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## 6. FEES AND CHARGES

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### 6.01 Deposits and Refunds

Any person requesting permission to construct facilities in accordance with Sections 4 and 5, shall pay deposits in advance to the District to cover actual fees, charges and costs to be incurred by the District that are associated with said permitting process and the construction of water system facilities in accordance with the District Code, and as detailed in Appendix A-1, A-2, A-3, and A-4, pages 59, 61, 63, and 65.

The deposits received by the District for services as provided by the District Code shall be identified by applicant and by project. The District shall reconcile the status of the funds on deposit monthly and copies of such reconciliation shall be made available to the applicant upon request. It is the intent of the District to maintain a positive balance in the applicant's project deposit account. In the event of a pending or projected shortfall, the District shall provide written notice to the applicant stating the amount of supplemental deposit that must be provided and terms or conditions that may, in the opinion of the General Manager, be appropriate.

The unused portion of all funds remaining on deposit with the District shall be returned to the applicant without interest, upon completion of plan check review, connection to the District water system, finalization and acceptance of the system by the District or cancellation of the permit.

### 6.02 Residential Plan Checking and Inspection Fees

No fees are charged for any review of improvement plans and/or specifications for a single-family residential connection; however, improvement plans must be made available to the District upon request. Inspections are charged as outlined in Appendix A-1, page 59.

### 6.03 Commercial Project Application Fees

**Plan Check Review:** The District shall review the improvement plans, with respect to the water system, of all proposed commercial projects. This includes, but not limited to, proposed subdivisions, retail businesses, apartments, condominiums, office buildings, motels, food establishments, etc.

Prior to request for Will Serve Letter and Water Permit for a commercial project, the applicant shall submit two sets of improvement plans (no photocopies) to the District for Plan Check Review to assure compliance with District requirements. Prior to the District performing the Plan Check Review, the applicant shall pay a deposit to the District as specified in Appendix A-1, page 59, of the District Code from which Plan Check Review fees will be charged.

**Commercial Project Deposit:** After Plan Check Review has been completed and approval of the improvement plans for water system facilities have been granted, the applicant shall deposit with the District a sum of money estimated by the General Manager to cover the cost of inspections, testing

of materials, processing of design revisions, procuring or preparing record improvement plans, estimated connection fees, user fees, assessments, related construction activities, automobile mileage, and all overhead and indirect costs. Said deposit shall be paid prior to commencement of construction of the water system facilities. The General Manager's estimate shall be based on the best information available, including the owner's and their engineer's estimate of the cost of the facilities to be constructed. The deposit estimated by the General Manager will be based on reasonable periods of time for the completion of the contractor's work.

## **6.04 Connection Fees**

Payment of water connection fees is the responsibility of the owner of the property, regardless of who is deriving benefit from, submitting payment for, or receiving water service as a result of the connection. Connection charges are non-refundable unless the Water Permit is canceled prior to final connection approval by the District.

- Residential connection fees are determined in accordance with Appendix A-2, page 61. Initial Connection Fees are due and payable prior to receipt of Will Serve Letter and Water Permit. Additional connection fees shall be assessed for any increase thereafter in the factor rating of the property.
- Commercial and industrial connection fees shall be determined in accordance with Appendix A-1, A-2, A-3, and A-4, pages 59, 61, 63, and 65. Estimated Connection fees are estimated, based on the factor rating as determined by the Plan Check Review. Appendix A-2, page 61, equates an EDU to 15 plumbing fixture units. Initial connection fees are included in the Commercial Project Deposit. Additional connection fees shall be assessed for any increase thereafter in the factor rating of the property.

## **6.05 Assessments**

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## **6.06 Billing of User Fees**

Each lot or premises which are connected to, and each owner or customer receiving water service from the District shall pay a periodic user fees in accordance with the District's Fee Structure set forth in the appendices. These rates are effective 07-01-01.

