

**FINAL**  
**ORDINANCE NO. 120**  
**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE**  
**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**  
**SETTING AND AMENDING ADMINISTRATIVE FEES FOR**  
**VARIOUS SERVICES, INCLUDING PERMIT PROCESSING, AND ENABLING FUTURE**  
**AMENDMENT OF FEES BY BOARD RESOLUTION**

**FINDINGS**

1. The Water Peninsula Water Management District (MPWMD, District or District) was authorized in 1977 by the California Legislature (Chapter 527 of the Statutes of 1977, as amended, found at West's Water Law Appendix, Section 118-1, et seq.) and the voters of the Monterey Peninsula ratified its creation in June, 1978. The District holds comprehensive authority to integrate management of the ground and surface water resources in the Monterey Peninsula area.
2. The Water Management District is authorized to establish a written permit system to regulate the formation and expansion or extension of water distribution systems. The District also manages and monitors wells, and structures (works) within the Carmel River. A comprehensive effort to review and regulate the creation and expansion of water distribution systems was first enacted by the Water Management District on February 11, 1980, by Ordinance No. 1, was amended by Ordinance No. 96 on March 19, 2001, amended by Ordinance No. 105 on December 16, 2002, amended by Ordinance No. 106 on February 27, 2003, and amended by Ordinance No. 118 on December 13, 2004.
3. The Water Management District's management efforts are necessary to protect District water resources and to assure that sufficient water will be available for present and future beneficial use by all District inhabitants and lands. The need for these protective efforts has been heightened by State Water Resources Control Board (SWRCB) Order WR 95-10, and the listing of the California red-legged frog and steelhead as threatened species under the federal Endangered Species Act (ESA) to protect the public trust resources of the Carmel River. Management efforts assess and minimize (i) the cumulative impact of water distribution systems upon water resources, (ii) the demand burden that can result from failure of small water systems, (iii) fire risks presented by small water systems, (iv) water quality concerns, (v) cross-contamination of water supplies and water systems, (vi) public utility service area limitations, (vii) lack of clear identification of water rights for water systems, and (viii) other limits associated with the lack of California-American Water Company (Cal-Am) supply as a result of State Water Resources Control Board (SWRCB) Order WR 95-10.
4. In the performance of its water management function, the Water Management District undertakes property inspections, prepares and reviews documents, monitors and enforces its Rules & Regulation and permits issued under its authority. These activities are undertaken to protect water quality and quantity, to prevent diminution of waters within the District, to protect environmental values, and are consistent with the District's authority to reasonably regulate in-stream, surface, and subterranean water supplies within District boundaries.
5. This Ordinance authorizes collection of administrative fees and charges for staff time and sets administrative fees and charges for activities associated with, but not limited to, appeals, compliance, conservation matters, data search, document review, enforcement, permits, rationing, staff consultation, and site inspection.

