use Credits, or other Activities	Charged at the hourly rate of retained MPWMD legal counsel at the time services are rendered
<b><i>Expanded Water Conservation and Standby Rationing Plan</i></b>		
43	Misrepresentation of resident survey information during Stage 4, 5, 6 and 7 (Rule 170)	\$250 for each offense. Each separate day or portion thereof during which any violation occurs or continues without a good-faith effort by the responsible Water User to correct the violation. See Rule 170.
<b><i>Publication Fees</i></b>		
44	MPWMD Rules & Regulations (Rule 60)	\$27 per copy
45	Photocopies (Rule 60)	Ten (10) cents per page
46	Well Registration Form (Rule 52)	\$25 per Form
<b><i>Rationing Liens (Rule 60)</i></b>		
47	Deed Preparation (Lien Release) and Review by Staff	\$105 per transaction
48	Direct Costs for Deed Restrictions – Courier Charge, Federal Express	Actual cost incurred by District when less than three deed restrictions are being transported
49	Document Recordation (if separate from review or preparation)	\$110 per occurrence. Charged the hourly rate of \$70 per hour for MPWMD staff time, including direct costs incurred from courier service
50	Direct Costs for Deed Restrictions - Courier Charge, Expedited Service	\$110 per occurrence. Charged the hourly rate of \$70 per hour for MPWMD staff time, including direct costs incurred from courier service
51	Legal Review performed by MPWMD Counsel on Deed Restrictions Related to Appeals, Permits, Variances, Water Use Credits, or other Activities	Charged at the hourly rate of retained MPWMD legal counsel at the time services are rendered

## Fees and Charges Table (Effective July 22, 2014)

Action		Fee
<b><i>Rebate Processing</i></b>		
52	Application for Rebate	No charge
<b><i>River Work Permits (Rules 126 and 127)</i></b>		
53	Minor River Work	\$25 per application
54	River Work Permit	\$50 per application
55	Emergency River Work	\$50 per application
56	Unusually Complex Applications	Actual cost incurred by District for MPWMD staff time in excess of five (5) hours per application plus direct costs
<b><i>Inspection Activities (Rule 110)</i></b>		
57	Cancellation of Inspection (less than 24 hours notice)	\$70 per inspection
58	No-Show; Failure to Provide Access for Scheduled Inspection	\$70 per inspection
59	Conservation Verification Inspection Pursuant to Rule 143 and 144 (Retrofit of Existing Commercial Uses and Change of Ownership or Use)	No Charge
60	Site Inspection (pre-application, or not associated with a planned application, or inspection to document Non-Residential retrofit pursuant to Rule 25.5)	\$105 per inspection
61	Re-Inspection (original inspection not in compliance)	\$105 per inspection
62	Repeat Inspection (overlooked fixtures or failure to show all fixtures)	\$70 per inspection
<b><i>Variance</i></b>		
63	See "Action on any Appeal/Variance" section, above.	
<b><i>Water Use Permit Fees (Rule 23.5)</i></b>		
64	Amendment to a Water Use Permit (Water Entitlement Process) (also may require Capacity Fees pursuant to Rule 24)	\$350 plus \$70/hour for more than 5 hours
65	Application for Water Use Permit (Water Entitlement Process) (also may require Capacity Fees pursuant to Rule 24)	\$210 per Site plus \$70/hour for more than 3 hours; also see Rule 24
66	Water Use Permit Monitoring (Water Entitlement Process) (Rule 23.5)	\$70 plus \$70/hour for more than 1 hour
67	3rd Party Consulting or Ancillary Costs (Rule 23.5)	Actual cost incurred by District
68	Legal work performed by MPMWD Counsel on Water Entitlement Related Actions (Rule 23.5)	Charged at the hourly rate of retained MPWMD legal counsel at the time services are rendered
69	Direct Costs – Courier Charge, Federal Express Charges	Actual cost incurred by District when less than three deed restrictions are being transported
<b><i>Water Use Credits and On-Site Credit Activity (Rule 25.5)</i></b>		
70	Extension of a prior documented On-Site Water Use Credit	\$70 plus \$70 per hour for more than 1 hour
71	Documentation of Water Use Credit -- Non-Residential (Rule 25.5)	\$105 plus \$70 per hour for more than 1.5 hours
72	3rd Party Consulting or Ancillary Costs incurred to verify water use savings	Actual cost incurred by District



## Fees and Charges Table (Effective July 22, 2014)

Action		Fee
<b><i>Water Credit Transfer Activity (Rule 28)</i></b>		
73	Application to Transfer a Water Use Credit (originating Site)	\$2100 plus \$70 per hour for more than 30 hours
74	Application for a Water Permit utilizing a Water Credit Transfer (receiving Site)	\$700 plus \$70 per hour for more than 10 hours
75	Complex Transfer fee for projects proposing to save water by means of new water saving technology	\$2800 plus \$70 per hour for more than 40 hours
76	3rd Party Consulting or Ancillary Costs incurred to review transfer	Actual cost incurred by District
<b><i>Water Waste Fees (Rules 160 and 171)</i></b> <b><i>Fee amounts are tripled for customers using over 1 million gallons/year</i></b>		
77	First offense	No fee: Written notice and opportunity to correct the situation
78	Fee for first Flagrant Violation during Stages 1-4	\$100
79	Fee for second Flagrant Violation within 12 months during Stages 1-4	\$250
80	Fee for third and subsequent Flagrant Violations within 12 months during Stages 1-4	\$500
81	Fee for the first Flagrant Violation during Stages 5-7	\$150
82	Fee for subsequent Flagrant Violations within 12 months during Stages 5-7	\$500
83	Fee for Administrative Compliance Order or Cease & Desist Order	Up to \$2,500 per day for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars (\$100,000.00) exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations
84	Late payment charges	Half of one percent of the amount owed per month
<b><i>Well Monitoring Activity (Rule 52)</i></b>		
85	Registration of an Existing Well -- Non-Public Entities	\$10 per Registration
86	Registration of an Existing Well -- Public Entities	No Fee
87	Registration of a New Well -- Non-Public Entities	No Fee
88	Registration of a New Well -- Public Entities	No Fee
89	Well Registration Form	\$25 per Form
90	Application to Convert Water Well to Monitor Well	\$25 Application Fee \$500 Conversion Fee (upon application approval)

*Table added by Ordinance No. 120 (3/21/2005); amended by Resolution No. 2005-06 (8/12/2005); Resolution 2007-02 (4/16/2007); Resolution 2007-06 (5/21/2007); Resolution 2010-09 (7/19/2010); Ordinance No. 157 (12/9/2013); Resolution 2014-05 (4/21/2014); Resolution 2014-14 (07/21/2014)*