All water use, service charges and fees may be billed on the same bill and collected together with fees and charges for any other District services. Except as provided herein, estimated first year user fees are included in the Water Permit fees and deposits and are prorated from the date of issuance to the coming June 30th of that fiscal year. The Residential User fees: Single family residential will be billed on the property tax rolls annually. Multiple family residential (condo's) and Commercial billing will be billed bi-monthly (every two months) on August 15th, October 15th, December 15th, February 15th, April 15th and June 15th and shall become due and payable 30 days from the date of that billing statement. In the event of delinquency, a 10 percent penalty shall be added to the balance due. The District shall include a statement on its bill to each customer or owner or, shall provide such statement to each owner by any other means, that any charges remaining delinquent for a period of 90 days shall constitute a lien against the lot or parcel of land against which the charges were imposed. The District shall provide Notice of Public Hearing pursuant to Section 6066 of the

Government Code to each affected owner. After Public Hearing, the District will request by resolution, that the County Auditor include the amount of said delinquencies on the property tax bill against the respective lot or parcel. Once the transfer of delinquent amounts has been turned over to the County Auditor's office for collection, no payment shall be received by the District on said delinquent amounts except as collected by the County Auditor's office.

User fees shall be billed to the owner of the property served. The payment of user fees shall be the responsibility of the owner of the property regardless of who is deriving the benefit from, submitting payment for, or receiving the water service as a result of the connections. Each owner shall be liable to the District for payment of water charges and fees, regardless of whether service is provided through an individual service lateral or multi customer service lateral.

The District may elect to send a composite bill to groups of customers when each of the following conditions are met:

- the owners to be billed as a group own lots or premises in a multi-unit living building,
- the owners have formally organized in writing into a homeowner's or similar association,
- the homeowners' or similar association, through properly executed covenants, conditions, articles of incorporation or by laws, has the power to act as the sole agent for the owners concerning water charges in a manner which binds individual owners.

Providing the above conditions are met, the District may bill to and the association shall pay all delinquent penalty and interest charges on the composite bills. The composite bill or other notices to the association shall constitute a bill or other notice to each individual owner or customer, who shall agree that no other notice or bill to individual owners or customers shall be necessary for, or a prerequisite to, the District's exercise of its powers to terminate service, or place liens on each owner's property or exercise other legal remedies necessary to collect delinquent bills and charges. The composite bill shall consist of the sum of the total semiannual water charges for each owner or customer represented by the association. Service to a common area may be treated as service to a single unit.

## **6.07 Annexation Fees and Charges**

Annexation fees and charges as detailed in Appendix A-1, page 59, are required for all areas outside of the District boundaries applying for annexation to the District on or after the effective date of the District Code.

The annexation fees shall be due and payable on the date of any such annexation approval by the District and payment shall be a condition of said approval. Non-monetary conditions of annexation shall be specified in an annexation agreement executed between the owner(s) and the District prior to the Local Agency Formation Commission hearings and approval of the proposed annexation.

The owner or their successor in title or interest of any such parcel or lot as herein described shall be responsible for payment of the annexation fee provided in this section.

The Clerk or other designated official of the District shall receipt the payment of all such annexation fees and shall record the name of the payer and a description of the parcel to which such payment is applicable. A record of all such payments shall be maintained by the District, including the date and amount of payment, the name of the payer, their mailing address, and a description of the parcel, or lot, to which such payment or payments are applicable.

### **6.08 Fees for Preparing and/or Reviewing Special Documents**

Before proceeding with the preparation of any special study, Environmental Impact Report, or related document, the General Manager shall collect from the person making the request a deposit in the amount determined by the General Manager to be fair and equitable. If, after the fee is paid, a change in the study or documents is requested which will increase the cost to the District, supplemental fees shall be collected in the amount of the estimated additional cost.

### **6.09 Penalties on Unpaid Connection Fees**

In the event that any connection has been made without immediate connect fee payment and charges are not paid within 30 days of the date of invoice, a basic penalty of 10 percent shall be added to such unpaid connection charges. The owner may request, in writing, to extend payment of additional connection charges over a 12-month or lesser period. The request may be granted upon approval of the General Manager.

### **6.10 Delinquent Account Penalty Fee**

Any owner whose account is found to be delinquent shall be assessed a basic penalty of 10 percent of the delinquent amount.

### **6.11 Returned Check Fee**

A fee may be required by the District for each check tendered as payment to the District that is returned unpaid. Future payments made to the District may be required to be in the form of a Cashiers Check or a money order.

### **6.12 Billing Basis for User Fees**

The District shall use several options for billing; a flat rate billing basis, a flat rate with meter generated overage use, or equivalent dwelling or fixture unit count as determined by the General Manager, and in accordance with Appendix A-2, page 61, and A-3, page 63.

### **6.13 Initial Billing of User Fees**

User Fees shall be based on meter size, water use, connection type and/or fixture units derived from information supplied on the provided construction plans and additional information as may be available to the General Manager. Unless otherwise stated, billing shall commence the first day of connection request, payment of connect fees and issuance of Will Serve letter. As the District collects its residential user fees on the tax rolls, the first year of user fees will be added to connect fees prorated an amount for days from connect fee payment to June 30<sup>th</sup> of the Fiscal Year in which

connect fees are paid.