6. This ordinance is exempt from CEQA pursuant to California Environmental Quality Act (CEQA) Guidelines section 15273(a)(1) – Rates, Tolls, Fares, Charges. The Board of Directors determines and declares that all new or amended fees and charges set and authorized by this Ordinance are to meet Water Management District operating expenses, including employee wage rates and fringe benefits, consultant services, legal services and direct costs, including permit processing, enforcement and associated litigation expenses. A Notice of Exemption shall be filed.
7. This ordinance shall amend Regulation VI, Rules 60 to 63, inclusive, of the Rules and Regulations of the Water Management District. This ordinance modifies fees and charges authorized by Regulation VI, Rule 60 (Permit Fees), Rule 61 (Publication Fees), Rule 62 (Well Monitoring Fees), and Rule 63 Miscellaneous Fees of the Rules and Regulations of the Water Management District. This ordinance also sets new fees related to the issuance of Water Entitlements. This ordinance republishes existing fees and charges formerly set by Rules 60 to 63 without modification.
8. Rule 60 was first enacted by Ordinance No. 1 (2/11/80), amended by Ordinance No. 4 (2/11/81), Ordinance No. 5 (4/13/81), and Ordinance No. 8 (1/14/81); formerly Rule 500, renumbered by Ordinance No. 3 (7/11/80); formerly Rule 600, renumbered by Ordinance No. 6 (5/11/81); amended by Ordinance No. 26 (9/8/86); amended by Ordinance No. 63 (6/15/92); amended by Ordinance No. 71 (12/20/93); amended by Ordinance No. 96 (3/19/2001); amended and re-lettered by Ordinance No. 105 (12/16/2002); amended by Ordinance No. 115 (5/24/04).
9. Rule 61 was first enacted by Ordinance No. 1 (2/11/80), amended by Ordinance No. 4 (2/11/81) and Ordinance No. 5 (4/13/81); formerly Rule 501, renumbered by Ordinance No. 3 (7/11/80); formerly Rule 601, renumbered by Ordinance No. 6 (5/11/81); amended by Ordinance No. 57 (6/24/91)
10. Rule 62 was first enacted by Ordinance No. 3 (7/11/80), amended by Ordinance No. 4 (2/11/81) and Ordinance No. 5 (4/13/81); formerly Rule 602, renumbered by Ordinance No. 6 (5/11/81); amended by Ordinance No. 56 (11/25/91); amended by Ordinance No. 96 (3/19/2001).
11. Rule 63 was first enacted by Ordinance No. 3 (7/11/80), amended by Ordinance No. 4 (2/11/81), Ordinance No. 5 (4/13/81), Ordinance No. 8 (1/14/81), and Ordinance No. 9 (2/14/83); formerly Rule 603, renumbered by Ordinance No. 6 (5/11/81); amended by Ordinance No. 63 (6/15/92); amended by Ordinance No. 96 (3/19/2001).
12. The Water Management District further authorizes, by this ordinance, fees and charges set by this measure to be modified by Board Resolution.
13. The Water Management District further authorizes, by this ordinance, the General Manager to develop, promulgate, and amend from time to time, Implementation Guidelines to carry out this ordinance in an orderly and consistent manner. The Board shall receive notice of any amendment to the Implementation Guidelines.
14. This ordinance shall delete its Rule 71 providing for Assessment Appeals in its entirety, as the Water Management District no longer has any assessments associated with the Carmel River (or otherwise) and the language enacted by Ordinance No. 9 (2/14/83), and amended by Ordinance No. 11 (11/14/83), and Ordinance No. 22 (3/11/85), is now obsolete.

NOW THEREFORE be it ordained as follows:

## ORDINANCE

### Section One:            Short Title

This ordinance shall be known as the Fee Amendment and Future Fee Process Ordinance of the Monterey Peninsula Water Management District.

### Section Two:            Purpose

This ordinance shall revise the permanent Rules and Regulations of the Water Management District to amend select fees, and create new fees for various services, including but not limited to activity related to issuance and monitoring of permits associated with Water Entitlements. This ordinance shall further modify the process by which administrative processing fees, including permit fees, shall be established or modified in the future. Fees set by this ordinance include, but are not limited to, inspection fees, permit processing fees, document review and preparation fees, and enforcement fees. Fees previously enacted and not amended by this ordinance shall appear unchanged on the fees and charges table created by this ordinance.

This ordinance authorizes the General Manager to develop and promulgate Implementation Guidelines based on Board direction, and may modify these from time to time with notice to the Board, to carry out this ordinance in an orderly and consistent manner.

This ordinance deletes the Assessment Appeal Rule as assessments associated with the Carmel River are no longer authorized.

### Section Three: Amendment of Rule 60

District Regulation VI, Rule 60, shall be amended by deleting the entirety of its provisions shown in ~~strikeout text (strikeout)~~, and by adding the following provisions set forth in italicized and bold face type (***bold face***).

#### ~~RULE 60. PERMIT FEES~~

~~Every applicant shall pay such non-refundable (unless otherwise stated) administrative processing fees at time of application as follows in accordance with written Implementation Guidelines:~~

#### ~~A. Administrative fee for each Permit to Create/Establish a Water Distribution System:~~

~~1. MPWMD Staff Rate: MPWMD staff time is charged at a rate of \$70.00 per hour. There is no charge for the first hour of consultation prior to submitting an application.~~

~~2. Application Consultation Deposit Fee: A \$560 deposit for up to eight (8) hours of cumulative MPWMD staff time is required for application-related consultation with MPWMD staff after the first hour and prior to submitting a written application form. Unused funds may be applied to the application fee described in subsection A-3.~~

3. Application Fee: A fee of \$2,450 is payable at the time a written application form is submitted for up to thirty five (35) hours of MPWMD staff time.

