

**ORDINANCE CODE: ORDINANCE 2018-1
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

CHAPTER 2

**MASTER SCHEDULE OF SERVICE CHARGES
AMENDING ORDINANCE 2016-2, CHAPTER 2**

2.100 Purposes.

2.101 The Board of Directors finds and declares that the programs and activities of the District frequently involve the provision of direct services to specific individual beneficiaries. The Board of Directors determines that such programs and activities produce direct and indirect costs to the District and that it is appropriate for such costs to be borne by the beneficiaries of such programs and activities.

1.102 It is the purpose of this chapter to establish a specific schedule of service charges to be collected by the District from beneficiaries of the identified District services, further providing a means of regularly reviewing and adjusting such service charges to fully reflect current actual District costs.

2.200 Definitions.

2.201 Unless the particular provisions or content otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of the words and phrases defined.

2.202 "Excavation Permit Services" means the District program permitting non-District parties to enter District facilities and to excavate and remove soil for use as fill.

2.203 "Inspection Service" means the use of District personnel and equipment to perform primary construction inspection of storm drainage facilities being constructed under non-District contracts.

2.204 "Non-Conforming Facilities" means facilities not identified in and not required by the District's adopted Storm Drainage Master Plan, also referred to as "Non-Master Plan Facilities".

2.205 "Recharge Maintenance Service" means all services provided by the District in relationship to the acceptance into District facilities of surface water deliveries from non-District parties for the purpose of ground water recharge.

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2.206 "Non-District Parties" means any private individual, firm entity or public agency other than the Fresno Metropolitan Flood Control District.

2.207 "Storm Drainage Master Plan" means the plan adopted by the District setting forth the prescribed engineering design and facilities system required to control and dispose of the storm and other surface waters of the district, also known as the "Storm Drainage and Flood Control Master Plan".

2.208 "Development Review" means the review of development entitlements and grading or storm drain construction plans to assure conformance with the Storm Drainage Master Plan.

2.209 "Conditional License Agreement" means an agreement between the District (Licensor) and a Licensee that allows the Licensee temporary access to District property for defined purposes. The Conditional License Agreement requires the Licensee to abide by terms and conditions set forth in the agreement, including the provision of adequate insurance, a specific time frame within which access is allowed, and limitations on the type of activity that may be pursued by the Licensee.

2.300 Services Subject to Service Charges.

2.301 Excavation Permit Services.

a. There exists a significant and continuing demand for access to District basins for the purpose of securing fill material required in a variety of construction and land grading activities. The Board of Directors has determined it is in the public interest to make its facilities available for such excavation activity as may be permitted subject to the provisions of this Section.

b. The removal of fill material from District facilities by non-District parties requires the District to (1) prepare advance engineering plans and specifications for such excavation, (2) provide on-site inspection during the excavation activity; and (3) administer detailed engineering and contractual records, which activities result in direct and indirect costs to the District.

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c. Pursuant to this chapter, the District shall issue, at its sole discretion, excavation permits to non-District parties for the removal of fill material from District owned facilities, subject to (1) execution by the permittee of an excavation permit (2) compliance by the permittee with all conditions, plans and specifications established by the district for such excavation activity; and (3) the payment of the excavation permit service charge as computed using the rate set forth in Section 2.400 of this Chapter.

d. Failure of the permittee to comply with the provisions of this section shall result in the imposition of penalties which may include but are not limited to (1) termination of any current permit; (2) temporary or permanent exclusion from the excavation permit program; (3) monetary fines and penalties as may be imposed by the District; and (4) such other remedies and penalties as may be available under law.

2.302 Inspection Services.

a. Construction of Storm Drainage Master Plan facilities of the District may be accomplished through non-District contracts administered by private parties and other public agencies. Construction of Storm Drainage Master Plan facilities by non-District parties may, because of the complexity of the work or the desire of the parties, require District personnel to provide direct construction inspection services to insure compliance with adopted district plans and specifications. The Board of Directors has determined such construction to be in the public interest and such construction may be inspected by District personnel pursuant to the provisions of this Section.

b. Performance by the District of such construction inspection services requires the District to (1) perform an engineering review of the construction plans and specifications; (2) perform on-site construction inspection; and (3) administer detailed engineering, construction and contractual records, which activities result in direct and indirect costs to the District.

c. Pursuant to the provisions of this Chapter, the District shall provide construction inspection services provided non-District parties utilizing District construction inspection services (1) execute a District construction inspection reimbursement agreement; (2) comply with all conditions, plans and specifications imposed by the District; and (3) pay to the District a construction inspection service charge as computed using the rate set forth in Section 2.400 of this Chapter.

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d. Failure of non-District parties utilizing District construction inspection services to comply with the provisions of this Section will result in the imposition of penalties which may include, but are not limited to (1) termination of any current construction inspection agreement; (2) non-acceptance by the District of the storm drainage facilities being constructed; (3) monetary fines and penalties as may be imposed by the District; and (4) such other remedies and penalties as may be available under law.