Commercial construction or other development user fees may be deferred for not more than 1 year from date of permitting with prior District approval.

## **6.14 Billing Adjustments**

An adjustment of user fee charges will be made when the District is notified of a change in use, when the District discovers a change or when the change is made. Any amount paid in excess of the actual computed user fee charge shall be credited against the account. Any deficiency in the amount paid and the actual computed user fee charge will be added to the account.

Deficiencies or credits may not be made for a period more than 2 years prior to the date the General Manager determines that a billing discrepancy exists; except in the event of an unreported connection or use, in which case all charges and fees shall be assessed under Section 6.17, page 24.

## **6.15 Billing Adjustments by Fixture Ratings**

Periodically, there are changes in the water use of property that may affect the factor rating. The District will notify the owner in writing of these changes and of any possible reduction or increase in the factor rating.

- Increased Factor Rating: The owner, upon written notification by the District of an increase in the factor rating, may choose to remove the additional plumbing fixtures to avoid increased connection and user fees. Removal of the additional plumbing fixtures must be completed by the owner and verified by the District within 30 days of the written increased factor rating notification.
- Reduced Factor Rating: The owner may elect to pay lesser user fees for the lower factor rating by signing an Agreement for the Reduction of District Factor Rating. In Accordance with this agreement, the factor rating for the property shall be reduced and the owner shall forfeit all rights to the allocations that have been reduced. Connection charges shall be assessed for any increase thereafter in the water capacity of the property, which, is represented by any subsequent increase in its factor rating. The owner may elect to continue paying the user fees for the higher factor rating of a property with no reduction and thereby not forfeit all rights to the allocations for the higher factor rating.

In the event of a disaster, adjustments to billing may be made as specified in Section 2.03, Disasters, page 4.

## **6.16 Collection Remedies**

**For the accounts not collected on the tax roll**; remedies for collecting and enforcing user fees and connection charges set out by the District Code are cumulative. Any and all remedies may be used alternatively. None of the remedies are exclusive.

Delinquent charges for Water service together with all penalties thereon, when recorded as in Chapter 6, Division 2, of the Government Code of California shall constitute a lien upon the real

property served and such liens shall continue until the charges thereon and penalties thereon are fully paid or the property sold therefore in the manner more particularly provided in Sections 54354, 54354.5 and 54355 of said Government Code of California.

Delinquent charges for Water service together with penalties thereon, which remain delinquent as of June 30 of each year, shall be collected in the same manner as the general taxes for the District for the forthcoming fiscal year provided that the District shall give notice as provided by law.

Delinquent charges, together with all penalties thereon, may be collected by an action in any court of competent jurisdiction against a person or persons who owned the property when the service was rendered for the collection of all delinquent charges and penalties.

An action may be instituted in any court of competent jurisdiction to enforce any lien on the land for the user fees and connection charges together with all penalties thereon.

Reasonable attorneys' fees and court costs of any action in any court for collection of user fees, together with any penalties thereon, or for a preliminary or permanent injunction, or for the issuance of an order stopping or disconnecting Water service, or to enforce a lien, shall be an additional charge for such Water service.

If water service is furnished by the District to the real property and is disconnected for unpaid charges, re-connection shall not be made until all user fees and connection charges including penalties and disconnection and re-connection charges have been paid to the District.

### **6.17 Unreported Connections or Use**

An unreported connection or use is a connection that has not been inspected and approved by the District. An unreported connection or use is that use through a meter or direct connection on property either not permitted or, which was previously connected to the public water system that with unreported use or increases in the factor rating and/or fixture unit use on the property or, for which all applicable charges have not been paid.

Upon discovery of unreported connections or unreported use of the water system which is new or has increased the factor rating or fixture units of the property or for which a Water Permit has not been issued or for which user fees have never been paid, the District shall charge all current user fees, and current connection charges and fees, including all basic penalties and additional penalties thereon, from the time the unreported connection or discharge was made. All such charges and fees shall be deemed to be user fees, including all current connection charges and all service charges and penalties thereon retroactive to the date of the unreported connection.

The District for any unreported connections and/or unreported use shall assess connection charges and service charges at the time of discovery by the District.

### **6.18 Collection of Delinquent Assessment District Bonds**

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