4. Deposit for Unusually Complex Projects: ~~“Unusually complex projects” are defined as projects requiring MPWMD staff time in excess of the hours stated in subsections A 2 and A 3 above. When the hours stated in subsections A 2 and A 3 are used up, the applicant must pay an additional deposit for MPWMD staff time anticipated to complete the permit process, as determined on a case by case basis by the General Manager.~~

5. Charge for 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.~~

6. Charge for Direct Costs: ~~The applicant will be charged for direct costs associated with the permit application. Examples include notices of public hearings and filing fees charged by the Monterey County Clerk.~~

7. Unpaid Fees: ~~Unpaid fees will result in termination of the permit process and/or withheld issuance of an otherwise valid permit.~~

8. Unused Funds: ~~Unused deposits or application fee, described in subsections A 2, A 3 and A 4, will result in a refund of unused funds to the applicant.~~

B. ~~Plan Check and Processing fee for Permit to Expand/Extend a Water Distribution System, or to use a Water Use Credit:~~

1. ~~single family and duplex residential connections: \$150 per dwelling unit~~

2. ~~multi-family residential connections:~~

a. ~~10 or less dwelling units per free-standing structure: \$250 per structure~~

b. ~~more than 10 dwelling units per free standing structure: \$500 per structure~~

3. ~~commercial/industrial connections:~~

a. ~~capacity for annual water use of one half (0.5) acre feet or less: \$250 per structure~~

b. ~~capacity for annual water use greater than one half (0.5) acre feet but not greater than (1.0) acre feet: \$500 per structure~~

c. ~~capacity for annual water use greater than one (1.0) acre feet: \$750 per structure~~

4. ~~unusually complex applications: \$70.00 per hour of staff time for all necessary efforts in excess of twenty (20) hours per application.~~

5. ~~conditional water permits: \$750 per application~~

C. ~~Fee for Expansion Surcharge Those fees established annually, on or about July 1, by a resolution of the Board establishing the fees to be paid by new residential,~~

~~commercial/governmental, and industrial users to pay for the projected costs of the irrigation program for the four wells in lower Carmel Valley.~~

~~D. Processing and Plan Check fee for each amendment of an expansion/extension permit:~~

- ~~1. residential connections: \$25 per dwelling unit~~
- ~~2. commercial/industrial: \$125 per free-standing structure~~
- ~~3. unusually complex amendments: \$70.00 per hour of staff time for all necessary efforts in excess of five (5) hours per amendment.~~

~~E. Processing Fee for River Work Permits~~

- ~~1. administrative fee for each minor river works permit: \$25~~
- ~~2. administrative fee for each river works permit: \$50~~
- ~~3. administrative fee for each emergency river works permit: \$50~~

- ~~4. unusually complex applications: \$70.00 per hour of MPWMD staff time in excess of five (5) hours per application, including direct costs incurred.~~

~~F. Administrative fee for each amendment of a water distribution system creation permit:~~

- ~~1. single parcel connection system: \$1,400 for up to twenty (20) staff hours~~
- ~~2. multiple parcel connection system: \$2,450 for up to thirty five (35) staff hours~~
- ~~3. \$70.00 per hour for more than twenty (20) hours of staff time expended to process a single parcel connection system or thirty five (35) hours for a multiple parcel connection system.~~
- ~~4. application deposit, legal fees, unusually complex projects, direct costs, unpaid fees and unused funds are to be regulated as described in Rule 60-A above.~~

~~G. Processing and Plan Check fee for the recalculation of final connection fees pursuant to Rule 24 B: \$70.00 per hour of staff time for all necessary efforts in excess of five (5) hours per Site requiring recalculation.~~

~~H. Administrative fee for each application to transfer a water use credit pursuant to Rule 28:~~

- ~~1. transferred annual water use capacity of one half (0.5) acre feet or less: \$250 per originating parcel.~~
- ~~2. transferred annual water use capacity greater than one half (0.5) acre feet but not greater than one (1.0) acre feet: \$500 per originating parcel.~~
- ~~3. transferred annual water use capacity greater than one (1.0) acre feet: \$750 per originating parcel.~~

4. ~~unusually complex applications for water transfers: \$70.00 per hour of staff time for all necessary efforts in excess of twenty (20) hours per application as well as payment for direct costs incurred.~~
- I. ~~Administrative fee to review and process applications for fixtures added without proper permit: \$50 per unpermitted fixture.~~
- J. ~~No administrative fee shall be charged for the following activities:~~
  1. ~~meter splits (separation of an existing master meter into separate meters).~~
  2. ~~reinstallation of a meter where there is no intensification on that site (Rule 25.5).~~

