



**RESOLUTION 2016-20**

**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;

**WHEREAS:** Ordinance No. 160 and recent administrative changes to the Confirmation of Exemption process has reduced staff time and streamlined the process to complete these applications;

**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 this change shall become effective immediately.

On motion by Pendergrass, and second by Potter, the foregoing Resolution is adopted upon this 14<sup>th</sup> day of November 2016, by the following vote:

**AYES:** Directors Pendergrass, Potter, Byrne, Clarke, Evans and Lewis

**NAYS:** None

**ABSENT:** Director Brower

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 14<sup>th</sup> day of November 2016.

Witness my hand and seal of the Board of Directors this 2<sup>nd</sup> day of December 2016.

  
David J. Stoldt, Secretary to the Board



**ATTACHMENT 1**

Fees and Charges Table (November 14, 2016)

Action		Fee
<b><i>Action on any Appeal/Variance</i></b>		
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
<b><i>Action on any Permit</i></b>		
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 <del>Deposit</del> for Confirmation of Exemption (Rule 21)	\$600 per Application. <b>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 \$600 fee; <del>unused funds will be refunded</del></b>
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
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
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>Document Preparation, Processing, Review or Retrieval (Rule 60)</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>Expanded Water Conservation and Standby Rationing Plan</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>Publication Fees</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>Rationing Liens (Rule 60)</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 Recordations (if separate from review or preparation)	Actual cost incurred by District
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
<b>Rebate Processing</b>		
52	Application for Rebate	No charge
<b>River Work Permits (Rules 126 and 127)</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>Inspection Activities (Rule 110)</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>Variance</b>		
63	See "Action on any Appeal/Variance" section, above.	
<b>Water Use Permit Fees (Rule 23.5)</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 Connection Charges 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>Water Use Credits and On-Site Credit Activity (Rule 25.5)</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
<b>Water Credit Transfer Activity (Rule 28)</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>Water Waste Fees (Rules 160 and 171)</b> <i>Fee amounts are tripled for customers using over 1 million gallons/year</i>		
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>Well Monitoring Activity (Rule 52)</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); Resolution 2014-05 (4/21/2014); Resolution 2014-14 (07/21/2014); Resolution 2016-20 (11/14/2016)*