2.303 Non-Conforming Facilities Services.

a. There exists a significant and continuing demand by non-District parties to construct non-Storm Drainage Master Plan Facilities in-lieu of providing surface grading or street patterns as otherwise required. The Board of Directors has determined that such non-Storm Drainage master Plan Facilities may be accepted by the District for perpetual operation and maintenance subject to the provisions of this Section.

b. Acceptance by the District of non-Storm Drainage Master Plan Facilities requires the District to (1) provide an engineering review of the hydrology and hydraulics and construction design plans and specifications; (2) perform on-site construction inspection; (3) accept, operate and maintain in perpetuity the completed facilities; and (4) administer detailed engineering and contractual records, which activities result in direct and indirect costs to the District.

c. Pursuant to this Chapter the District may accept from a non-District party, at its sole discretion, non-Storm Drainage Master Plan facilities for perpetual operation and maintenance by the District, subject to (1) execution of a Non-Conforming Facilities Agreement; (2) compliance with all conditions, plans and specifications established by the District for such construction; and (3) payment to the district of the Non-Conforming Facilities Service Charge as computed using the rates set forth in Section 2.400 of this Chapter.

d. Failure of non-District parties constructing non-Storm Drainage Master Plan facilities pursuant to this Section to comply with the provision hereof shall result in the imposition of penalties which may include but are not limited to (1) termination of any current Non-Conforming Facilities Agreement; (2) non-acceptance by the district of the facilities being constructed; (3) monetary fines and penalties as may be imposed by the District; and (4) such other remedies and penalties which may be available under law.

2.304 Recharge Maintenance Services.

a. There exists a significant and continuing demand for the use of District facilities by non-District parties for ground water recharge purposes. Such uses involve significant modifications in District facility design, operations and maintenance. The Board of Directors has determined such recharge use to be in the public interest and may be permitted subject to the provisions of this Section.

b. The conduct of groundwater recharge operations within District facilities by non-District parties requires the District to (1) perform detailed engineering and systems operations analysis; (2) prepare specialized engineering and construction plans and specifications; (3) perform extraordinary operations and maintenance of basins used as recharge sites; and (4) administer detailed engineering, operational and contractual records, which activities result in direct and indirect costs to the District.

c. Use of District facilities by non-District parties for groundwater recharge may be permitted by the District, at its sole discretion, subject to the following: (1) execution of a recharge agreement; (2) compliance with all conditions, plans and specifications established by the District for such recharge activities; and (3) payment to the District of a Recharge Maintenance Service Charge as computed using the rates set forth in Section 2.400 of this Chapter.

d. Failure of non-District parties using District facilities for groundwater recharge to comply with the provisions of this Section shall result in the imposition of penalties which may include but are not limited to (1) termination of any current recharge agreement; (2) temporary or permanent exclusion from the used of District facilities for groundwater recharge; (3) monetary fines as may be imposed by the District; and (4) such other remedies and penalties as may be available under law.

2.305 Development Review Services.

a. Development entitlements and plans must be reviewed by the District to assure conformance with the Storm Drainage Master Plan. Because of the complexity of the review, District personnel must provide the review services to insure compliance with adopted District requirements and plans. The Board of Directors has determined such review to be in the public interest and such review may be performed by District personnel pursuant to the provisions of this Section.

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b. Performance by the District of such review services requires the District to (1) perform a review of the entitlements conformance with the Storm Drainage Master Plan and preparation of a Notice of Requirements; (2) perform an engineering review of the grading and storm drainage construction plans; and (3) administer a Notice of Requirements and detailed reviews and approvals of grading and construction plans, which activities result in direct and indirect costs to the District.

c. Pursuant to the provisions of this Chapter, the District shall provide review services to non-District entitlements and plans provided non-District parties utilizing District review services (1) comply with all requirements, conditions, comments and modifications imposed by the District; and (2) pay to the District an entitlement or plan review service charge as computed using the rate set forth in Section 2.400 of this Chapter.

d. Failure of non-District parties utilizing District review services to comply with the provisions of this Section will result in the imposition of penalties which may include, but are not limited to (1) termination of any current review (2) non-approval by the District of the grading or storm drainage facility plans being reviewed, (3) monetary fines and penalties as may be imposed by the District; and (4) such other remedies and penalties as may be available under law.

2.306 Park Reservation Service Charges.

a. There exists a significant demand by the public to utilize the District's park pavilions. The Board of Directors has determined it is in the public's interest to make its park pavilion facilities available to members of the public for events. However, the public utilizing the facilities must comply with the District's Terms and Conditions for use of the park and, in advance of such use, shall contact the District to reserve and pay for the use of the pavilions.

2.307 Conditional License Agreements, Encroachments, and Abandonments Charges

a. There exists a significant demand by the public agencies and private parties to temporarily access District property for specific purposes unrelated to the mission of the District. Conditional License Agreements are prepared by District staff to establish the time and space limitations on the use of District property, and to ensure that entrants carry the appropriate insurance.