**RULE 60. FEES & 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 & Charge Categories. MPWMD shall set administrative fees and charges for each of the following services or activities: Action on any Appeal, Action on any Permit, Action on any Variance, Compliance Activity, Conservation or Rationing Activity, Data Search, Document Preparation, Document Review or Retrieval, Enforcement Activity, Research, Staff Consultation, Site Inspection, Water Entitlement (Water Use Permit), Water Credit and/or Water Credit Transfer activities.*

*C. Table of Fees & Charges. MPWMD shall maintain a Fee & Charge Table providing for all current administrative fees and charges for each Fee & Charge Category set by Paragraph B of this Rule. The Fee and Charge 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 Fee & Charge 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 ½ hour.*

*D. Connection Charges. This Rule shall not amend or modify connection charges as set by Rule 24, and the process by which administrative fees and charges, and the Fee and Charge Table referenced in Paragraph C, above, shall not apply to the Water Supply Cost Component set in Rule 24 E.*

*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 & Charges. These Implementation Guidelines may be modified from time to time, with notice to the Board.*

*F. Administration of Fees & Charges. Each Fee or Charge collected by MPWMD pursuant to the Fee & Charge 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 related 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 & 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 & 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.*

#### **Section Four:            Deletion of Rule 61**

District Regulation VI, Rule 61 shall be deleted in its entirety as shown in ~~strikeout~~ (strikeout) text below. MPWMD shall incorporate fees and charges for publications within the Fee & Charge Table authorized by Rule 60 C. Such fees and charges may be amended from time to time by a Resolution duly adopted by the MPWMD Board of Directors.

#### **RULE 61— PUBLICATION FEES**

~~When other than a public agency, the maximum fees and charges for publications shall be set forth below:~~

~~A.—Copies of Rules and Regulations—\$10~~

~~B.—Copies of Environmental Guidelines—\$5~~

~~C.—Copies of permits and other materials—10 cents per page~~

**Section Five:**                    **Deletion of Rule 62**

District Regulation VI, Rule 62 shall be deleted in its entirety as shown in ~~strikeout~~ (strikeout) text below. MPWMD shall incorporate fees and charges for Well Monitoring within the Fee & Charge Table authorized by Rule 60 C. Such fees and charges may be amended from time to time by a Resolution duly adopted by the MPWMD Board of Directors.

**RULE 62 WELL MONITORING FEES**

~~Every applicant, excepting governmental agencies, shall pay up to the maximum a non-refundable fee as follows:~~

- ~~A. Fee for existing well registration \$10~~
- ~~B. Fee for new well registration \$25~~
- ~~C. Fee for Water Well Registration Form \$25~~

**Section Six:**                    **Deletion of Rule 63**

District Regulation VI, Rule 62 shall be deleted in its entirety as shown in ~~strikeout~~ (strikeout) text below. MPWMD shall incorporate fees and charges for Miscellaneous Activities, including fees for Appeals and Variances, within the Fee & Charge Table authorized by Rule 60 C. Such fees and charges may be amended from time to time by a Resolution duly adopted by the MPWMD Board of Directors.

**RULE 63 MISCELLANEOUS FEES**

~~Every applicant excepting governmental agencies, shall pay at time of application, a non-refundable fee as follows:~~

- ~~A. Fee for appeal:~~
  - ~~1. capacity for annual water use of one half (0.5) acre feet or less: \$250 per structure~~
  - ~~2. capacity for annual water use greater than one half (0.5) acre feet but not greater than one (1.0) acre feet: \$500 per structure~~
  - ~~3. capacity for annual water use greater than one (1.0) acre feet: \$750 per structure~~
- ~~B. Fee for variance:~~
  - ~~1. capacity for annual water use of one half (0.5) acre feet or less: \$250 per structure~~
  - ~~2. capacity for annual water use greater than one half (0.5) acre feet but not greater than one (1.0) acre feet: \$500 per structure~~
  - ~~3. capacity for annual water use greater than one (1.0) acre feet: \$750 per structure~~



~~C. Fee for short term variance: \$125~~

~~D. Fee for assessment appeal: \$125~~

~~E. Additional Fees for Complex Appeals or Variances: \$70.00 per hour of staff time for all necessary efforts in excess of ten (10) hours per appeal or variance.~~

### **Section Seven: Unchanged Fees and Charges**

The following fees and charges shall be incorporated into the Fee And Charge Table without modification:

Rule 60 A: Administrative fee for each Permit to Create/Establish a Water Distribution System;

Rule 60 C: Fee for Expansion Surcharge

Rule 60 E: Processing Fee for River Works Permits;

Rule 60 F: Administrative fee for each amendment of a water distribution system creation permit;

Rule 60 G: Processing and Plan Check fee for the recalculation of final connection fees pursuant to Rule 24 B;

Rule 60 I: Administrative fee to review and process applications for fixtures added without proper permit;

Rule 60 J: No administrative fee shall be charged for the following activities

Rule 61: Publication Fees

Rule 62: Well Monitoring Fees

**Rule 63 C:** Fee for short-term variance.

### **Section Seven: Deletion of Rule 71**

District Regulation VII, Rule 71 providing for Assessment Appeals shall be deleted in its entirety.

