



RESOLUTION 2014-14

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RULE 60, FEES AND CHARGES TABLE**

WHEREAS: Fees and charges of the Monterey Peninsula Water Management District (MPWMD) are set forth in the MPWMD Rules and Regulations;

WHEREAS: The MPWMD Board of Directors created a new Fees and Charges Table in MPWMD Rule 60 pursuant to Ordinance No. 120, which became effective on April 20, 2005;

WHEREAS: The Fees and Charges bear a positive correlation to the actual time, effort and cost of providing the services and taking the actions set forth in the Fees and Charges Table;

NOW, THEREFORE, BE IT RESOLVED: That the Board of Directors of the Monterey Peninsula Water Management District hereby shall amend the Fees and Charges Table as set forth in **Attachment 1** to this Resolution; and that these changes shall become effective immediately.

On motion by Director Markey, and second by Director Pendergrass, the foregoing Resolution is adopted upon this 21st day of July 2014, by the following vote:

AYES: Directors Markey, Pendergrass, Lewis, Thayer, Potter

NAYS: None

ABSENT: Directors Brower and Byrne

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing resolution was duly adopted on the 21st day of July 2014.

Witness my hand and seal of the Board of Directors this 30th day of July 2014.

A handwritten signature in blue ink, appearing to read "David J. Stoldt".

David J. Stoldt, Secretary to the Board

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COPY CERTIFICATION

I, David J. Stoldt, 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 Resolution No. 2014-14 duly adopted on the 21st day of July, 2014.



David J. Stoldt,
Secretary to the Board of Directors

7-30-14
Date

EXHIBIT 5-B ATTACHMENT 1

Fees and Charges Table (Effective July ~~122, 2010~~2014)

Action	Fee	
<i>Action on any Appeal/Variance</i>		
1	Appeal for Site with Water Use Capacity less than one-half (0.5) Acre-Foot annually (Rule 70)	\$ 250 700 plus \$70/hour for more than 10 hours
2	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
3	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
24	Short-Term Variance (Rule 91)	\$125
35	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
46	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
57	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>		
68	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
79	Amendment to a Non-Residential Water Permit (Rule 23)	\$140 per amendment plus \$70/hour for more than 2 hours
810	Amendment to a Residential Water Permit (Rule 23)	\$105 per amendment plus \$70/hour for more than 1.5 hours
911	Application for Conditional Water Permit (Rule 23)	\$350 per structure plus \$70/hour for more than 5 hours
102	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
113	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
124	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
135	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
146	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
157	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
168	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
179	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
1820	Water Permit to Reinstall Meter (Former use documented under Rule 25.5)	No Fee
1924	Application to Split an Existing Meter	No Fee

2022	Application for Temporary Water Permit (Rule 23)	\$350 per structure plus \$70/hour for more than 5 hours
213	Application for Non-Residential Water Permit (Rule 23)	\$350 per structure plus \$70/hour for more than 5 hours
224	Plan Check for Non-Residential Waivers	\$105 per structure
235	Application for Residential Water Permit (Rule 23)	\$210 per Dwelling Unit plus \$70/hour for more than 3 hours
246	Plan Check for Residential Waivers	\$105 per Dwelling Unit
257	Connection ChargesCapacity Fees -- (Moderate Income Housing) (Rule 24.5)	50% of Connection ChargeCapacity Fees set pursuant to Rule 24
268	Connection ChargesCapacity Fees -- (Low-Income Housing) (Rule 24.5)	Exempt from Connection ChargeCapacity Fees set pursuant to Rule 24
279	Connection ChargeCapacity Fees - Residential and Non-Residential Water Permits	See Rule 24
2830	Recalculation of Final Connection ChargeCapacity Fees (Rule 23)	\$70 per hour of staff time for all necessary efforts in excess of five hours per Site
2931	Direct Costs - Publication Expenses, Filing Fees, Etc. (Rule 60)	Actual cost incurred by District - Applies to Water Distribution System Permits only
302	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
313	Pre-Application Consulting relating to Water Permits (First 30 minutes free) (Rule 20)	\$210 plus \$70 per hour for more than 3 hours
324	Refund of Connection ChargeCapacity Fees (Rule 24)	\$70 processing fee
335	River Work Permits (see separate list below)	
346	Water Entitlement Related Activity - (see separate list below)	
357	Water Use Credits - On-Site Credits (see separate list below)	
368	Water Use Credits – Transfers (see separate list below)	
Document Preparation, Processing, Review or Retrieval (Rule 60)		
379	Deed Preparation and Review by Staff	\$105 per transaction. Included in Standard Water Permit processing fees
3840	Direct Costs -- Publication Expenses, Etc.	Actual cost incurred by District
3941	Direct Costs for Deed Restrictions -- Courier Charge, Federal Express	Actual cost incurred by District when less than three deed restrictions are being transported