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b. Property owners may request that the District research and document information on Encroachments, requiring significant staff time and effort to address issues unrelated to the mission of the District.

c. Property owners may request that the District research and document information on Abandonments, requiring significant staff time and effort to address issues unrelated to the mission of the District.

2.400 Master Schedule of Service Charges.

2.401 The Board of Directors determines that the recovery of District costs related to the provisions of the services described in this Chapter requires the imposition of the service charges at the rates and/or in the amounts set forth in Section 2.402 of this Chapter.

2.402 Service Charges.

a. Excavation Permit Service Charges:

(1)	0-100 CUBIC YARDS	\$175.00 Flat Rate
(2)	101-500 CUBIC YARDS	\$450.00 Flat Rate
(3)	501-1,000 CUBIC YARDS	\$900.00 Flat Rate
(4)	1,001 CUBIC YARDS AND MORE	\$0.90/CU.YD.

b. Inspection Service Charges: \$80.00/HR

c. Non-Conforming Facilities Service Charges:

(1)	Engineering Charge, Basic Hydrology	\$720.00/LS
(2)	Engineering Charge, Each inlet in excess of one	\$40.00/EA
(3)	Inspection Charge	\$240.00/LS
(4)	Maintenance Charge per Lineal Foot	\$10.00/LF
(5)	As-Built Deposit	\$1,500.00/LS (Refundable)
(6)	Manhole (located in Major Roads-4 lanes or more)	\$1,000.00/EA
(7)	Outfall Structure (caged)	\$7,500.00/EA

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- d. Recharge Maintenance Service Charge:
 - (1) Maintenance Service Charge per Acre Foot of Recharge Delivery \$4.00

- e. Copies & Materials:
 - (1) Large Format Copies \$2.50/EA
 - (2) District Wall Map (Black and White) \$8.00/EA
 - (3) District Wall Map (Color) \$12.00/EA
 - (4) Standard Plans & Specifications \$30.00/EA
 - (5) Special Plans & Specifications \$10.00 to \$50.00/EA
 - (6) Black and White Copies \$0.10 per page
 - (7) Color Copies \$0.15 per page
 - (8) Staff Office Assistance, Records Assembly; 20 pages or more, and all Archived Records \$25.00 per hour
 - (9) Audio Tape/Recording (tape provided by FMFCD) \$10.00 per tape
 - (10) Documents or Audio on disc (disc provided by FMFCD) \$10.00 per disc

The cost of Special Plans and Specifications vary, depending on the size of the project being bid. Plans and Specifications for typical pipelines project or basin fencing project cost \$10.00. A major pipeline project such as an assessment district project could cost up to \$50.00 per set.

- f. Development Review Service Charge:
 - (1) Notice of Requirements Review Service Charge*
 - a. Tracts \$43 per acre
 - b. Permits \$35 per acre

 - (2) Grading Plan Review Service Charge**
 - a. Tracts \$120 per acre
 - b. Permits \$178 per acre

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- (3) Storm Drain Plan Review Service Charge***
 - a. Fee equals the lesser of:
 - \$300 per acre
 - or
 - \$375 plus 3% of the estimated construction costs of Storm Drainage Facilities, using current drainage fee program unit prices

*Minimum Notice of Requirement Review Fee \$50

** Minimum Grading Plan Review Fee \$100

***The SDP review fee shall include the first review and two (2) subsequent reviews. The fourth and subsequent reviews shall be done on a time and materials basis.

g. Park Reservation Service Charges:

- (1) Trolley Creek Park
 - a. Water Tower Pavilion
 - \$40.00 half day
 - \$80.00 full day
 - b. Playground Pavilion
 - \$40.00 half day
 - \$80.00 full day

- (2) Oso de Oro Lake Park
 - a. Arts and Crafts Pavilion
 - \$30.00 half day
 - \$60.00 full day
 - b. Picnic Pavilion
 - \$40.00 half day
 - \$80.00 full day

- (3) Processing Fee for Cancellations received less than two (2) weeks before reservation date
 - \$15.00

- (4) Convenience Fee:
 - Determined by the credit card company

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h. Conditional License Agreements, Encroachments, and Abandonments Charges:

(1) Conditional License Agreement \$50

(2) Encroachments

All costs associated with analysis of the encroachment, including, but not limited to, staff time, material costs, and outside legal and consultant fees.

(3) Abandonments

All costs associated with analysis of the abandonment, including, but not limited to, staff time, material costs, and outside legal and consultant fees.

2.500 Adjustment and Amendment of Master Schedule of Service Charges.

2.501 The service charge rates set forth in Section 2.400 of this Chapter may be adjusted by the Board of Directors when the Board determines the adopted rates no longer achieve full recovery of the District's cost of providing such services. Such adjustment of rates shall become effective no sooner than 60 days from adoption of a resolution of the Board of Directors setting forth such amendments.

2.502 The provisions of this Chapter may be amended, including the establishment of additional service charges, by the Board of Directors. Such amendments will become effective no sooner than 60 days from adoption of a resolution of the Board of Directors setting forth such amendments.

Date Adopted: October 24, 2018