### **Section Eight: Publication and Application**

1. The provisions of this ordinance shall cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

2. Section titles and captions are provided for convenience and shall not be construed to limit the application of the text.

3. All references within the District Rules and Regulations to Rules 61, 62 and/or Rule 63 shall be changed to be a reference to "Rule 60." Examples of such references may be found, but are not limited to Rule 21 (Applications), Rule 22 (Action on Application for Permit to Create/Establish a Water Distribution System), Rule 70 (Appeals), and Rule 90 (Variance).

### **Section Nine: Effective Date and Sunset**

This ordinance shall be given effect at 12:01 a.m. on the 30<sup>th</sup> day following the date of its adoption on second reading. This Ordinance shall have no sunset date.

**Section Ten:**            **Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

If any subdivision, paragraph, sentence, clause or phrase of Section Three, Four, Five or Six of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall automatically cause the re-publication of the prior Rule 60, 61, 62, and/or 63 as appropriate, and shall not affect the validity or enforcement of fees under that Rule or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that Rules 60 through 63, inclusive, would not have been repealed but for the adoption of this ordinance.

On motion of Director Lehman, and second by Director Potter, the foregoing ordinance is adopted upon this 21<sup>st</sup> day of March, 2005 by the following vote:

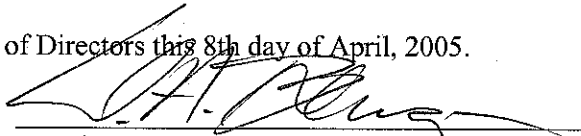
AYES:            Directors Edwards, Foy, Lehman, Markey, Pendergrass and Potter

NAYS:            None

ABSENT:        Director Knight

I, David Berger, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the 21st day of March, 2005.

Witness my hand and seal of the Board of Directors this 8th day of April, 2005.

  
David A. Berger, Secretary to the Board

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## RULE 60 – FEES AND CHARGES TABLE

<i>Action</i>	<i>Fee</i>
<b><i>Action on any Appeal / Variance</i></b>	
Appeal for Site with Water Use Capacity less than one-half (0.5) acre-foot annually (Rule 70)	\$250 plus \$70/hour for more than 10 hours
Appeal for Site with Water Use Capacity greater than one-half (0.5) acre foot but not more than one (1.0) acre foot (Rule 70)	\$500 plus \$70/hour for more than 10 hours
Appeal for Site with Water Use Capacity greater than one (1.0) acre-foot annually (Rule 70)	\$750 plus \$70/hour for more than 10 hours
Short-Term Variance (Rule 91)	\$125
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
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
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
<b><i>Action on any Permit</i></b>	
Administrative fee to monitor, review and enforce applications and/or permits for Special Circumstances pursuant to Rule 24-G	\$1400 per amendment plus \$70/hour for more than 20 hours
Amendment to a Commercial Connection (Expansion) Permit (Rule 20, 21)	\$140 per amendment plus \$70/hour for more than 2 hours
Amendment to an Industrial Connection (Expansion) Permit (Rule 20, 21)	\$140 per amendment plus \$70/hour for more than 2 hours
Amendment to a Multi-Family Residential Connection (Expansion) Permit (Rule 20, 21)	\$105 per amendment plus \$70/hour for more than 1.5 hours
Amendment to a Public Use Connection (Expansion) Permit (Rule 20, 21)	\$140 per amendment plus \$70/hour for more than 2 hours
Amendment to a Single Family Residential Connection (Expansion) Permit (Rule 20, 21)	\$105 per amendment plus \$70/hour for more than 1.5 hours
Application for Conditional Water Permit – Connection (Expansion) to a WDS (Rule 23-D)	\$350 per structure plus \$70/hour for more than 5 hours
Application Fee to Amend an Existing Water Distribution System (WDS) Creation Permit (Single Parcel System) (Rule 22)	\$1400 per application plus \$70/hr for more than 20 hours
Application Fee to Amend an Existing Water Distribution System (WDS) Creation Permit (Multiple Parcel System) (Rule 22)	\$2450 per application plus \$70/hr for more than 35 hours
Application Fee to Create/Establish a Water Distribution System (WDS) (Rule 22)	\$2450 per application plus \$70/hr for more than 35 hours

