

<h1>POLICY MANUAL</h1>	Date Adopted: May 9, 2012
Classification: FEES	Date Last Amended:
Subject: Late Payment of Drainage Fees	Approved By:

**Background**

It is the Policy of the District to secure, through cooperative association with the Cities of Fresno and Clovis, and the County of Fresno, the payment and collection of Drainage Fees concurrent with the development or subdivision of property located within planned local drainage areas. Drainage Fees are predicated on the cost of, and used solely to fund the construction of, stormwater facilities to serve the lands for and from which the Drainage Fee was collected. Drainage Fees are then expended in a manner which produces the earliest feasible availability of drainage service.

The District shall not circumvent the provision of the Drainage Fee Ordinance or adopt rate schedules absent unique qualifying considerations of equity. When a Drainage Fee is not paid at the time of development or subdivision, it is necessary to collect such Drainage Fee at the earliest possible date and in the amount that is fair and appropriate to the developer and/or property owner and the public.

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**Policy**

It is the Policy of the District to pursue collection of the late payment of Drainage Fees that were not collected at the time of development or subdivision of the affected property:

If a Drainage Fee is not paid at the time of development or subdivision and the developer and/or property owner has not entered into a Development Agreement that provides for the deferment of the payment of the Drainage Fee, and a permit was issued, the developer and/or property owner of said property shall be allowed to pay the Drainage Fee in effect at the time of subdivision or development within six (6) months from notice from the District to the developer and/or property owner of non-payment and a demand for present payment. Developer and/or property owner shall:

(i) pay the Drainage Fee; or (ii) enter into a time payment agreement to pay twenty percent (20%) of the fee immediately, and the remainder in four equal annual payments thereafter and without interest. To qualify for the time payment, a developer and/or property owner must consent to placing a lien on the property and have it secured by a Deed of Trust or other security satisfactory to both the General Manager/Secretary and Legal Counsel. Unless the developer and/or property owner has fully complied with all the provisions of this Policy, including no late payment or default on payments, the developer and/or property owner shall forfeit all entitlement

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to Drainage Fee paid or credited in excess of the Drainage Fee calculated at the rate in effect at the time of the notice from the District of non-payment and interest shall immediately accrue on the unpaid balance in accordance with the District Drainage Fee Ordinance.

Any developer and/or property owner that has developed or improved land in violation of the Drainage Fee Ordinance of the District, or the jurisdictional agency having responsibility to approve land development entitlements without having obtained the proper permit(s) shall pay the Drainage Fee and such fee shall be calculated at the rate in effect at the time of the District's demand if paid within 90 days of that demand, otherwise the fee will be calculated at the rate in effect at the time of payment.

Any subdivision or development that occurred prior to 1999, and the developer and/or property owner did not pay a Drainage Fee, will be evaluated on a case-by-case basis to determine if the Drainage Fee is to be calculated at the rate in effect at the time of subdivision or development or at the current rate.