

RULE 64 - WATER DISTRIBUTION SYSTEM USER FEES

Water Distribution System User fees shall be administered pursuant to this regulation.

- A. Each Water Distribution System which possesses 50 or more Connections and derives all or a part of its Potable water supply from the Carmel River watershed, or from Carmel Valley aquifers shall be subject to a Water Distribution System user fee. The Owner or Operator of each Water Distribution System shall pay the fee specified herein.
- B. **CALCULATION OF Water Distribution System USER FEES**
1. The Board of Directors shall determine annually the amount of Water Distribution System User fee to be collected pursuant to this regulation after receiving the recommendation of the Carmel River Advisory Committee (CRAC). The maximum basic fee to be collected to fund programs undertaken pursuant to Regulation XII of these Rules and Regulations shall not exceed a District-wide aggregate of \$117,000 per fiscal year, provided, however that such maximum basic fee shall increase or decrease each year by the consumer price index (CPI) inflator as determined by the County of Monterey for its budget setting purposes, provided, however, that the total District-wide aggregate basic User fee shall not exceed \$234,000 for any reason. In addition to the basic fee collected pursuant to this rule, the Board of Directors may establish an additional surcharge upon the basic fee to fund estimated administrative overhead and non-collectible fees which may necessarily result from the imposition of the basic fee upon District Water Distribution Systems. No User fee shall be made pursuant to this rule which will fund programs undertaken pursuant to Regulation XII of these Rules and Regulations on or after July 1, 1993.
2. The basic User fee for fiscal year 1983/1984 shall be a District-wide aggregate of \$117,000, and the surcharge shall be 10% of that basic fee (\$11,700), the proportionate share of which shall be charged against each applicable Water Distribution System according to the following formula:

$$\begin{array}{rcl} \text{basic fee} & + & \text{number of Users in the User fee} \\ & & \text{chargeable to each surcharge} \\ & & \\ & \times & \text{Water Distribution System} \\ & = & \frac{\text{Water Distribution System}}{\text{total number of Users all Water} \\ & & \text{Distribution Systems subject to} \\ & & \text{User fees}} \end{array}$$

3. Prior to setting the User fee and surcharge to be collected for fiscal year 1984/1985, and for each subsequent year, the District Board shall first conduct a public hearing regarding river management needs, Water Distribution System services utility user, and Water Distribution System concerns, and seek the advice of the Carmel River Advisory Committee. At the close of such hearing, the Board shall determine by resolution:
 - a. the amount of money needed to fund general river management activities pursuant to Regulation XII;
 - b. the estimated amount of assessments which will fund specific river management works;
 - c. the total amount of basic User fee to be collected pursuant to this Rule 64;
 - d. the total amount of additional surcharge to be collected pursuant to this Rule 64;
 - e. the total amount of any other User fee to be charged;
 - f. the total amount of general funds, if any, to be used to fund river management activities pursuant to Regulation XII; and
 - g. an estimate of the number of User Connections in each Water Distribution System subject to the User fee, effective July 1st of each year.
4. Water Distribution System User fees established by the Board shall be collected annually from each applicable Water Distribution System following the formula set forth above in this Rule 64. Each Water Distribution System may elect to pay its User fee to the District in installments during the following fiscal year. Each Water Distribution System may elect to pay future User fees to the District in quarterly installments, provided that full payment is tendered during that fiscal year. Water Distribution Systems are required by this Rule 64 to tender payment of User fees for fiscal years 1983/1984 on or before June 30, 1985.
5. In the event that the California Public Utilities Commission, following an application for approval submitted by a regulated utility, should fail to allow that utility to collect from its customers the User fees imposed pursuant to this Rule 64, the User fees enacted herein shall have no further force or effect.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 12 (4/9/84); Ordinance No. 125 (9/18/2006)