## RULE 60 – FEES AND CHARGES TABLE

### *Action*

### Fee

Application to Create/Establish a Water Distribution System or Amend a Water Distribution System Creation Permit – Application Consultation Deposit Fee. Required for application-related consultation with MPWMD staff after the first hour and prior to submitting a written application form. Unused funds may be applied to the application fee. (Rule 22)	\$560 deposit for up to 8 hours.
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 in excess of the hours stated in the Application Fee to Create a Water Distribution System and the Application Consultation Deposit Fee above. When the hours stated in the Application Fee to Create a Water Distribution System and the Application Consultation Deposit Fee are used up, the applicant must pay an additional deposit for MPWMD staff time anticipated to complete the permit process, as determined on a case-by-case basis by the General Manager.	Determined on a case-by-case basis by the General Manager
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	Actual cost, based on the hourly rate of retained MPWMD legal counsel at the time services are rendered
Application to Create/Establish a Water Distribution System or Amend a Water Distribution System Creation Permit – Unused Funds: Unused deposits or application fee will result in a refund of unused funds to the applicant.	
Application to Reinstall Meter (no intensification per Rule 25.5) (Rule 60-J)	No Fee
Application to Split an Existing Meter (Rule 60-J)	No Fee
Application for Temporary Permit (Rule 23-B)	\$250-\$750 depending on water use capacity of project
Application for Water Permit – Commercial Connection (Expansion) to a WDS (Rule 20, 21)	\$350 per structure plus \$70/hour for more than 5 hours
Application for Water Permit – Industrial Connection (Expansion) to a WDS (Rule 20, 21)	\$350 per structure plus \$70/hour for more than 5 hours
Application for Water Permit – Public Use Connection (Expansion) to a WDS (Rule 20, 21)	\$350 per structure plus \$70/hour for more than 5 hours
Application for Water Permit – Residential Connection (Expansion) to a WDS – Multi-Family (Rule 20, 21)	\$210 per application plus \$70/hour for more than 3 hours

## RULE 60 – FEES AND CHARGES TABLE

<i>Action</i>	<i>Fee</i>
Application for Water Permit - Residential Connection (Expansion) to a WDS - Duplex (Rule 20, 21)	\$210 per dwelling unit plus \$70/hour for more than 3 hours
Application for Water Permit - Residential Connection (Expansion) to a WDS - Single Family (Rule 20, 21)	\$210 per dwelling unit plus \$70/hour for more than 3 hours
Application for Water Permit – Property served exclusively by a private well	\$105 per dwelling unit plus \$70/hour for more than 1.5 hours
Cancellation of Inspection (less than 24 hours notice) (Rule 24, 110, 144)	\$70 per inspection
Connection Charges (Affordable Housing) (Rule 24.5)	50% of charges set pursuant to Rule 24-C and Rule 24-Table 1
Connection Charges (Low Income Housing) (Rule 24.5)	Exempt from charges set pursuant to Rule 24-C and Rule 24-Table 1
Connection Charges (Commercial) set pursuant to Rule 24 D	See Rule 24 & Rule 24 - Table II
Connection Charges (Governmental) set pursuant to Rule 24 D	See Rule 24 & Rule 24 - Table II
Connection Charges (Industrial) set pursuant to Rule 24 D	See Rule 24 & Rule 24 - Table II
Connection Charges (Residential) set pursuant to Rule 24 C	See Rule 24 & Rule 24 - Table I
Connection Charges (Temporary Permit) set pursuant to Rule 24	See Rule 24 – Minimum charge of \$600. May be credited to final permit.
Direct Costs – Publication Expenses, Filing Fees, Etc.	Actual cost incurred by District-- Applies to Water Distribution System Permits only
No-Show; Failure to Provide Access for Scheduled Inspection (Rule 24, 110, 144)	\$70 per inspection
Permit Fee Payment Plans (Limited to California Non-Profit Public Benefit Corporations and requires Board approval and finding of substantial financial hardship) (Rule 24-N)	Deferred interest rate set by the Board
Pre-Application Consulting relating to connections to an existing Water Distribution System (WDS) (Rule 20, 21, 23, 24) (First 30 minutes free)	\$210 plus \$70 per hour for more than 3 hours.
Re-Inspection (original inspection not in compliance) (Rule 24, 110, 144)	\$105 per inspection
Refund of Connection Charges (Rule 24-H)	\$100 processing fee
Fee for fixtures added without proper water permit (does not include fees to process required permits) – Residential (Rule 20, 21, 24)	\$70 per fixture
River Works Permits (see separate list below)	
Site Inspection (pre-application): This fee applies to inspections requested prior to submittal of a water permit application (Rule 24, 110, 144)	\$105 per inspection

