

ORDINANCE NO. 59

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SAN BENITO COUNTY WATER DISTRICT REVISING FILING FEES FOR
WELL PERMIT/WELL ABANDONMENT APPLICATIONS**

WHEREAS, the County of San Benito (County) adopted Ordinance No. 779 titled “An Ordinance of the San Benito County Board of Supervisors, Chapter 17C of the San Benito County Code Well Standards,” governing well standards in San Benito County; and

WHEREAS, in section 17C-29 of said Ordinance the County appointed the San Benito County Water District (District) as the enforcing agency and delegated to the District the full authority of the County in administering said Ordinance; and

WHEREAS, section 17C-5 authorizes the District to set filing fees from time to time as necessary to cover the costs of administration of Ordinance 779; and

WHEREAS, the District’s current filing fee for well permits does not cover the District’s actual costs of administering Ordinance 779; and

WHEREAS, the District is in need of increasing the filing fee for well permits in an amount not to exceed the reasonable costs to the District of providing the service authorized under Ordinance 779.

NOW, BE IT ORDAINED by the Board of Directors of the San Benito County Water District that:

**SECTION 1: STANDARD OR MONITORING WELL PERMIT
FEE/WELL ABANDONMENT FEE/RE-INSPECTION
FEE:**

(a) A fee of \$ 840 shall be paid by an applicant upon filing an application with the District for a standard well permit (domestic well for the purpose of producing potable water or agricultural well) or for a monitoring well permit. In addition, the applicant shall submit to the District a refundable deposit in the amount of \$500.00. This deposit shall be refunded to the applicant upon receipt by the District of the following information:

- i) a copy of the well completion report;

- ii) a signed Registration of Water Producing Facility form (to be provided by the District) which form shall confirm that the well is registered with the District and that the well is active (connected to power and able to produce water).
- (b) The fee of \$508 shall be paid by an applicant upon filing an application with the District for a well abandonment permit.
- (c) In the event the District travels to the well site for a scheduled appointment to inspect the well seal, and the District is required to return to the site for re-inspection because the seal failed inspection, or the well-driller was not present at the initial appointment time, or the well driller was not ready for the inspection, the District shall charge an additional fee of \$149 for each such re-inspection. The re-inspection fee shall be paid prior to the District's inspection approval.
- (d) Seal inspections that are scheduled to begin at 3PM or later on a business day will be charged an additional \$149. This fee shall be paid prior to the District's inspection approval.

SECTION 2: ANNUAL FEE INCREASE/REDUCTION:

- (a) The well permit/well abandonment fees, re-inspection fees and after-hours fees established pursuant to this Ordinance are based upon the time incurred by District employees in performing the steps involved in the permitting process, at hourly rates derived from staff billing rates in effect as of the date of this Ordinance, all as set forth in the Well Permit Fee Study provided to and approved by the Board of Directors of the District at the public hearing on this Ordinance.
- (b) If the staff billing rates of the employees referred to in the said Study are adjusted after the effective date of this Ordinance, the District staff is hereby authorized to compute the well permit/well abandonment fee, re-inspection fees and after-hours fees based upon the adjusted staff billing rates.

SECTION 3: PRIOR ORDINANCES REPEALED

All ordinance(s) and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4: SEVERABILITY

In the event that any portion or provision of this ordinance shall be deemed by a court of law or other tribunal to be invalid or unconstitutional, such finding(s) of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.

SECTION 5: FINDING:

The Board hereby finds that the fees charged to an applicant as provided in this Ordinance are imposed for a specific government service to the applicant that is not provided to those not charged, and such charge does not exceed the reasonable costs to the District of providing the service, as shown in the Well Permit Fee Study referred to in Section 2(a).

SECTION 6: EFFECTIVE DATE

This ordinance shall be in full force and effect as of 12:01 a.m. on the 30th day following its passage and shall be published once in a newspaper of general circulation, published and printed in the County of San Benito, State of California, together with the names of the members of the board of directors voting for and against same, prior to fifteen days from its passage.

The foregoing Ordinance was passed and adopted at the regular meeting of the Board of Directors of the San Benito County Water District held on the 28th day of February, 2018, by the following vote:

AYES:	DIRECTORS:	Tonascia, Flores, Tobias, Bettencourt & Huenemann
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None

/s/ Joe Tonascia
Joe Tonascia
President

ATTEST: /s/ Sara Singleton
Sara Singleton
Assistant Manager