402	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
413	Document Recordation (if separate from review or preparation)	Actual cost incurred by District (document lengths vary)
424	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
Expanded Water Conservation and Standby Rationing Plan		
45	Water Waste Notification Processing (first notice) (Rule 171)	No charge
46	Water Waste Fee (each Flagrant Violation) (Rule 171)	\$50 per occurrence
47	Water Waste Notification Processing (second and subsequent violation) (Rule 171)	No charge
48	Water Waste Fee (second and subsequent violations within 18 months of original violation) (Rule 171)	\$150 per occurrence
439	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.
Publication Fees		
4450	MPWMD Rules & Regulations (Rule 60)	\$27 per copy
4554	Photocopies (Rule 60)	Ten (10) cents per page
4652	Well Registration Form (Rule 52)	\$25 per Form
Rationing Liens (Rule 60)		
4753	Deed Preparation (Lien Release) and Review by Staff	\$105 per transaction
4854	Direct Costs for Deed Restrictions - Courier Charge, Federal Express	Actual cost incurred by District when less than three deed restrictions are being transported
4955	Document Recordations (if separate from review or preparation)	Actual cost incurred by District
506	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
517	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

Rebate Processing		
528	Application for Rebate	No charge
River Work Permits (Rules 126 and 127)		
539	Minor River Work	\$25 per application
5460	River Work Permit	\$50 per application
5561	Emergency River Work	\$50 per application
5662	Unusually Complex Applications	\$70 per hour for MPWMD staff time in excess of five (5) hours per application, including direct costs incurred Actual cost incurred by District for <u>MPWMD staff time in excess of five (5) hours per application plus direct costs</u>
Inspection Activities (Rule 110)		
5763	Cancellation of Inspection (less than 24 hours notice)	\$70 per inspection
5864	No-Show; Failure to Provide Access for Scheduled Inspection	\$70 per inspection
5965	Conservation Verification Inspection Pursuant to Rule 143 and 144 (Retrofit of Existing Commercial Uses and Change of Ownership or Use)	No Charge
606	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
617	Re-Inspection (original inspection not in compliance)	\$105 per inspection
628	Repeat Inspection (overlooked fixtures or failure to show all fixtures)	\$70 per inspection
Variance		
639	See "Action on any Appeal/Variance" section, above.	
Water Use Permit Fees (Rule 23.5)		
6470	Amendment to a Water Use Permit (Water Entitlement Process) (also may require Connection Charge <u>Capacity Fees</u> pursuant to Rule 24)	\$350 plus \$70/hour for more than 5 hours

6571	Application for Water Use Permit (Water Entitlement Process) (also may require Connection Charges pursuant to Rule 24)	\$210 per Site plus \$70/hour for more than 3 hours; also see Rule 24
6672	Water Use Permit Monitoring (Water Entitlement Process) (Rule 23.5)	\$70 plus \$70/hour for more than 1 hour
6773	3rd Party Consulting or Ancillary Costs (Rule 23.5)	Actual cost incurred by District
6874	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
6975	Direct Costs – Courier Charge, Federal Express Charges	Actual cost incurred by District when less than three deed restrictions are being transported
<i>Water Use Credits and On-Site Credit Activity (Rule 25.5)</i>		
706	Extension of a prior documented On-Site Water Use Credit	\$70 plus \$70 per hour for more than 1 hour
717	Documentation of Water Use Credit -- Non-Residential (Rule 25.5)	\$105 plus \$70 per hour for more than 1.5 hours
728	3rd Party Consulting or Ancillary Costs incurred to verify water use savings	Actual cost incurred by District
<i>Water Credit Transfer Activity (Rule 28)</i>		
739	Application to Transfer a Water Use Credit (originating Site)	\$2100 plus \$70 per hour for more than 30 hours
7480	Application for a Water Permit utilizing a Water Credit Transfer (receiving Site)	\$700 plus \$70 per hour for more than 10 hours
7584	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
7682	3rd Party Consulting or Ancillary Costs incurred to review transfer	Actual cost incurred by District
<i>Water Waste Fees (Rules 160 and 171)</i> <i>Fee amounts are tripled for customers using over 1 million gallons/year</i>		
7783	<u>First offense</u>	<u>No fee: Written notice and opportunity to correct the situation</u>
8378 84	Fee for <u>each-first</u> Flagrant Violation <u>during</u> <u>Stages 1-4</u>	<u>\$50-100 per occurrence</u>
8479	Fee for <u>second subsequent</u>	<u>\$150-250 per occurrence</u>

85	violations <u>Flagrant Violation</u> within <u>182</u> months <u>during Stages 1-4</u>	
806	<u>Fee for third and subsequent Flagrant Violations</u> within <u>12 months</u> during <u>Stages 1-4</u>	<u>\$500</u>
817	<u>Fee for the first Flagrant Violation</u> during <u>Stages 5-7</u>	<u>\$150</u>
828	<u>Fee for subsequent Flagrant Violations</u> within <u>12 months</u> during <u>Stages 5-7</u>	<u>\$500</u>
839	<u>Fee for Administrative Compliance Order or Cease & Desist Order</u>	<u>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</u>
8490	<u>Late payment charges</u>	<u>Half of one percent of the amount owed per month</u>
Well Monitoring Activity (Rule 52)		
8591 85	Registration of an Existing Well -- Non-Public Entities	\$10 per Registration
8686 92	Registration of an Existing Well -- Public Entities	No Fee
8787 93	Registration of a New Well -- Non-Public Entities	No Fee
8888 94	Registration of a New Well -- Public Entities	No Fee
8989 95	Well Registration Form	\$25 per Form
9090 6	<u>Application to Convert Water Well to Monitor Well</u>	<u>\$25 Application Fee</u> <u>\$500 Conversion Fee (upon application approval)</u>

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); Resolution ~~2014-05 (4/21/2014)~~; Resolution ~~2014-14XX (07/22/2014)~~

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