## RULE 60 – FEES AND CHARGES TABLE

Action	Fee
<i>Usually Complex Applications to Amend a Water Distribution System Creation Permit</i>	\$70 per hour for more than twenty (20) hours of staff time expended to process a single-parcel connection system or thirty-five (35) hours for a multiple-parcel connection system
<i>Water Entitlement Related Activity – (see separate list below)</i>	
<i>Water Use Credits – On Site Credits (see separate list below)</i>	
<i>Water Use Credits – Transfers (see separate list below)</i>	
<b><i>Compliance / Enforcement Activity</i></b>	
Recalculation of Final Connection Fees (Rule 24B)	\$70 per hour of staff time for all necessary efforts in excess of five hours per site
Review of fixtures added without water permit (not including additional enforcement or required permit fees) – Residential (Rule 24)	\$50 per fixture
<b><i>Conservation or Rationing Activity</i></b>	
Cancellation of Inspection (less than 24 hours notice) (Rule 110)	\$70 per inspection
No-Show; Failure to Provide Access for Scheduled Inspection (Rule 110)	\$70 per inspection
Re-Inspection (original inspection not in compliance) (Rule 110)	\$105 per inspection
Fee for Expansion Surcharge - Those fees established annually, on or about July 1, by a resolution of the Board establishing the fees to be paid by new residential, commercial/industrial users to pay for the projected costs of the irrigation program for the four wells in lower Carmel Valley.	As determined by resolution of the Board
<b><i>Document Preparation, Processing, Review or Retrieval</i></b>	
Deed Preparation and Review by Staff	\$105 per transaction. Included in standard processing fees.
Direct Costs – Publication Expenses, Etc.	Actual cost incurred by District
Direct Costs for Deed Restrictions – Courier Charge, Federal Express.	\$10 per transaction
Document Recordation (if separate from review or preparation)	\$8 for first page, \$3 each additional page and \$2 for copy (document lengths vary)
Legal Review performed by MPMWD Counsel on Deed Restrictions Related to Appeals, Permits, Variances, Water Use Credits, or other Activities	Actual cost incurred by District
<b><i>Expanded Water Conservation and Standby Rationing Plan</i></b>	
Water Waste Notification Processing (first notice) (Rule 171)	No charge
Water Waste Fee (each flagrant occurrence)	\$50

## RULE 60 – FEES AND CHARGES TABLE

<i>Action</i>		Fee
Water Waste Notification Processing (second and subsequent occurrence) (Rule 171)		No charge
Water Waste Fee (second and subsequent offenses within 18 months of original offense) (Rule 171)		\$150
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>		
MPWMD Rules & Regulations (Rule 61)		\$10 per copy
Photocopies (Rule 61)		Ten (10) cents per page
Well Registration Form (Rule 62)		\$25 per Form
<b><i>Rationing Liens</i></b>		
Deed Preparation (Lien Release) and Review by Staff		\$105 per transaction
Direct Costs for Deed Restrictions – Currier Charge, Federal Express.		\$10 per transaction
Document Recodation (if separate from review or preparation)		\$14 (Actual cost)
Legal Review performed by MPMWD Counsel on Deed Restrictions Related to Appeals, Permits, Variances, Water Use Credits, or other Activities		Actual cost incurred by District
<b><i>Rebate Processing</i></b>		
Application for Rebate (Ordinance No. 110)		No charge
<b><i>River Works Permits</i></b>		
Minor River Works (Rule 60)		\$25
River Works Permit (Rule 60)		\$50
Emergency River Work (Rule 60)		\$50
Unusually Complex Applications		\$70.00 per hour for MPMWD staff time in excess of five (5) hours per application, including direct costs incurred
<b><i>Site Inspection Activities</i></b>		
Cancellation of Inspection (less than 24 hours notice) (Rule 110)		\$70 per inspection
No-Show; Failure to Provide Access for Scheduled Inspection (Rule 110)		\$70 per inspection
Conservation Verification Inspection Pursuant to Rule 143 and 144 (Retrofit of Existing		No Charge

