

POLICY MANUAL

Date Adopted: February 27, 2008

Classification: FEES

Date Last Amended:

Subject: Drainage Fees: Administration of
Refund of Fees Paid on Unexercised
Entitlement Applications

Approved By:



I. Policy:

It is the policy of Fresno Metropolitan Flood Control District to consider whether to refund prepaid local drainage fees for entitlement applications that are rescinded. In the event that an entitlement application is processed and a local drainage fee is calculated, required as a condition of entitlement and paid based on the proposed development, but the applicant subsequently decides not to undertake the project, the General Manager of the District may, at his sole discretion and under the following circumstances, grant a request to refund said fees, less a processing fee.

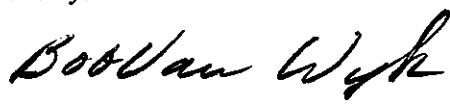
II. Purpose:

The District's objective is to properly collect fees from an applicant pursuant to the local drainage fee ordinances, but reduce the financial impact and correct the early payment of the drainage fee obligation when the applicant determines not to pursue a proposed project very shortly after payment.

III. Administration:

The following circumstances must apply:

- A. No refund request shall be honored until after the underlying entitlement application has been officially rescinded by the applicant and evidenced by a document initiated by the entitlement agency.
- B. The applicant must request consideration of the refund in writing.
- C. Such written request shall be directed to the attention of the General Manager, and shall be either received or postmarked no more than 60 days from the date the fees were remitted.
- D. The refund will only be considered if the applicant's fee payment remains on deposit in the Prepaid Drainage Assessment Account for the particular drainage area in which the proposed project was planned for construction.

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- E. The applicant must not have altered the surface of property or initiated work on the proposed project site either as part of the rescinded entitlement application, or irrespective of it – the current and previous owners of the property must not have breached the Fresno Metropolitan Flood Control District Ordinance Code, Section 4.103 or the entitlement agencies drainage fee ordinance since their original adoption.
- F. The refund of said prepaid local drainage fee must not adversely impact the budget of the District as allocated and approved by its Board of Directors or any payment/contractual obligation of the District.

As there are no provisions for refund of the payment of drainage fee obligations within the drainage fee ordinances, the General Manager shall retain the authority to approve or deny the refund in his sole discretion. Should any of the following circumstances apply, the General Manager shall deny such a refund:

- A. The entitlement application remains open.
- B. The applicant’s local drainage fee payment has been transferred from the Prepaid Drainage Fee Account for the local drainage area in which the proposed project is located into the General Fund of the District;
- C. The applicant’s local drainage fee has been allocated or committed to a District project or contract that is currently underway or in effect.

With respect to refund requests in excess of \$75,000, the General Manager shall consider the pertinent facts and provide a recommendation to the Board of Directors for its approval or denial.

The refund, if considered and approved, shall be subject to the imposition of a \$300.00 administrative fee to offset the expenses incurred by the District in processing the request and the refund.