FINAL ORDINANCE 120  
SETTING AND AMENDING ADMINISTRATIVE FEES FOR VARIOUS SERVICES, INCLUDING PERMIT PROCESSING, AND  
ENABLING FUTURE AMENDMENT OF FEES BY BOARD RESOLUTION

# **RULE 60 – FEES AND CHARGES TABLE**

<i>Action</i>	<i>Fee</i>
Commercial Uses and Change of Ownership or Use)	
Site Inspection (pre-application, or not associated with a planned application) (Rule 110)	\$105 per inspection
Re-Inspection (original inspection not in compliance) (Rule 110)	\$105 per inspection
Repeat Inspection (overlooked fixtures or failure to show all fixtures) (Rule 110)	\$70 per inspection
<b>Staff Consultation</b>	
Pre-Application Consulting relating to connections to an existing Water Distribution System (WDS) (Rule 21, 23, 24)	\$250 plus \$70 per hour for more than 3 hours
<b>Variance</b>	
See "Action on any Appeal / Variance" section, above.	
<b>Water Entitlement Related Fees (Rule 23.5)</b>	
Amendment to a Water Use Permit (Water Entitlement Process) (also may require Connection Charges pursuant to Rule 24 D) (Rule 23.5)	\$350 plus \$70/hour for more than 5 hours
Application for Water Use Permit (Water Entitlement Process) (also may require Connection Charges pursuant to Rule 24 D) (Rule 23.5)	\$210 per dwelling unit plus \$70/hour for more than 3 hours; also see Rule 24 & Rule 24 - Table I
Water Use Permit Monitoring (Water Entitlement Process) (Rule 23.5)	\$70 plus \$70/hour for more than 1 hour
3 <sup>rd</sup> Party Consulting or Ancillary Costs (Rule 23.5)	Actual cost incurred by District
Legal work performed by MPMWD Counsel on Water Entitlement Related Actions (Rule 23.5)	Actual cost incurred by District
Direct Costs – Currier Charge, Federal Express Charges	\$10 per Water Use Permit or Amendment
Document Recorotation (if separate from review or preparation)	\$8 for first page, \$3 each additional page and \$2 for copy (document lengths vary)
<b>Water Use Credits – On Site Credit Activity</b>	
Extension of a prior documented On-Site Water Use Credit (Rule 25.5)	\$70 plus \$70 per hour for more than 1 hour
Site Inspection & Documentation of fixture removal – residential (Rule 25.5)	\$105 per application
Site Inspection & Documentation of qualifying devices - residential (Rule 25.5)	\$105 per application
Site Inspection & Documentation of demolition – non-residential (Rule 25.5)	\$105 per inspection
Site Inspection & Documentation of retrofit – non-residential (Rule 25.5)	\$105 plus \$70 per hour for more than 1.5 hours
3 <sup>rd</sup> Party Consulting or Ancillary Costs incurred to verify water use savings (Rule 25.5, 60)	Actual cost incurred by District
Unusually complex applications (Rule 25.5)	\$70 per hour (for applications that exceed 16 hours to process)



## RULE 60 – FEES AND CHARGES TABLE

<i>Action</i>		Fee
<i>Water Use Credits – Credit Transfer Activity</i>		
Application to Transfer a Water Credit from a site (originating site) (Rule 28)		\$2100 plus \$70 per hour for more than 30 hours
Application for a Water Permit based on a Water Credit Transfer (receiving site) (Rule 20, 21, 23, 24, 25.5, 28)		\$700 plus \$70 per hour for more than 10 hours
Complex Transfer Surcharge for projects proposing to save water by means of new water saving technology (Rule 25.5, 28)		\$2800 plus \$70 per hour for more than 40 hours (fee in addition to fees for Transfer)
3 <sup>rd</sup> Party Consulting or Ancillary Costs incurred to review transfer (Rule 28)		Actual cost incurred by District
<i>Water Waste Fees</i>		
Fee for each flagrant occurrence (Rule 171)		\$50
Fee for subsequent offenses within 18 months (Rule 171)		\$150
<i>Well Monitoring Activity</i>		
Registration of an Existing Well – Non-Public Entities (Rule 62)		\$10 per Registration
Registration of an Existing Well – Public Entities (Rule 62)		No Fee
Registration of a New Well – Non-Public Entities (Rule 62)		\$25 per Registration
Registration of a New Well – Public Entities (Rule 62)		No Fee
Well Registration Form (Rule 62)		\$25 per Form

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